

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

1. Subdivision (dd) of Section 100.2 of the Regulations of the Commissioner of Education shall be amended as follows:

(dd) Professional [development] learning.

For purposes of this subdivision, professional [development] learning includes, but is not limited to, any continuing education required under Subpart 80-6 of this Title and any other professional learning required pursuant to the Education Law.

(1) Requirement.

(i) By September [1, 2000, and annually by September]1st of each school year [thereafter], each school district and board of cooperative educational services (BOCES) shall adopt or, in the case of multi-year plans, readopt a professional [development] learning plan that meets the content requirements prescribed in paragraph (2) of this subdivision. The purpose of the plan shall be to improve the quality of teaching and learning by ensuring that when teachers and leaders (holders of school building leader, school district leader, and school district business leader certificates) participate in [substantial] professional [development] learning, [in order that] they have opportunities for professional growth, remain current with their profession, and meet the learning needs of their students. The plan shall also ensure that holders of level III teaching assistant[s] certificates and that substitute teachers who work on a long-term basis, as defined in section 80-5.4 of this Title, are provided the opportunity to participate in the professional [development] learning program of the district or BOCES.

(ii) Such professional [development] learning plan may be a part of a comprehensive education plan of the district or BOCES, provided that the professional

[development] learning plan meets all of the requirements of this subdivision, including the requirements related to collaboration with the professional [development] learning team in the development of the plan as prescribed in paragraph (3) of this subdivision, or may be a free-standing plan of the district or BOCES.

(iii) A school district or BOCES shall include as part of its professional [development] learning plan a description of the professional [development] learning activities provided to all professional staff and supplementary school personnel who work with students with [disabilities and English language learners to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities and English language learners, respectively] exceptional learning needs, particularly students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify such students and provide instruction based on the needs of such students.

(2) Content of the plan. The professional [development] learning plan shall be structured in a format consistent with [commissioner's] Commissioner's guidelines and shall include:

(i) a needs analysis, and goals, objectives, strategies, activities and evaluation standards for professional [development in the school district or BOCES] learning. Such needs analysis should include quantitative and qualitative information regarding teacher and leader practice and student outcomes and may be conducted at the building, district, and/or BOCES level;

(ii) a description of:

(a) how the school [districts] district or BOCES [provide] provides all teachers [they] and leaders it employs substantial professional [development] learning opportunities tailored to the needs of educators that are directly related to student learning [needs] outcomes as identified in the school district or BOCES report card and other sources as determined by the school district or BOCES. The plan shall also describe how professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the school district or BOCES serves. [For plans covering the time period, February 2, 2004 and thereafter] Additionally, each school district or BOCES shall also describe in its plan how it will provide teachers and leaders it employs holding a professional certificate and/or level III teaching assistant certificate with opportunities to complete [175 hours of professional development or] 100 hours of continuing teacher and leader education (CTLE), as required every five years under Part 80 of this Title;

(b) teachers', leaders', and other school personnel's expected participation in professional [development] learning, including but not limited to an estimate of the average number of hours each teacher and leader is expected to participate in professional [development] learning in the school year(s) covered by the plan. Such description should include expected participation in CTLE as well as other professional learning opportunities provided by the school district or BOCES;

(c) the alignment of professional [development] learning with New York teaching, leadership, and learning standards, [and] assessments, student needs, adult learning theory, and current research in education including but not limited to linguistic, cultural

diversity, and special needs, and culturally appropriate and responsive practice [, and teacher capacities];

(d) the articulation of professional [development] learning across grade levels;

(e) the efforts made to ensure that professional [development] learning is continuous and sustained and that the methods and approaches for delivering professional [development] learning have been shown to be effective[;] and appropriate for adult learners;

(f) the manner in which the school district or BOCES will measure the impact of professional [development] learning on student achievement and teachers' and leaders' practices; and

(g) a description of any other opportunities the school district or BOCES provides to its educators to support their professional growth (e.g., coaching, induction, professional learning communities); and

(iii) provision for the training, where applicable, in school violence prevention and intervention, child abuse recognition, the needs of children with autism, and the Dignity for All Students Act (DASA) of employees holding a teaching certificate or license in the classroom teaching service, [school] pupil personnel service, or [administrative and supervisory] educational leadership service [in school violence prevention and intervention. Each such employee shall be required to complete at least one training course in school violence prevention and intervention, which shall consist of at least two clock hours of training that includes but is not limited to, study in the warning signs within a developmental and social context that relate to violence and other troubling behaviors in children; the statutes, regulations, and policies relating to a safe nonviolent

school climate; effective classroom management techniques and other academic supports that promote a nonviolent school climate and enhance learning; the integration of social and problem solving skill development for students within the regular curriculum; intervention techniques designed to address a school violence situation; and how to participate in an effective school/community referral process for students exhibiting violent behavior. Upon request of the employee who successfully completes such training course, the school district or board of cooperative educational services shall provide the employee with a certificate of completion attesting to the completion of the two clock hours of training in school violence prevention and intervention]; and

(iv) [for plans covering the time period February 2, 2004 and thereafter,] provision for a mentoring program consistent with the following requirements: [.]

(a) The purpose of the mentoring program shall be to provide support for [new teachers] educators who hold an initial certificate in the classroom teaching service or as a school building leader in order to ease the transition from teacher and school building leader preparation to practice, thereby increasing retention of teachers and school building leaders in the public schools, and to increase the skills of new teachers and school building leaders in order to improve student achievement in accordance with the State learning standards. Districts/BOCES should consider evidence-based mentoring practices and standards that have been shown to improve the retention and early career effectiveness of educators, as well as the role of first-year mentoring as one component of a more comprehensive induction model that provides differentiated supports to educators during their early careers.

(b) The professional [development] learning plan shall describe how the school district or BOCES will provide a mentoring program for teachers in the classroom teaching service and school building leaders who must participate in a mentoring program to meet the [teaching experience] requirement for the professional certificate, as prescribed in sections 80-3.4 and 80-3.10 of this Title.

(c) ...

