

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF
EDUCATION

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

Subdivisions (k) and (m) of section 80-4.3 of the Regulations of the Commissioner of Education are amended, effective November 9, 2011, 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] to provide an employing entity with flexibility in the assignment of teachers which will result in a more efficient operation of the employing entity 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.] in order to provide an employing entity with sufficient flexibility in the assignment of teachers which will result in a more efficient operation of the employing entity.

(2) [Applicability. The provisions of this subdivision shall apply commencing October 6, 2011 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)] (3) 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)] (4) of this subdivision and shall authorize the teacher to teach a subject in grades 7 and 8 in any employing entity.

[(4)](3) 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] the issuance of an extension in grades 7-8 to such candidate will result in a more efficient operation of the employing entity.

(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)] (4) of this subdivision; and

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

[(5)] (4) 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.

(m) Requirements for the issuance of a limited extension to teach a subject in grades 5-6 [during a period of immediate fiscal crisis] to provide an employing entity with flexibility in the assignment of teachers which will result in a

more efficient operation of the employing entity 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]in order to provide an employing entity with flexibility in the assignment of teachers which will result in a more efficient operation of the employing entity.

(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)] (3) 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)] (4) of this subdivision and shall authorize the teacher to teach a subject in grades 5-6 in any employing entity.

[(4)] (3) 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 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] the issuance of an extension in grades 7-8 to such candidate will result in a more efficient operation of the employing entity.

(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)] (4) of this subdivision.

[(5)] (4) 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.