AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 212, 215, 3001, 3004, 3006, 3006-a, 3009 and Subpart C of Part EE of Chapter 56 of the Laws of 2015.

1. A new Subpart 80-6 is added to the Regulations of the Commissioner of Education, effective June 20, 2016, to read as follows:

Subpart 80-6

Registration Requirements for Holders of a Permanent or Professional Certificate in the Classroom Teaching Service and Educational Leadership Service and Holders of a Teaching Assistant Level III Certificate and the Establishment of Continuing Teacher and Leader Education (CTLE) Requirements for Holders of Professional Certificates in the Classroom Teaching and Educational Leadership Service and Teaching Assistant Level III Certificate Holders for the 2016-2017 School Year and Thereafter.

§ 80-6.1. Definitions.

As used in this Subpart:

(a) *Applicable school* means a school district or board of cooperative educational services located in New York State. For purposes of this definition, the City School District of the City of New York and any of its components shall be considered a single school district.

(b) *Certificate holder* means all holders of a permanent or professional certificate in the classroom teaching service or educational leadership service (i.e., school building

leader, school district leader, school district business leader) and holders of a Level III teaching assistant certificate.

(c) *Continuing teacher and leader education certificate holder* (CTLE certificate holder) means all holders of a professional certificate in the classroom teaching service or educational leadership service (i.e., school building leader, school district leader, school district business leader) and holders of a Level III teaching assistant certificate employed in a school district or board of cooperative educational services in New York State.

(d) *Practicing* means employed 90 days or more during a school year by a single applicable school in New York in a position requiring certification pursuant to this Part. For the purposes of this definition, 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. In addition, the City School District of the City of New York and any of its components, including but not limited to community school districts, high school divisions, special education divisions and the Chancellor's district, shall be considered together a single applicable school in New York.

(e) Registration period means the five-year registration period described in subdivisions (c) and (d) of section 80-6.2 of this Subpart and each subsequent five-year period thereafter.

§ 80-6.2. Registration requirements.

(a) During each five-year registration period, commencing with the 2016-2017 school year, certificate holders shall register with the Department, on a form prescribed by the Commissioner.

(b) Registration periods for each certificate holder shall be in accordance with schedules established by the Department.

(c) Any individual who was issued a permanent or professional certificate in the classroom teaching service or educational leadership service (i.e., school building leader, school district leader, school district business leader) or a Level III teaching assistant certificate prior to July 1, 2016, shall apply for initial registration during the 2016-2017 school year during his/her month of birth, beginning on July 1, 2016 and shall renew his/her registration, on a form prescribed by the Department, in the last year of each subsequent five-year period thereafter.

(d) Any individual who is issued a permanent or professional certificate in the classroom teaching service or educational leadership service (i.e., school building leader, school district leader, school district business leader) or a Level III teaching assistant certificate on or after July 1, 2016, shall be automatically registered, and the certificate holder shall re-register during the fifth succeeding birthday month thereafter and during each birthday month in the last year of each subsequent five year period.

(e) Any certificate holder not practicing in an applicable school, may allow his/her registration to lapse without being subject to the late fee as prescribed in subdivision (f) of this section, if he/she notifies the Department in a timeframe and manner prescribed by the Commissioner that he/she is no longer practicing in an applicable school. At such time as the certificate holder may choose to resume practicing in an applicable school, the certificate holder shall register with the Department, on a form prescribed by the Commissioner.

(f) Failure to register may subject a certificate holder to a late fee of $10 per month. Any instance where a certificate holder willfully fails to register or fails to provide notice that he/she is not practicing in an applicable school pursuant to subdivision (e) of this section may constitute grounds for moral character review under subdivision seven of section three hundred five of this chapter.

(g) When a certificate holder pays his/her late fee by a personal check or credit card and it is subsequently not honored by the issuing institution, the certificate holder must subsequently pay by a certified check, a bank check, or a money order. The replacement payment shall include any late fee charges required under subdivision (f) of this section.