(d) The information obtained by a mentor through interaction with the new teacher or school building leader while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher or school building leader, unless withholding such information poses a danger to the life, health, or safety of an individual, including but not limited to students and staff of the school; or unless such information indicates that the new teacher or school building leader has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's or school building leader's moral character; or unless the school district or BOCES has entered into an agreement, negotiated pursuant to article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through intervention with the new teacher or school building leader while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher or school building leader.

(e) The professional [development] learning plan shall describe the following elements of the mentoring program:

(1) ...

(2) the role of the school building leader and/or district administrator(s) in supporting effective mentoring practices;

(3) the role of mentors, which shall include but not be limited to providing guidance and support to the new teacher or school building leader;

[(3)] (4) the preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher or school building leader development, the elements of a mentoring relationship, peer coaching techniques, and time management methodology;

[(4)](5) types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher or school building leader, peer coaching, team coaching, culturally appropriate and responsive practices, and orienting the new teacher to the school culture; [and]

[(5)](6) time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions, releasing the mentor and the new teacher or school building leader from a portion of their instructional and/or noninstructional duties, and providing time for mentoring during superintendent conference days, before and after the school day, and during summer orientation sessions[.]; and

(7) the actions that the school district or BOCES will take to assess the effectiveness of its mentoring program for teachers and school building leaders and make revisions to its program, where necessary.

(v) [For plans covering the time period July 1, 2015 and thereafter, each] Each school district or BOCES shall describe in its plan how it will provide:

(a) a holder of a professional certificate in the certificate title of English to speakers of other languages (all grades) and a holder of a bilingual extension under section 80-4.3 of this Title with a minimum of 50 percent of the required professional [development] learning clock hours for such certificate title in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English language learners; and

(b) all other holders of professional certificates in the classroom teaching service, a minimum of 15 percent of the required professional [development] learning clock hours in language acquisition addressing the needs of English language learners, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for such English language learners; and

(c) a holder of a level III teaching assistant certificate, a minimum of 15 percent of the required professional [development] learning clock hours in language acquisition addressing the needs of English language learners and integrating language and content instruction for such English language learners;

(d) a school district or [board of cooperative educational services] BOCES may seek permission on an annual basis from the [commissioner] Commissioner for an exemption from the professional [development] learning requirements in this subparagraph where there are fewer than 30 English language learner students enrolled or English language learners make up less than five percent of the district's or [board of cooperative educational services'] BOCES' total student population as of such

date as established by the [commissioner] Commissioner. The process for such exemption can be found in section 154-2.3(k) of this Title.

(3) Development and adoption of the plan.

(i) The requirements in this subparagraph shall be applicable to all BOCES and school districts, except the City School District of the City of New York. The requirements of subparagraph (ii) of this paragraph shall be applicable to the City School District of the City of New York.

(a) The plan shall be developed through collaboration with a professional [development] learning team. The team members shall be designated for appointment in the manner prescribed in this clause, except as prescribed in clause (b) of this subparagraph. The board of education or BOCES shall appoint the members of the team, a majority of which shall be teachers, which shall include:

(1) the superintendent of schools or his or her designee in the case of school districts or the district superintendent or his or her designee in the case of BOCES;

(2) school administrators upon designation by the administrators' collective bargaining organization;

(3) teachers upon designation by the teachers' collective bargaining organization;

(4) at least one parent upon designation by the established parent group(s) in the district or in their absence, by the superintendent in the case of a school district or district superintendent in the case of a BOCES; [and]

(5) one or more curriculum [specialists] specialist(s), meaning a teacher or administrator whose primary job responsibility involves the development or evaluation of

curricula, upon designation by the district and/or the teachers' collective bargaining organization [or both.]; and

(6) [In addition, the team shall include] at least one representative of a higher education institution, provided that the board of education or BOCES determines that a qualified candidate is available to serve after conducting a reasonable search. If a qualified candidate is not available, the plan should describe the efforts made to include a representative of a higher education institution.

(7) The team may include other individuals, such as representatives of professional development organizations or the community at large. In school districts or BOCES in which teachers or administrators are not represented by a collective bargaining organization, teachers or administrators shall be designated by their peers in a manner prescribed by the Board of Education or BOCES.

(8) Members of the professional learning team not employed by the school district or BOCES need not attend all meetings, so long as their involvement is sufficient to ensure ongoing collaboration among group members that will result in high quality professional learning opportunities for all educators.

(b) Notwithstanding the requirements of clause (a) of this subparagraph, members of the professional [development] learning team employed in or representing a school under registration review, pursuant to subdivision (p) of this section, including but not limited to teachers, administrators, curriculum specialists and parents, shall not be designated for appointment as prescribed in clause (a) of this subparagraph, but shall instead be recommended by the superintendent of the school district for appointment by the board of education.

(c) The board of education or BOCES shall permit the professional [development] learning team a period of at least 180 days to develop its recommended professional [development] learning plan and shall convene such team on or before October 1st[, except that for the 1999-2000 school] of the year preceding the school year for which the plan will be adopted. [, such team shall be convened by October 8, 1999.]

(d) Such team shall submit to the board of education or to the BOCES a recommended professional [development] learning plan by a date specified by the board of education or BOCES. The board of education or BOCES may accept or reject the recommendations of the team in whole or part. Components of the plan not approved by the board of education or BOCES shall be returned to the team for further consideration. Any subsequent modification in the professional [development] learning team's recommendation to the board of education or BOCES shall be presented to the board of education or BOCES on or before June 1st, and the board of education or BOCES shall act on the plan by June 30th. The final determination on the content of the professional [development] learning plan shall be the determination of the board of education or BOCES.

(e) The professional [development] learning plan shall be adopted or, in the case of multi-year plans, re-adopted by the board of education or BOCES at a public meeting. Each year, the board of education or BOCES shall evaluate the effectiveness of the plan. The board of education or BOCES may adopt a multi-year plan or an annual plan, provided that in the case of a multi-year plan the professional [development] learning team shall be required to review the plan on an annual basis and submit to the board of education or BOCES recommended revisions, if necessary. The board of

education or BOCES shall determine whether to approve the recommended revisions according to the process and timeline described in clause (d) of this subparagraph.

