

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

Pursuant to section 207 of the Education Law.

1. Subdivision (b) of section 30-1.2 of the Rules of the Board of Regents shall be amended, effective August 16, 2011, to read as follows:

(b) [The] Except as otherwise provided in subdivision (c) of this section, the provisions of this Subpart shall apply to a professional educator appointed by a board of education or board of cooperative educational services for the performance of duties in instructional support services, as defined in subdivision (j) of section 30-1.1 of this Subpart, on or after August 1, 1975 as follows:

(1) . . . .

(2) . . . .

(3) . . .

(4) . . .

(5) . . .

2. Subdivisions (c) and (d) of section 30-1.2 of the Rules of the Board of Regents shall be renumbered to subdivisions (d) and (e) of section 30-1.2, respectively, effective August 16, 2011.

3. A new subdivision (c) shall be added to section 30-1.2 of the Rules of the Board of Regents, effective August 16, 2011, to read as follows:

(c) The provisions of this Subpart shall apply to a professional educator employed by a board of cooperative educational services to devote a substantial portion

of his time to the provision of instructional support services on or after May 20, 2011 as follows:

(1) A professional educator employed by a board of cooperative educational services to devote a substantial portion of his time to the provision of instructional support services on May 20, 2011, who was previously appointed by the board to tenure or a probationary period in a tenure area identified in this Subpart shall either:

(a) continue to receive credit toward tenure and/or accrue tenure and seniority rights in his previous tenure area from the initial date of his assignment and continue to receive tenure and/or seniority rights in his previous tenure area while assigned to devote a substantial portion of his time to the provision of instructional support services;

or

(b) if the professional educator provides knowing consent to the board of cooperative educational services to change his tenure area pursuant to section 30-1.9 of this Subpart by June 20, 2011, he may receive credit toward tenure and/or accrue tenure and seniority rights in one of the special subject tenure areas of instructional support services established in section 30-1.8 of this Subpart, from the date of his initial assignment to a position where he devoted a substantial portion of his time to the provision of such instructional support services and he shall continue to receive tenure and seniority rights in that tenure area while assigned to a position where he devotes a substantial portion of his time to the provision of instructional support services appropriate for such tenure area.

(2) Any board of cooperative educational services that appoints or assigns a professional educator on or after May 20, 2011 to devote a substantial portion of his

time to the provision of instructional support services shall make probationary appointments and appointments on tenure in accordance with subdivision (e) of section 30-1.8 of this Subpart.

(3) Any board of cooperative educational services that appoints a professional educator on or after May 20, 2011 to devote a substantial portion of his time to instructional support services as a result of a board of cooperative educational services taking over a program formerly operated by a school district or a county vocational education and extension board pursuant to section 3014-a of the Education Law, shall credit the professional educator with tenure and seniority rights in the special subject tenure area for instructional support services established in subdivision (e) of section 30-1.8 of this Subpart from the initial date of his assignment to the performance of instructional support services in the school district or county vocational education and extension board and shall continue to credit the professional educator with tenure and/or seniority rights in such tenure area while he is assigned to devote a substantial portion of his time to the performance of instructional support services in such tenure area at the board of cooperative educational services.

(4) Any board of education that appoints a professional educator on or after May 20, 2011 to devote a substantial portion of his time to instructional support services as a result of a school district taking over a program formerly operated by a board of cooperative educational services pursuant to section 3014-b, where the professional educator is serving in an instructional support services tenure area pursuant to subdivision of section 30-1.8 of the rules of the Board of Regents, shall credit the professional educator with tenure and seniority rights in a tenure area for which he

holds the proper certification as described in Section 30-1.9(b) of this subpart, from the initial date of his assignment to the performance of instructional support services in the board of cooperative educational services and shall continue to credit such professional educator with tenure and/or seniority rights in such tenure area while he is assigned to devote a substantial portion of his time to the performance of instructional support services provided that he holds the proper certification for such tenure area.

4. Renumbered subdivision (d) of section 30-1.2 of the Rules of the Board of Regents shall be amended, effective August 16, 2011, to read as follows:

(d) Except as otherwise provided in subdivisions (b) and (c) of this section, each board of education or board of cooperative educational services shall on and after the effective date of this Subpart make probationary appointments and appointments on tenure in accordance with the provisions of this Subpart.