(h) Any certificate holder who fails to submit a replacement fee as required in subdivision (g) of this section shall have his/her registration voided 60 days from the date the department sends notification that said late fee was not honored by the issuing institution.

(i) Each certificate holder shall notify the Department of any change of name or address no later than 30 days after such change through the online TEACH System.

§ 80-6.3. Mandatory continuing teacher and leader education requirements.

(a) Requirements for CTLE certificate holders (holders of professional certificates in the classroom teaching service, educational leadership service and Level III teaching assistant certificate holders).

(1) Except as otherwise provided in paragraph (2) of this subdivision and subdivision (b) of this section, commencing with the 2016-2017 school year, a CTLE

certificate holder shall be required to successfully complete 100 clock hours of acceptable CTLE during the registration period; provided that:

(i) a CTLE certificate holder who holds a professional certificate in the certificate title of English to speakers of other languages (all grades) or a holder of a bilingual extension under section 80-4.3 of this Title, shall be required to complete a minimum of 50 percent of the required CTLE clock hours 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

(ii) for all other CTLE certificate holders a minimum of 15 percent of the required CTLE clock hours shall be dedicated to 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

(iii) for a CTLE certificate holder who holds a Level III teaching assistant certificate, a minimum of 15 percent of the required CTLE clock hours shall be dedicated to language acquisition addressing the needs of English language learners and integrating language and content instruction for such English language learners.

(2) Exemption from language acquisition requirements. For a teacher or school leader who is employed by a school district or BOCES with an approved exemption pursuant to section 154-2.3(k) of this Title because 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 BOCES total student population as of a date as established

by the Commissioner, the teacher or school leader shall be exempt from the language acquisition CTLE requirements prescribed in this subdivision for each such year that they are employed in a school district or BOCES with an approved exemption.

(3) The CTLE requirement prescribed in this subdivision may be completed at any time during the registration period and CTLE completed during a prior registration period may not be carried over.

(b) Adjustments to the requirement.

(1) An adjustment to the CTLE requirement prescribed, in terms of clock hours and/or the time for completing CTLE, may be granted by the Commissioner, provided that the CTLE certificate holder documents good cause that prevents compliance, which shall include any of the following reasons: poor health certified by a health care provider, extended active duty in the Armed Forces, or other good cause acceptable to the Department which may prevent compliance.

(2) A peer review teacher, or a principal acting as an independent trained evaluator, conducting a classroom observation as part of the teacher evaluation system pursuant to Education Law §3012-d may credit such time towards his/her CTLE requirement.

(3) A holder of a certificate in the classroom teaching service who achieves certification from the National Board for Professional Teaching Standards shall be deemed to have met the CTLE requirement, for the registration period in which such National Board Certification is achieved, provided that the CTLE certificate holder must continue to meet the applicable required CTLE requirements in language acquisition as described in paragraph (1) of subdivision (a) of this section.

§ 80-6.4. Measurement of continuing teacher and leader education.

(a) CTLE credit shall only be granted for CTLE acceptable to the Department and conducted by a sponsor approved by the Department pursuant to section 80-6.10 of this Subpart.

(b) For credit-bearing university or college courses, each semester-hour of credit shall equal 15 clock hours of CTLE credit, and each quarter-hour of credit shall equal 10 clock hours of CTLE credit for purposes of this section. For all other approved continuing teacher and leader education courses, one CTLE credit hour shall constitute a minimum of 60 minutes of instruction/education.

§ 80-6.5. Conditional registration.

(a) The Department, in its discretion, may issue a conditional registration to a CTLE certificate holder who attests to noncompliance with the CTLE requirements of this section, provided that such CTLE certificate holder meets the following requirements:

(1) the CTLE certificate holder agrees to remedy such deficiency within the conditional registration period: and

(2) the CTLE certificate holder agrees to complete any additional CTLE during such conditional registration period that the Department may require.

(b) The duration of a conditional registration shall be determined by the Department and shall not exceed one year and shall not be renewed or extended absent good cause.