(ii) The requirements of this subparagraph shall be applicable to the City School District of the City of New York.

(a) The central office of the City School District of New York City as well as [Each] each community school district, District 75, District 79, and the high school [division] districts [, special education division and the chancellor's district] shall have a professional [development] learning plan.

(b) Each plan shall be developed through collaboration with a professional [development] learning team. The professional learning team members [shall be designated] for the central office of the City School District of New York City shall be designated for appointment by the Chancellor or his/her designee. [in the manner prescribed in this clause, except as prescribed in clause (c) of this subparagraph] The team shall include members of each division of the City School District of New York City. The central team of the City School District of New York City team shall also include a majority of teachers upon designation by the teachers' collective bargaining organization. In the case of [a] each community school district, the [board of education] superintendent of the community school district shall appoint the members of the team for the community school district. In the case of District 75, District 79, and the [a] high school [division] districts, [special education division, and the chancellor's district, the Chancellor of the City School District of the City of New York] the respective superintendent shall appoint the members of the team. The team[, a majority of which shall be teachers,] shall include the superintendent of the district for which the team was

formed or his or her designee; members of the District Leadership Team (DLT); school administrators upon designation by the administrators' collective bargaining organization; a majority of teachers upon designation by the teachers' collective bargaining organization; and at least one parent upon designation by the established parent groups in the district[, or, in their absence, by the chancellor in the case of a high school division, a special education division or a chancellor's district, or by the board of education of the community school district in the case of a community school district; one or more curriculum specialists, meaning a teacher or administrator whose primary job responsibility involves the development or evaluation of curricula, upon designation by either or both the teachers' collective bargaining organization, or by the chancellor in the case of a high school division, a special education division or a chancellor's district, or by the board of education of the community school district in the case of a community school district.] In addition, the team shall include at least one representative of a higher education institution, provided a qualified candidate is available to serve after conducting a reasonable search. If a qualified candidate is not available, the plan should describe the efforts made to include a representative of a higher education institution.

The team may include other individuals, such as representatives of professional development organizations or the community at large.

(c) Notwithstanding the requirements of clause (b) of this subparagraph, members of the professional [development] learning team employed in or representing a school under registration review, pursuant to subdivision (p) of this section, including but not limited to teachers, administrators, curriculum specialists and parents, shall not be designated for appointment as prescribed in clause (b) of this subparagraph but shall

instead be recommended by the chancellor for appointment [by the board of education of the community school district] in the case of community school districts, and appointed by the chancellor without being designated by any other party in the case of District 75, District 79, and the high school districts [divisions, special education divisions and the chancellor's district].

(d) [In the case of high school divisions, special education divisions and the chancellor's district, the chancellor shall convene the professional development team on or before October 1st, except for the 1999-2000 school year when such team shall be convened by October 8, 1999. The chancellor shall permit the team a period of 180 days to develop its recommended professional development plan. Such team shall submit to the chancellor a recommended professional development plan by a date specified by the chancellor. The chancellor may accept or reject the recommendations of the team in whole or part. Components of the plan not approved by the chancellor shall be returned to the team for further consideration. Any subsequent modification in the professional development team's recommendation to the chancellor shall be presented to the chancellor on or before June 1st, and the chancellor shall act on the plan by June 30th. The final determination on the content of the professional development plan shall be the determination of the chancellor, in accordance with Education Law, section 2590-h(14). In the event that the team does not make a recommendation to the chancellor by the date specified by the chancellor, the chancellor may promulgate a professional development plan without such recommendation.

(e)] In the case of community school districts, District 75, District 79, and high school districts, each DLT [board of education] of the [community school] district shall submit to the Chancellor of the City School District of the City of New York a recommended professional [development] learning plan by a date specified by the chancellor. Such professional [development] learning plan shall be developed through collaboration with the [community school] district's professional [development] learning team. Each [board of education of a community school] district shall convene its professional [development] learning team on or before October 1st of the year preceding the school year for which the plan will be adopted. [, except for the 1999-2000 school year when such team shall be convened by October 8, 1999.] The [board of education] DLT of the [community school] district shall permit its professional [development] learning team a period of at least 180 days to develop its recommendations for the professional [development] learning plan. Such team shall submit to the [board] DLT its recommended professional [development] learning plan by a date specified by the [board] DLT. Components of the plan not accepted by the [board of education] DLT of the [community school] district shall be returned to the team for further consideration and submitted to the board by a date specified by the [board] DLT. The [board of education] DLT of the [community school] district may accept or reject the recommendations in whole or in part. The [board] DLT shall adopt final recommendations for the district's professional [development] learning plan for submission to the chancellor. The chancellor may accept or reject the recommendations of the [board of education] DLT of the [community school] district in whole or part. Components of the plan not approved by the chancellor shall be returned to the [board

of education] DLT of the [community school] district for further consideration. Any subsequent modification in the [board's] DLT's recommendation to the chancellor shall be presented to the chancellor on or before June 1st, and the chancellor shall act on the plan by June 30th. The final determination on the content of the professional [development] learning plan shall be the determination of the chancellor, in accordance with Education Law, section 2590-h(14). In the event that the [board of education] DLT of the [community school] district does not make a recommendation to the chancellor by the date specified by the chancellor, the chancellor may promulgate a professional [development] learning plan without such recommendation.

[(f)] (e) Each year, the chancellor shall evaluate the effectiveness of the plan for each district. The chancellor shall promulgate a multi-year or an annual plan for each district, provided that in the case of a multi-year plan for a [high school division, special education division and the chancellor's district, such district's professional development team shall be required to review the plan on an annual basis; and in the case of a multi-year plan for a community school] district, the [board of education] DLT of the [community school] district shall be required to review the plan on an annual basis in collaboration with its professional [development] learning team. Such districts shall submit to the chancellor recommended revisions, if necessary. The chancellor shall determine whether to approve the recommended revisions.

(4) Reporting requirement.

(i) Professional [development] learning plan.