5. A new subdivision (e) shall be added to section 30-1.8 of the Rules of the Board of Regents, effective August 16, 2011, to read as follows:

(e) A professional educator employed by a board of cooperative educational services to devote a substantial portion of his time to the provision of instructional support services in one of the following areas shall be deemed to serve in one of the following special subject tenure areas encompassing the duties of such subject:

(1) instructional support services in mathematics;

(2) instructional support services in English language arts and literacy;

(3) instructional support services in science;

(4) instructional support services in special education;

(5) instructional support services in curriculum and differentiated instruction, incorporating the analysis of student performance data;

(6) instructional support services in the integration of technology into instructional practices;

(7) instructional support services in technical support for bilingual and English as a second language instruction for English language learners; and

(8) instructional support services in professional development.

6. Subdivision (b) of section 30-1.9 of the Rules of the Board of Regents shall be amended, effective August 16, 2011, to read as follows:

(b) Except as otherwise provided in subdivision (b) of section 30-1.2 of this Subpart, a board of education [or a board of cooperative educational services] shall appoint and assign a professional educator in such a manner that he shall devote a substantial portion of his time in at least one designated tenure area except that a professional educator appointed or assigned on or after May 1, 2009 to duties described in either paragraph (1) or (2) of this subdivision, shall be appointed to a tenure area for which he holds the proper certification.

(1) A professional educator appointed or assigned to devote a substantial portion of his time to the performance of duties in instructional support services; or

(2) A professional educator appointed or assigned to devote a substantial portion of his time to a combination of duties in instructional support services and time in at least one designated tenure area identified in this Subpart.

7. Subdivision (d) in section 30-1.9 of the Rules of the Board of Regents, is amended, effective August 16, 2011, to read as follows:

(d) If a professional educator possesses certification appropriate to more than a single tenure area and the board of education or board of cooperative educational services proposes at the time of initial appointment to assign such individual in such a manner that he will devote a substantial portion of his time during each of the school years constituting the probationary period in more than one of the tenure areas established by this Subpart, the board shall in its resolution of appointment designate such tenure area and shall thereafter separately confer or deny tenure to such individual in the manner prescribed by statute in each designated tenure area, except that individuals accruing tenure and/or seniority rights in their previous tenure area for the performance of duties in instructional support services as provided for in subparagraph (a) of paragraph (1) of subdivision (c) of section 30-1.2 of this Subpart shall only accrue tenure and/or seniority rights in their previous tenure area and not in one of the instructional support service tenure areas prescribed in subdivision (e) of section 30-1.8 of this Subpart.

8. Section 80-1.7 of the Regulations of the Commissioner of Education is amended, effective August 16, 2011, to read as follows:

Section 80-1.7 Renewal of a provisional certificate

(a) . . . .

(1) [By] Except as otherwise provided by subdivision (c) of this section, by application to the commissioner by the holder of the certificate, the commissioner may renew an expired provisional certificate in the administrative and supervisory service or the pupil personnel service on one occasion only for a period of five years from the date the renewed provisional certificate is issued, provided that the candidate has met all

requirements for the permanent certificate in the certificate title of the provisional certificate, except the experience requirement. The requirements of this paragraph shall not apply to the renewal of a provisional certificate in the title school counselor. The requirements of paragraph (2) of this subdivision shall apply to the renewal of a provisional certificate in the title school counselor.

(2) . . . .

(b) . . .

(c) The commissioner shall not renew a provisional certificate in the classroom teaching service. The commissioner shall not accept an application for the renewal of a provisional School Administrator and Supervisor certificate [in the administrative and supervisory service] submitted to the commissioner after September 1, 2007 unless the certificate holder has been employed in a school district or BOCES to devote a substantial portion of his time, as defined in section 30-1.1 of the Commissioner's regulations, to instructional support services as defined in section 80-5.21 of this Subpart during three of the past five school years.

9. Subdivision (a) of section 80-1.8 of the Regulations of the Commissioner of Education, is amended, effective August 16, 2011, to read as follows:

(a) The holder of an initial certificate whose certificate has expired, and who has not successfully completed three school years of teaching experience, or its equivalent, as is required for a professional certificate, shall be issued an initial certificate on one occasion only, for a period of five years from the date of reissuance, provided that the candidate has met the requirements in subdivision (b) of this section. [The time validity of such reissued initial certificate shall not be extended, pursuant to section 80-1.6 of

this Subpart.] Notwithstanding the above, an initial certificate as a school building leader may be reissued a second time if the certificate holder has met all of the requirements for the professional certificate except the experience requirement and has been employed in a school district or BOCES to provide instructional support services as defined in section 80-5.21 of this Subpart during three of the past five school years.