(c) If a CTLE certificate holder does not submit evidence, satisfactory to the Department, of completion of the required hours of CTLE within the duration of such conditional registration period, his/her registration shall be denied and the CTLE certificate holder shall not be permitted to practice at an applicable school. If the CTLE certificate holder continues to practice at an applicable school without his/her registration, he/she shall be subject to moral character review pursuant to Part 83 of the Commissioner's regulations.

§ 80-6.6. Renewal of registration.

(a) At the end of each registration period, a CTLE certificate holder shall submit an application for re-registration on a form and in a format prescribed by the Commissioner.

(b) CTLE certificate holders shall certify to the Department that they have either complied with the CTLE requirements as prescribed in this Subpart during their prior registration period, or are eligible for an adjustment to the CTLE requirements, as prescribed in subdivision (b) of section 80-6.3 of this Subpart.

(c) A CTLE certificate holder who has not satisfied the mandatory CTLE requirements shall not practice in an applicable school until he/she has met such requirements and has been registered or conditionally registered.

(d) CTLE hours taken during one registration period may not be transferred to the subsequent registration period.

§ 80-6.7. Recordkeeping requirements.

CTLE certificate holders shall maintain a record of completed CTLE, which shall include: the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of English language learners, the sponsor's name and any identifying number, attendance verification, and the date and location of the program. Such records shall be retained for at least three years from the end of the registration period in which the continuing teacher and leader education was completed and shall be available for review by the Department upon request.

§ 80-6.8. Requirement for CTLE certificate holders resuming practice in an applicable school.

(a) A CTLE certificate holder returning to practice in an applicable school shall be required to register with the Department prior to resuming practice.

(b) A CTLE certificate holder, who is in the middle of a registration period when he/she becomes inactive and is no longer practicing in an applicable school, must complete a minimum of 20 hours of CTLE for every year of the registration period that he/she was practicing in an applicable school.

§ 80-6.9. Acceptable continuing teacher and leader education.

(a) Acceptable CTLE must be taken from a sponsor approved by the Department pursuant to section 80-6.11 of this Subpart.

(b) Acceptable CTLE shall be study in the content area of any certificate title held by the individual or in pedagogy, and include any required study in language acquisition addressing the needs of English language learners as described in section 80-6.3 of this Subpart. Acceptable CTLE must be conducted through activities designed to improve the teacher or leader's pedagogical and/or leadership skills, targeted at improving student performance, including but not limited to formal CTLE activities. Such activities also shall promote the professionalization of teaching and educational leadership, as applicable, and be closely aligned to district goals for student performance.

§ 80-6.10. Sponsor approval.

(a) Except as otherwise provided in subdivision (e) of this section, an entity seeking approval by the Department as a provider of CTLE under this section shall submit an application on forms prescribed by the Commissioner accompanied by a fee of $600.

(b) Any of the following entities may apply to the Department to be an approved sponsor of CTLE:

(1) school districts;

(2) board of cooperative educational services;

(3) teacher centers;

(4) New York State institutions of higher education;

(5) professional organizations and unions; and

(6) any other entity approved by the Department.

(c) Department review of sponsors.

(1) Except as otherwise provided in subdivision (e) of this section, the Department shall conduct a review of any entity that applies for sponsor approval to offer CTLE under this Subpart.

(2) To be an approved sponsor, each applicant shall submit evidence satisfactory to the Department that the applicant:

(i) has and will maintain adequate resources to offer the course work and training;

(ii) has and will ensure that faculty who will offer the course work or training have demonstrated their competence to offer the course work or training;

(iii) certifies in writing that the course work or training will be conducted through use of a curriculum which, at a minimum:

(a) will expand educators' content knowledge and the knowledge and skills necessary to provide developmentally appropriate instructional strategies and assesses student progress;

(b) is research-based and provides educators with opportunities to analyze, apply, and engage in research;

(c) is designed to ensure that educators:

(1) have the knowledge, skill, and opportunity to collaborate to improve instruction and student achievement in a respectful and trusting environment;

(2) have the knowledge and skill to meet the diverse needs of all students;

(3) have the knowledge and skill to create safe, secure, supportive, and equitable learning environments for all students;

(4) have the knowledge, skill, and opportunity to engage and collaborate with parents, families, and other community members as active partners in children's education;

(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;

(e) promotes technological literacy and facilitates the effective use of all appropriate technology; and

(f) evaluates using multiple sources of information to assess its effectiveness in improving professional practice and student learning.