(a) Each year, the superintendent of a school district, the district superintendent of a BOCES, and in the case of the City School District of the City of New York, the

Chancellor, shall be required to certify to the [commissioner] Commissioner, in a [form] format and on a timetable prescribed by the [commissioner] Commissioner, that:

(1) the requirements of this subdivision to have a professional [development] learning plan for the succeeding school year have been met; and

(2) the school district or BOCES has complied with the professional [development] learning plan applicable to the current school year.

(b) The [commissioner] Commissioner may request a copy of the professional [development] learning plan for review and may recommend changes to the plan to meet the learning needs of the students and educators in the school district or BOCES. Such review may be conducted by the Commissioner or his/her designee.

[(ii) Professional development. School districts and BOCES shall report to the department in a form and a timetable prescribed by the department, information concerning the completion of professional development for regularly employed certificate holders, who are subject to the continuing teaching and leader education requirement prescribed in Subpart 80-6 of this Title. Prior to reporting such information to the department, the school district or BOCES shall be required to consult with the certificate holder to verify the accuracy of the information. For purposes of this reporting requirement, regularly employed certificate holders shall mean certificate holders who are employed by the school district or BOCES in a position requiring teaching certification for 90 days or more in the July 1st through June 30th professional development year, prescribed in Subpart 80-6 of this Title. In the case of the City School District of the City of New York, the 90 days or more of employment shall include the combined number of days employed in a position requiring teaching certification at any

of its components, including but not limited to community school districts, high school divisions, special education divisions, and the chancellor's district, in the professional development year. In computing the number of days employed, a day of employment shall include a day actually worked in whole or in part or a day not actually worked but a day paid.]

(5) Recordkeeping requirements.

(i) School districts and BOCES shall be required to maintain a record of professional [development] learning successfully completed by educators [certificate holders, who are subject to the professional development requirement and/or continuing teacher and leader education requirements prescribed in Part 80 of this Title, and who take professional development and/or continuing teacher and leader education offered by] through the school district or BOCES or by entities on behalf of the school district or BOCES. Such record shall include: the name of the educator and identifying information [certificate holder], the title of the program, the number of hours completed, and the date and location of the program. Such record shall be retained by the school district or BOCES for at least seven years from the date of completion of the professional [development] learning by the certificate holder and shall be available for review by the department.

(ii) School districts and BOCES shall maintain documentation of the implementation of the mentoring program described in the professional [development] learning plan. Such documentation shall include for each individual receiving mentoring pursuant to the mentoring program: the name of that individual and identifying information, their [his or her teacher] certificate [identification number], the type of

mentoring activity, the number of clock hours successfully completed in the mentoring activity, and the name and [the teacher certificate identification number] identifying information of the individual who provided the mentoring. Such record shall be maintained by the school district or BOCES for at least seven years from the date of completion of the mentoring activity and shall be available for review by the department.

(6) School districts and BOCES shall either be an approved sponsor to provide CTLE under Subpart 80-6 or shall notify the Office of Teaching Initiatives how it will provide each CLTE certificate holder as defined in section 80-6.1 of this Title with the required amount of CTLE under Subpart 80-6 of this Title.

[(6)] (7) Notwithstanding the requirements of this subdivision, participation in professional [development] learning outside the regular school day or regularly scheduled working days of the school year shall be volitional for teachers, unless otherwise agreed upon as a term or condition of employment pursuant to collective bargaining under article 14 of the Civil Service Law.

[(7) Variance. A variance shall be granted from a requirement of this subdivision, upon a finding by the commissioner that a school district or BOCES has executed prior to October 7, 1999 an agreement negotiated pursuant to article 14 of the Civil Service Law, whose terms continue in effect and are inconsistent with such requirement.]

2. Clause (a) of subparagraph (ii) of paragraph (2) of subdivision (j) of Section 100.2 of the Commissioner's regulations shall be amended as follows:

(a) Each plan shall be developed annually and shall include program objectives, activities, program development and maintenance planning, school counseling curriculum, professional [development] learning planning, evaluation methods based on

data analysis of program results and closing the gap analysis reports to inform program improvement, and assessment of the resources necessary to support positive student outcomes.

3. Item (iv) of subclause (1) of clause (a) of subparagraph (iv) of paragraph (10) of subdivision (p) of Section 100.2 of the Commissioner's regulations shall be amended as follows:

(iv) provide staff ongoing, high-quality, job-embedded professional [development] learning that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

4. Item (v) of subclause (4) of clause (a) of subparagraph (iv) of paragraph (10) of subdivision (p) of Section 100.2 of the Commissioner's regulations shall be amended as follows:

(v) provide staff ongoing, high-quality job-embedded professional [development] learning (e.g., regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

5. Subclause (1) of clause (a) of subparagraph (iii) of paragraph (7) of subdivision (x) of Section 100.2 of the Commissioner's regulations shall be amended as follows:

(1) ensuring that school personnel providing services under the McKinney-Vento Act receive professional [development] learning and other support;

6. Subparagraph (vi) of paragraph (3) of Subdivision (jj) of Section 100.2 of the Commissioner's regulations shall be amended as follows:

(vi) such training may be implemented and conducted in conjunction with existing professional [development] learning training pursuant to subparagraph (dd)(2)(ii) of this section and/or with any other training for school employees.

7. Section 80-3.6 of the Commissioner's regulations is repealed.

8. Subclause (2) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (c) of Section 80-5.6 of the Commissioner's regulations is amended to read as follows:

(2) Validity of certificate [and professional development requirement]. The level III teaching assistant certificate shall be continuously valid [, provided that the professional development requirement prescribed in section 80-3.6 of this Part is met. The holder of the certificate shall be required to meet such professional development requirement to maintain the continued validity of the certificate, except the commissioner may reduce the professional development requirement for a holder called to active duty in the Armed Forces so that the holder is not required to complete professional development for the time in active service].

9. Subparagraph (i) of paragraph (2) of subdivision (a) of Section 80-3.10 of the Commissioner's regulations is repealed and subparagraph (ii) of paragraph (2) of subdivision (a) of Section 80-3.10 shall be renumbered as subparagraph (i) of paragraph (2) of subdivision (a) of Section 80-3.10.

