

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, 3001, 3004, and 3009 of the Education Law.

1. Item (vii) of subclause (2) of clause (b) of paragraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(vii) In the case of alternate models that include college-supervised student teaching, residencies, or clinical experiences conducted when a candidate is employed by a school district or BOCES under a pre-professional teaching assistant or professional teaching assistant certificate pursuant to Part 80 of this Title, the institution and employing school district or BOCES will provide candidate(s) holding such certificate with the same and/or similar student teaching or clinical experience as required under this section while employed at the school district or BOCES. No approval from the commissioner is required for such alternate models nor shall they be time limited.

2. Subdivision (e) of section 52.21 of the Regulations of the Commissioner of Education is added to read as follows:

(e) Programs leading to certification as a teaching assistant. To be registered as a program leading to the professional certificate as a teaching assistant, the program shall meet the requirements of this subdivision.

(1) Admissions requirement. Programs shall require candidates to hold a high school diploma or its equivalent.

(2) Programs shall submit an institutional recommendation for the pre-professional certificate as a teaching assistant upon a candidate's enrollment in the program. Programs shall notify the Department if the candidate exits the program before the expiration date of such certificate.

(3) Programs leading to the professional certificate as a teaching assistant shall require at least 18 semester hours of study, provided that:

(i) at least nine of the 18 semester hours shall be pedagogical coursework in one or more of the following subjects:

(a) human development and learning, including but not limited to the impact of culture, heritage, socioeconomic level and factors in the home, school and community that may affect a student's readiness to learn;

(b) teaching students with disabilities and special health-care needs to develop the skills necessary to provide specially designed instruction to students with disabilities to participate and progress in the general education curriculum;

(c) teaching literacy skills;

(d) curriculum, instruction, and assessment, including instructional technology;
and

(e) foundations of education (historical, philosophical, sociological and/or legal);
and

(ii) the remaining semester hours shall be additional pedagogical coursework in one or more of the subjects outlined in subitem (i) of this clause and/or coursework in English language arts, mathematics, science, and/or social studies.

(4) For program completion and institutional recommendation for the professional certificate as a teaching assistant, candidates shall have successfully met all program requirements established by the institution of higher education and requirements for program registration.

3. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) ...

(1) ...

(2) ...

(3) ...

(4) ...

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

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

[(7)] (6) ...

[(8)] (7) ...

[(9)] (8) ...

[(10)] (9) ...

[(11)] (10) ...

[(12)] (11) ...

[(13)] (12) ...

(13) The commissioner shall not issue level I teaching assistant certificates with an effective date that begins after February 1, 2026, and candidates shall apply for such certificates on or before August 31, 2025, and qualify for such certificates on or before December 31, 2025; provided, however, that the commissioner may renew such certificates, as applicable, on or before February 1, 2029, pursuant to the requirements of section 80-5.6 of this Part. The commissioner shall not issue level II teaching assistant certificates with an effective date that begins after February 1, 2029, and candidates shall apply for such certificates on or before August 31, 2028, and qualify for such certificates on or before December 31, 2028. The commissioner shall not issue level III teaching assistant certificates with an effective date that begins after February 1, 2032, and candidates shall apply for such certificates on or before August 31, 2031, and qualify for such certificates on or before December 31, 2031.

4. Clause (b) of subparagraph (iv) of paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Teaching experience.

(1) Candidates who apply for a certificate prior to September 1, 2028 shall satisfactorily complete 40 school days, or its equivalent, in a college-supervised student

teaching experience, as defined in section 52.21(b)(2) of this Title, or as an employed teacher, or as otherwise prescribed in subclause (3) of this subdivision.

(2) Candidates who apply for a certificate on or after September 1, 2028 shall satisfactorily complete 70 school days, or its equivalent, in a college-supervised student teaching experience, as defined in section 52.21(b)(2) of this Title, or as an employed teacher, or as otherwise prescribed in subclause (3) of this subdivision.

(3) Candidates who hold or held a pre-professional teaching assistant or professional teaching assistant certificate shall satisfactorily complete one school year, or its equivalent, of experience under such certificate and while completing duties outlined in section 80-5.6(c)(1)(ii)(b) of this Part under the supervision of a certified teacher.