(iv) certifies, in writing, that certification of completion forms obtained from the Department will be issued to students upon completion of the course work or training for their use in documenting satisfaction of the requirement of course work or training for CTLE purposes; and

(v) certifies, in writing, that it will maintain and produce evidence of completion for all students who complete the course work or training and that it will submit such evidence to the Department, in a time and format prescribed by the commissioner.

(d) Sponsors that are approved by the Department pursuant to the requirements of this section shall be approved for a five-year term. At the expiration of such term, the

sponsor must reapply to the Department for approval, on a form prescribed by the Commissioner, which shall be accompanied by a $600 fee.

(e) The Department may review approved sponsors during the term of approval to ensure compliance with the requirements of this Subpart and may request information from a sponsor and may conduct a site visit pursuant to such review. A determination by the Department that the services offered by the sponsor are inadequate, incomplete or otherwise unsatisfactory pursuant to the standards set forth in this Subpart, may result in the termination of the sponsor's approved status. Any of the entities described in paragraphs (1) through (5) of subdivision (b) of this section shall not be required to pay any of the required fees for initial approval or renewal of approval under this section and shall be subject to a streamlined review by the Department.

2. Subdivisions (a) through (i) of section 80-3.6 of the Regulations of the Commissioner of Education shall be redesignated as subdivisions (b) through (j) of this section and a new subdivision (a) shall be added to section 80-3.6 of the Regulations of the Commissioner of Education, effective June 20, 2016, to read as follows:

(a) Applicability. The professional development requirements of this section shall apply until the 2016-2017 school year.

3. Subdivision (dd) of section 100.2 shall be amended, effective June 20, 2016, to read as follows:

(dd) Professional development. For purposes of this subdivision, professional development includes any continuing education required under Subpart 80-6 of this Title.

(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 a professional development 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 teachers participate in substantial professional development in order that they remain current with their profession and meet the learning needs of their students. The plan shall also ensure that holders of level III teaching assistants 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 program of the district or BOCES.

(ii) Such professional development plan may be a part of a comprehensive education plan of the district or BOCES, provided that the professional development plan meets all of the requirements of this subdivision, including the requirements related to collaboration with the professional development 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 plan a description of the professional development 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.

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

(i) . . . .

(ii) a description of:

(a) how the school districts or BOCES provide all teachers they employ substantial professional development opportunities directly related to student learning needs as identified in the school district or BOCES report card and other sources as determined by the school district or BOCES. For plans covering the time period, February 2, 2004 and thereafter, each school district or BOCES shall describe in its plan how it will provide teachers it employs holding a professional <u>certificate and/or Level III teaching assistant certificate</u> with opportunities to [maintain such certificates in good standing based upon successfully completing] <u>complete</u> 175 hours of professional development <u>or 100 hours of continuing teacher and leader education, as required</u> every five years [as prescribed in] <u>under</u> Part 80 of this Title;

(b) teachers' expected participation in professional development, including but not limited to an estimate of the average number of hours each teacher is expected to participate in professional development in the school year covered by the plan;

(c) the alignment of professional development with New York standards and assessments, student needs, including but not limited to linguistic, cultural diversity and special needs, and teacher capacities;

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

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

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

(iii) provision for the training of employees holding a teaching certificate or license in the classroom teaching service, school service, or administrative and supervisory 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.

(ee) The purpose of the mentoring program shall be to provide support for new teachers in the classroom teaching service in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement in accordance with the State learning standards.

(ff) The professional development plan shall describe how the school district or BOCES will provide a mentoring program for teachers in the classroom teaching service who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate, as prescribed in section 80-3.4 of this Title.