10. Paragraph (1) of subdivision (b) of Section 80-3.10 of the Commissioner's regulations is repealed and paragraphs (2) and (3) of subdivision (b) of Section 80-3.10 shall be renumbered paragraphs (1) and (2) of subdivision (b) of Section 80-3.10, respectively.

11. Paragraph (1) of subdivision (c) of Section 80-3.10 of the Commissioner's regulations is repealed and paragraphs (2) and (3) of subdivision (c) of Section 80-3.10 shall be renumbered paragraphs (1) and (2) of subdivision (c) of Section 80-3.10, respectively.

12. Paragraph (2) of subdivision (b) of Section 100.15 of the Commissioner's regulations shall be amended as follows:

(2) Teachers shall be selected for participation in such summer institutes by principals who shall give priority to teachers who meet the following criteria:

(i) first and second year teachers of grades five through eight;

(ii) teachers who are changing assignments and would benefit from professional [development] learning to improve student learning; and

(iii) teachers who have been identified as needing additional professional [development] learning in building content knowledge in mathematics and science and understanding of pedagogy.

13. Subdivision (k) of Section 154-2.3 of the Commissioner's regulations shall be amended as follows:

(k) Professional [development.] learning.

Each school district and board of cooperative educational services shall provide professional [development] learning to all teachers, the level III teaching assistants and

administrators that specifically addresses the needs of English language learners and for school business leaders, professional [development] learning related to the needs of English language learners and the Federal, State and local mandates for English language learners.

(1) Consistent with section [80-3.6] 80-6.3 and section 100.2(dd) of this Title, a minimum of 15 percent of the required professional [development] learning clock hours for all teachers and administrators shall be dedicated to language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners. For holders of a level III teaching assistant certificate, a minimum of 15 percent of the required professional [development] learning clock hours shall be dedicated to language acquisition and content instruction for English language learners. For all bilingual and English to speakers of other languages (ESOL) certified teachers, a minimum of 50 percent of the required professional [development] learning clock hours prescribed by Part 80 of this Title shall be dedicated to language acquisition in alignment with core content area instruction, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners. All school districts must align and integrate such professional [development] learning for bilingual and English as a second language teachers with the professional [development] learning plan for core content area for all teachers in the district.

(2) A school district or board of cooperative educational services may seek permission on an annual basis from the [commissioner] Commissioner for an exemption from the professional [development] learning requirements of this subdivision where

there are fewer than 30 English language learner students enrolled or English language learners make up less than five percent of the district's or board of cooperative educational services' total student population as of such date as established by the [commissioner] Commissioner. A district or board of cooperative educational services seeking permission for such exemption shall submit to the [commissioner] Commissioner for approval an application, in such format and according to such timeline as may be prescribed by the [commissioner] Commissioner, that includes:

(i) evidence that, as part of the required professional [development] learning clock hours prescribed by Part 80 of this Title, all teachers, level III teaching assistants and administrators receive training, sufficient to meet the needs of the district's or board of cooperative educational services' English language learner students, in language acquisition, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners; and

(ii) evidence that, as part of the required professional [development] learning clock hours prescribed by Part 80 of this Title, all bilingual and English to speakers of other languages (ESOL) certified teachers receive training, sufficient to meet the needs of the district's English language learner students, in language acquisition in alignment with core content area instruction, including a focus on best practices for co-teaching strategies and integrating language and content instruction for English language learners.

14. Clause (f) of subparagraph (iv) of paragraph (5) of subdivision (b) of Section 52.21 of the Commissioner's regulations shall be amended as follows:

(f) Support commitment for pilot program graduates upon completion of the program. An institution shall have a formal written agreement with partnering schools or districts to provide continued mentoring support for graduates of the pilot program during their first year of teaching, which shall include, but not be limited to, setting selection criteria, and the recruitment and training processes for mentors; and developing plans to provide professional [development] learning programs based on research and best practices for mentors and graduates.

15. Subclause (8) of clause (a) of subparagraph (iv) of paragraph (2) of subdivision (c) of Section 52.21 of the Commissioner's regulations shall be amended as follows:

(8) develop staff capability for addressing student learning needs by effective supervision and evaluation of teachers, by effective staff assignments, support, and mentoring, and by providing staff with opportunities for continuous professional [development] learning;

16. Clause (g) of subparagraph (iv) of paragraph (3) of subdivision (c) of Section 52.21 of the Commissioner's regulations shall be amended as follows:

(g) develop building and district staff capability for addressing learning needs of all district students by effective support, supervision and evaluation of teachers, school building leaders, and district leaders, by effective staff assignments, support, and mentoring, and by providing staff with opportunities for continuous personal and professional [development] learning;

17. Subclause (7) of clause (a) of subparagraph (v) of paragraph (4) of subdivision (c) of Section 52.21 of the Commissioner's regulations shall be amended as follows:

(7) develop building and district staff capability for addressing learning needs of all district students by effective support, supervision and evaluation of teachers, school building leaders, and district leaders, by effective staff assignments, support, and mentoring, and by providing staff with opportunities for continuous personal and professional [development] learning;

18. Clause (e) of subparagraph (i) of paragraph (1) of subdivision (c) of Section 100.13 of the Commissioner's regulations shall be amended as follows:

(e) where applicable, be accompanied by high quality, sustained professional [development] learning focused on content pedagogy, curriculum development, and/or instructional design in order to ensure successful implementation of each program and activity;

19. Paragraph (2) of subdivision (c) of Section 100.13 of the Commissioner's regulations shall be amended as follows:

(2) Specific program requirements. Allowable programs and activities shall be limited to:

(i) ...

(ii) ...

(iii) ...

(a) ...

(b) professional mentoring programs for teachers and principals pursuant to the following:

(1) professional mentoring programs included in district professional [development] learning plans pursuant to section 100.2(dd)(2)(iv) of this Part that provide mentoring for new teachers and principals in satisfaction of the mentored experience required for professional certification under sections 80-3.4(b)(2) and 80-3.10(a)(2)(ii) of this Title, or for other district identified needs; and/or

(2) ...