(gg) The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by article 14 of the Civil Service Law, provided that nothing herein shall be construed to impose a collective bargaining obligation that is not required by article 14 of the Civil Service Law.

(hh) The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher, unless withholding such information poses a danger to the life, health, or safety if an individual, including but not limited to students and staff of the school; or unless such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher'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 while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

(ii) The professional development plan shall describe the following elements of the mentoring program:

(jj) the procedure for selecting mentors, which shall be published and made available to staff of the school district or BOCES and upon request to members of the public;

(kk) the role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;

(ll) 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 development, the elements of a mentoring relationship, peer coaching techniques, and time management methodology;

(mm) 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, peer coaching, team coaching, and orienting the new teacher to the school culture; and

(nn) time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions, releasing the mentor and the new teacher 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.

(oo) For plans covering the time period July 1, 2015 and thereafter, 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 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 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 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 may seek permission on an annual basis from the commissioner for an exemption from the professional development 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'

total student population as of such date as established by the 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 requirement 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 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 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; school administrators upon designation by the administrators' collective bargaining organization; teachers upon designation by the teachers' collective bargaining organization; at least one parent upon designation by the established parent groups 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 one or more curriculum specialists, meaning a teacher or administrator whose primary job responsibility involves the development or evaluation of curricula, upon designation by the district or teachers' collective bargaining organization or both. 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. 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.

(b) Notwithstanding the requirements of clause (*a*) of this subparagraph, members of the professional development 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 team a period of at least 180 days to develop its recommended professional development plan and shall convene such team on or before October 1st, except that for the 1999-2000 school year, 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 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 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 plan shall be the determination of the board of education or BOCES.

(e) The professional development plan shall be 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 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.

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

(a) Each community school district, high school division, special education division and the chancellor's district shall have a professional development plan.

(b) Each plan shall be developed through collaboration with a professional development team. The team members shall be designated for appointment in the manner prescribed in this clause, except as prescribed in clause (*c*) of this subparagraph. In the case of a community school district, the board of education of the community school district shall appoint the members of the team for the community school district. In the case of a high school division, special education division, and the chancellor's district, the Chancellor of the City School District of the City of New York

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; school administrators upon designation by the administrators' collective bargaining organization; teachers upon designation by the teachers' collective bargaining organization; 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. 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 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 high school 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, each 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 plan by a date specified by the chancellor. Such professional development plan shall be developed through collaboration with the community school district's professional development team. Each board of education of a community school district shall convene its 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 board of education of the community school district shall permit its professional development team a period of at least 180 days to develop its recommendations for the professional development plan. Such team shall submit to the board its recommended professional development plan by a date specified by the board. Components of the plan not accepted by the board of education 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. The board of education of the community school district may accept or reject the recommendations in whole or in part. The board shall adopt final recommendations for the district's professional development plan for submission to the chancellor. The chancellor may accept or reject the recommendations of the board of education 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 of the community school district for further consideration. Any subsequent modification in the board'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 board of

education 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 plan without such recommendation.

(f) 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 of the community school district shall be required to review the plan on an annual basis in collaboration with its professional development 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 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, in a form and on a timetable prescribed by the commissioner, that:

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

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

(b) The commissioner may request a copy of the professional development plan for review and may recommend changes to the plan to meet the learning needs of the students in the school district or BOCES.

(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 [professional development] continuing teacher and leader education requirement prescribed in [section 80-3.6] 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 [section 80-3.6] 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 successfully completed by certificate holders, who are subject to the professional development requirement and/or continuing teacher and leader education requirements prescribed in [section 80-3.6] Part 80 of this Title, and who take professional development and/or continuing teacher and leader education offered by the school district or BOCES or by entities on behalf of the school district or BOCES. Such record shall include: the name of the [professional] certificate holder, [his or her teacher certification identification number,] 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 by the [professional] 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 plan. Such documentation shall include for each individual receiving mentoring pursuant to the mentoring program: the name of that individual, 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 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) Notwithstanding the requirements of this subdivision, participation in professional development 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.