(c) ..

(d) ...

(1) ...

(2) instructional coaches shall provide teachers with support in content areas and may provide professional [development] learning to teachers in pedagogy and/or classroom management, to improve student attainment of State learning standards; and/or

(e) ...

(1) school leadership coaches shall provide individualized professional [development] learning to assist principals to become more effective instructional leaders and facilitate learning across all the curriculum areas; and

(2) ...

(iv) ...

(a) ...

(1) ...

(2) ...

(b) ...

(c) ...

(1) ...

(2) ...

(v) ...

(a) Model programs for students with limited English proficiency are innovative programs, services and support, encompassing a range of effective practices, that are designed to strengthen academic achievement and improve student performance across content areas, as needed to facilitate the attainment of State learning standards by students with limited English proficiency in kindergarten through grade 12. All limited English proficient students will benefit from such model programs and services, especially those who are living in poverty or have disabilities. High quality professional [development] learning will accompany the implementation of each program option selected, and teachers will employ pedagogies which reflect innovative instructional methodologies.

(b) ...

(1) ...

(i) ...

(ii) ...

(iii) ...

(2) ...

(i) provides high-quality universal prekindergarten programs that incorporate both English and a student's native language, and necessary professional [development] learning to teachers and staff to effectively conduct a multilingual program;

(ii) ...

(iii) ...

(iv) ...

(v) ...

(3) ...

(4) ...

(i) ...

(ii) ...

(iii) focused, yet comprehensive, professional [development] learning for teachers, assistants and aides; and

(iv) ...

...

20. Subparagraph (i) of paragraph (3) of subdivision (b) of Section 80-3.9 of the Commissioner's regulations shall be amended as follows:

(i) 40 clock hours of coursework or other professional [development] learning activities which are approved by a school district or BOCES under the school district's or BOCES' professional [development] learning plan established in accordance with section 100.2(dd) of this Title, and which must be in the following subjects: classroom management; literacy education; and the development of knowledge, understanding, and skills for working with general education teachers in terms of the impact of speech,

language, and hearing disabilities on learning in the general curriculum areas of the State learning standards for students, which are prescribed in Part 100 of this Title; or

21. Clause (a) of subparagraph (iv) of paragraph (2) of subdivision (c) of Section 80-2.6 of the Commissioner's regulations shall be amended as follows:

(a) 40 clock hours or coursework or other professional [development] learning activities which are approved by a school district or BOCES under the school district's or BOCES' professional [development] learning plan established in accordance with section 100.2(dd) of this Title, and which must be in the following subjects: classroom management; literacy education; and the development of knowledge, understanding, and skills for working with general education teachers in terms of the impact of speech, language, and hearing disabilities on learning in the general curriculum areas of the State learning standards for students, which are prescribed in Part 100 of this Title; or

22. Clause (a) of subparagraph (iii) of paragraph (3) of subdivision (c) of Section 75.8 of the Commissioner's regulations shall be amended as follows:

(a) Coursework or training offered by an approved sponsor. Acceptable learning activities shall be coursework or training offered by a sponsor, approved pursuant to the requirements of subdivision (i) of this section, which may include but need not be limited to the following types of offerings by such approved sponsors: formal continuing education courses or workshops; or formal academic study offered as part of a registered program pursuant to Part 52 of this Title or an equivalent program that is accredited by an acceptable accrediting agency; or in-service training programs offered by an employer to its employees; or self-study, as defined in subdivision (a) of this section. No more than two-thirds of the mandatory continuing competency requirement

may be completed through self-study. Acceptable learning activities may also include in-service training to teachers of students with speech and hearing disabilities specifically designed to improve methods of teaching students with such disabilities which is provided to employees of a New York State school district or Board of Cooperative Educational Services (BOCES) pursuant to its professional [development] learning plan, required by the department pursuant to section 100.2(dd) of this Title; and up to one-third of the mandatory continuing competency requirement may also be completed by such teachers through in-service training, pursuant to such professional [development] learning plans, in general issues of supervision and administration, and in general teaching methods.

23. Subparagraph (iv) of paragraph (2) of subdivision (i) of Section 75.8 of the Commissioner's regulations shall be amended as follows:

(iv) a New York State school district or Board of Cooperative Educational Services (BOCES), provided that such approval is limited only to the offering by the school district or BOCES of in-service training provided to teachers of students with speech and hearing disabilities employed by such school district or BOCES, pursuant to its professional [development] learning plan required by section 100.2(dd) of this Title; or

24. Subdivision (j) of Section 30-1.1 of the Rules of the Board of Regents shall be amended as follows:

(j) Instructional support services shall mean professional [development] learning, pedagogical support, technical assistance, consultation, and/or program coordination offered by teachers to other school personnel including, but not limited to: conducting

workshops, study groups, and demonstration lessons; modeling instruction; providing feedback, coaching, mentoring and other professional support for instructional staff; providing training in best instructional practices in specific content areas; assisting instructional staff in analyzing student performance data and differentiating instruction to meet the needs of all students; coordinating the provision of special education services; developing and promoting a culture of reflective instructional practice; providing curriculum and assessment resources to instructional staff; providing information and support on technology tools to extend and support student learning; assessing curriculum development or professional [development] learning needs; and such similarly related work.

25. Paragraph (1) of subdivision (a) of Section 80-3.4 of the Commissioner's regulations is repealed and paragraph (2) of subdivision (a) of Section 80-3.4 shall be renumbered as paragraph (1) of subdivision (a) of Section 80-3.4.

26. Paragraph (4) of subdivision (e) of Section 90.18 of the Commissioner's regulations shall be amended as follows:

(4) planning of professional staff [development] learning and other continuing education activities;

27. Subparagraph (vii) of paragraph (5) of subdivision (f) of Section 100.19 of the Commissioner's regulations shall be amended as follows:

(vii) strategies to provide professional [development] learning and other supports to the staff of the school to ensure that they have the capacity to successfully implement the school intervention plan and to sustain the components of the plan after the period of the school receivership has ended;

28. Subdivision (g) of Section 100.19 of the Commissioner's regulations shall be amended as follows:

(g) Powers and duties of a receiver.

(1) ...

(2) ...

(3) In order to implement a school intervention plan or a department-approved intervention model or comprehensive education plan, as applicable, a school receiver may take the following actions consistent with the provisions of Education Law section 211-f and, with respect to issues related to such actions for which collective bargaining is required, consistent with any applicable collective bargaining agreement(s) and provisions of article 14 of the Civil Service Law:

(i) ...

(ii) ...

(iii) ...

(iv) establish steps to improve hiring, induction, teacher evaluation, professional [development] learning, teacher advancement, school culture and organizational structure (e.g., instructional coaches or research-based instructional plans);

(v) ...

(vi) ...

(vii) ...

(viii) include a provision of a job-embedded professional [development] learning for teachers at the school, with an emphasis on strategies that involve teacher input and feedback;

(ix) establish a plan for professional [development] learning for administrators at the school, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; and

(x) ...

(4) In accordance with Education Law section 211-f(7)(b) and (c), a school receiver may abolish the positions of all members of the teaching and administrative and supervisory staff assigned to the struggling or persistently struggling school and terminate the employment of any principal assigned to such a school, and require such staff members to reapply for their positions in the school if they so choose, provided that:

(i) in determining whether to implement an abolition, the school receiver shall conduct a comprehensive school needs assessment which shall include, but not be limited to, an analysis of the professional [development] learning provided for staff in the abolished positions pursuant to section 100.2(dd) of this Part during the preceding two school years and an analysis of how the planned abolition will result in improved student performance, and complete a thorough analysis of the needs assessment results;

(ii) ...

(a) ...

(b) ...

(c) ...

(iii) ...

(iv) ...

(v) ...

(vi) ...

(5) Receivership agreement.

(i) In accordance with Education Law section 211-f(8), in order to maximize the rapid achievement of students at the applicable school, the school receiver may request that the collective bargaining unit or units representing teachers and administrators and the school receiver, on behalf of the board of education, negotiate a receivership agreement that modifies the applicable collective bargaining agreement or agreements with respect to any persistently struggling or struggling schools in receivership applicable during the period of receivership. The receivership agreement may address the following subjects:

(a) the length of the school day;

(b) the length of the school year;

(c) professional [development] learning for teachers and administrators;

(d) class size; and

(e) changes to the programs, assignments, and teaching conditions in the school in receivership...

29. Subparagraph (iv) of paragraph (3) of subdivision (l) of Section 100.19 of the Commissioner's regulations shall be amended as follows:

(iv) offering professional [development] learning specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the

comprehensive school and community needs assessment conducted pursuant to subparagraph (f)(8)(iii) of this section, if one has been conducted for the specific school. Such professional [development] learning shall include but not be limited to job-embedded professional [development] learning with an emphasis on strategies that involve teacher input and feedback as well as professional [development] learning for administrators at the school with an emphasis on strategies that develop leadership skill and use of principles of distributive leadership and instructional supervision;

30. Subparagraph (ii) of paragraph (1) of subdivision (b) of Section 151-1.3 of the Commissioner's regulations shall be amended as follows:

(ii) assessment information must be used to inform classroom instruction and professional [development] learning.

31. Subdivision (g) of Section 151-1.3 of the Commissioner's regulations shall be amended as follows:

(g) Professional [development] learning.

Professional [development] learning shall be based on the instructional needs of children and shall be provided to prekindergarten teachers and staff in district and agency settings in which prekindergarten services are provided under this Subpart.

32. Subdivision (b) of Section 30-3.13 of the Rules of the Board of Regents shall be amended as follows:

(b) A district identified by the department in one of the categories enumerated above may be highlighted in public reports and/or the [commissioner] Commissioner may order a corrective action plan, which may include, but not be limited to, a timeframe for the district to address any deficiencies or the plan will be rejected by the

[commissioner] Commissioner, changes to the district's target setting process, a requirement that the district arrange for additional professional [development] learning, that the district provide additional in-service training and/or utilize independent trained evaluators to review the efficacy of the evaluation system.

33. Subdivision (a) of Section 57-2.7 of the Commissioner's regulations shall be amended as follows:

(a) A school district or board of cooperative educational services that provides training in school violence prevention and intervention as part of a professional [development] learning plan, for which the school district or board of cooperative educational services has made a certification to the [commissioner] Commissioner of meeting the requirements of section 100.2(dd) of this Title in the manner prescribed in such subdivision, shall be deemed approved pursuant to this Subpart, for purposes of such training, unless the department determines that the school district or board of cooperative educational services has not met the requirements of section 100.2(dd)(2) of this Title relating to the provision of training in school violence prevention and intervention to its employees.

34. Subdivision (a) of Section 151-1.2 of the Commissioner's regulations shall be amended as follows:

(a) Approved expenditures means any expenses for which grant funds may be used, such as, but not limited to, program components, professional salaries, professional [development] learning, support services, materials and supplies, administrative support services, transportation services, leasing expenses or other appropriate facilities expenses and other costs as approved by the [commissioner]

Commissioner. Pursuant to section 3202 of the Education Law, no parent and/or guardian of a child participating in a universal prekindergarten program should be subjected to a fee/charge for the instructional program.

35. Subdivision (b) of Section 30-2.12 of the Rules of the Board of Regents shall be amended as follows:

(b) A school district or BOCES identified by the department in one of the categories enumerated above may be highlighted in public reports and/or the [commissioner] Commissioner may order a corrective action plan, which may include, but not be limited to, requirements that the district or BOCES arrange for additional professional [development] learning, provide additional in-service training and/or utilize independent trained evaluators to review the efficacy of the evaluation system, provided that the plan shall be consistent with law and not in conflict with any applicable collective bargaining agreement.

36. Subdivision (d) of Section 30-3.1 of the Rules of the Board of Regents shall be amended as follows:

(d) Annual professional performance reviews of classroom teachers and building principals shall be a significant factor for employment decisions, including but not limited to, promotion, retention, tenure determination, termination, and supplemental compensation, in accordance with Education Law section 3012-d(1). Such evaluations shall also be a significant factor in teacher and principal development, including but not limited to coaching, induction support, and differentiated professional [development] learning. Nothing herein shall be construed to affect the unfettered statutory right of a

district to terminate a probationary (non-tenured) teacher or principal for any statutorily and constitutionally permissible reasons.

37. Subparagraph (i) of paragraph (1) of subdivision (a) of Section 80-1.8 of the Commissioner's regulations shall be amended as follows:

(i) The candidate shall have successfully completed [75 clock hours of acceptable professional development (PD) and/or] 50 clock hours of acceptable continuing teacher and leader education (CTLE), professional learning (PL), and/or a combination thereof [prorated in a manner determined by the department]. Such [PD] PL and/or CTLE shall be completed within one year prior to the department's receipt of a completed application or within one year after the department's receipt of such completed application for the reissuance of the initial certificate. The definition of acceptable [PD] PL and the measurement of [PD] PL study shall be that defined in section [80-3.6] 100.2(dd) of this [Part] Title and the definition of acceptable CTLE and the measurement of CTLE shall be that prescribed in Subpart 80-6 of this Part.

38. Clause (d) of subparagraph (iii) of paragraph (2) of subdivision (c) of Section 80-6.10 of the Commissioner's regulations shall be amended as follows:

(d) uses disaggregated student data and other evidence of student learning to determine professional [development] learning needs and priorities, to monitor student progress, and to help sustain continuous professional growth;

39. Paragraph (23) of subdivision (b) of Section 80-1.1 of the Commissioner's regulations shall be amended as follows:

(23) Instructional support services, for purposes of section 80-5.21 of this Title, shall mean professional [development] learning, pedagogical support, technical

assistance, consultation, and/or program coordination offered by teachers to other school personnel including, but not limited to: conducting workshops, study groups, and demonstration lessons; modeling instruction; providing feedback, coaching, mentoring and other professional support for instruction staff; providing training in best instructional practices in specific content areas; assisting instructional staff in analyzing student performance data and differentiating instruction to meet the needs of all students; coordinating the provision of special education services; developing and promoting a culture of reflective instructional practice; providing curriculum and assessment resources to instructional staff; providing information and support on technology tools to extend and support student learning; assessing curriculum development or professional [development] learning needs; and such similarly related work.

40. Subparagraph (iii) of paragraph (2) of subdivision (a) of section 80-5.22 of the Commissioner's regulations shall be amended as follows:

(iii) Employment and support commitment. The candidate shall submit satisfactory evidence of having a commitment from a school district of at least two years of employment as a teacher with the school district in the area of the certificate sought, which shall include a plan from the school district for mentoring, appropriate instructional support as determined by school leadership and at least 70 hours of professional [development] learning targeted toward appropriate pedagogical skills, over the two years of employment.

41. Paragraph (2) of subdivision (c) of Section 100.17 of the Commissioner's regulations shall be amended as follows:

(2) From the applications submitted pursuant to paragraph (1) of this subdivision, the Board of Regents delegates to the [commissioner] Commissioner the authority pursuant to Education Law section 211-c(1) to designate a pool of eligible individuals to serve as distinguished educators. Individuals shall serve in the pool for three years, provided that an individual's service in the pool may be renewed annually upon submission of evidence of ongoing professional [development] learning.

42. Clause (c) of subparagraph (i) of paragraph (1) of subdivision (d) of Section 100.17 of the Commissioner's regulations shall be amended as follows:

(c) participate in summer training and ongoing professional [development] learning, as directed by the State Education Department.

43. Paragraph (8) of subdivision (e) of Section 30-1.8 of the Rules of the Board of Regents shall be amended as follows:

(8) instructional support services in professional [development] learning.

44. Subdivision (h) of Section 200.2 of the Commissioner's regulations shall be amended as follows:

(h) The board of education or trustees of each school district and each board of cooperative educational services shall develop and implement a plan as part of the professional [development] learning plan pursuant to section 100.2(dd) of this Title that shall include, but is not limited to, a description of the professional [development] learning activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.

45. Clause (a) of subparagraph (iv) of paragraph (2) of subdivision (d) of Section 30-2.4 of the Rules of the Board of Regents shall be amended as follows:

(a) at least one goal must address the principal's contribution to improving teacher effectiveness, which may include, but need not be limited to: improved retention of high performing teachers, the correlation between student growth scores of teachers granted tenure as opposed to those denied tenure, quality of feedback provided to teachers throughout the year, facilitation of teacher participation in professional [development] learning opportunities made available by the school district or BOCES and/or the quality and effectiveness of teacher evaluations conducted under this section; and

46. Paragraph (8) of subdivision (a) of Section 154-2.4 of the Commissioner's regulations shall be amended as follows:

(8) teachers of English language learners receive the requisite number of in-service professional [development] learning, as prescribed in section 154-2.3(k) of this Subpart and Part 80 of this Title;

47. Paragraph (27) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education, is amended, to read as follows:

(27) Professional certificate means [the final] a teaching certificate obtained by a candidate who meets the requirements of Subpart 80-3 of this Part that qualifies that individual to teach in the public schools of New York State [for candidates who are required to meet the requirements of Subpart 80-3 of this Part]. Such certificate shall be continuously valid.

48. New paragraphs (4) and (5) are added to subdivision (b) of section 80-6.3 of the Commissioner's regulations as follows:

(4) A teacher acting as a mentor to a new teacher in the classroom teaching service as part of a school district's or BOCES' mentoring program pursuant to section 100.2(dd) of this Title may, at the discretion of the school district or BOCES, credit up to 30 hours of such time toward his/her CTLE requirement in each five-year registration period.

(5) a teacher acting as a mentor to a teacher candidate pursuant to section 52.21 of this Title may, at the discretion of the school district or BOCES, credit up to 25 hours of such time toward his/her CTLE requirement in each five-year registration period.