[(3)] (4) For a candidate applying for a first certificate, the experience prescribed in subclauses (1) or (2) of this subdivision must be in a school at one or more of the grade levels within the range of grades covered by the certificate and must be in the subject area of the certificate title sought by the candidate. For other candidates, such experience must be in a school offering instruction in any grade, pre-kindergarten through grade 12. For experience as an employed teacher or as a teaching assistant who holds or held a pre-professional teaching assistant or professional teaching assistant certificate, the candidate shall submit a statement verifying the period of employment from the employing school district administrator in the case of a public school and the appropriate school administrator in the case of a nonpublic school.

5. Subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Teaching assistant.

(1) Description and duties.

(i) Description. A teaching assistant is appointed by a board of education to provide, under the general supervision of a [licensed or]certified teacher, direct instructional service to students.

(ii) ...

(a) ...

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(b) Teaching assistants who hold the pre-professional teaching assistant or professional teaching assistant certificate shall have the same scope of practice as other teaching assistants, in accordance with the duties prescribed in clause (a) of this subparagraph. Within that scope of practice, teaching assistants holding a pre-professional teaching assistant or professional teaching assistant certificate may, at the discretion of the employing district, and while under the general supervision of a teacher, perform such duties as:

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(2) ...

(i) ...

(a) ...

(1) ...

(2) ...

(3) ...

(b) ...

(1) ...

(2) ...

(3) ...

(ii) The requirements of this subparagraph shall apply to candidates who apply [on or after February 2, 2004] for a [credential] certificate to work as a teaching assistant. The candidate shall apply to the department for the certificate.

(a) Initial teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on a certification examination of teaching assistant skills; provided that candidates who hold or held a teaching certificate and achieved a satisfactory level of performance on a content knowledge certification examination are

not required to achieve a satisfactory level of performance on a certification examination of teaching assistant skills.

(2) Time validity. The certificate shall be valid for five years from its effective date.

(j) The certificate shall be continually renewable for a period of five years from the effective date of renewal for an unlimited number of occasions. For the certificate to be renewed, the candidate shall complete 100 clock hours of acceptable continuing teacher and leader education (CTLE) from an approved CTLE sponsor pursuant to section 80-6.9 of this Part since the issuance or most recent renewal of the initial teaching assistant certificate; provided that, for credit-bearing university or college courses, such courses may be in any area and count towards CTLE clock hours, 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 for purposes of this section.

Candidates shall maintain a record of completed CTLE pursuant to section 80-6.7 of this Part, and such records shall be retained for at least three years from the end of the validity period of the initial teaching assistant certificate or most recent renewal of such certificate in which the CTLE was completed and shall be available for review by the department upon request.

(ii) For individuals called to active duty in the Armed Forces, the validity period for an initial teaching assistant certificate may be extended by the commissioner for the time of active service and an additional 12 months from the end of such service.

(b) Professional teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall meet the requirements in one of the following subitems:

(a) hold a baccalaureate from an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, an institution of higher education that the commissioner deems substantially equivalent, or an institution authorized by the Regents to confer degrees and whose programs are registered by the department;

(b) have successfully completed a program registered as leading to the professional teaching assistant certificate pursuant to section 52.21(e) of this Title; or

(c) have attained a high school diploma or its equivalent and successfully completed at least 18 semester hours of collegiate study, provided that:

(1) at least nine of the 18 semester hours shall be pedagogical coursework in one or more of the following subjects:

(i) human development and learning, including but not limited to the impact of culture, heritage, socioeconomic level and factors in the home, school and community that may affect a student's readiness to learn;

(ii) teaching students with disabilities and special health-care needs to develop the skills necessary to provide specially designed instruction to students with disabilities to participate and progress in the general education curriculum;

(iii) teaching literacy skills;

(iv) curriculum, instruction, and assessment, including instructional technology;
and

(v) foundations of education (historical, philosophical, sociological and/or legal);

(2) the remaining semester hours shall be additional pedagogical coursework in one or more of the subjects outlined in subitem (c) of this clause and/or coursework in English language arts, mathematics, science, and/or social studies;

(3) all coursework shall be completed at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, an institution of higher education that the commissioner deems substantially equivalent, or an institution authorized by the Regents to confer degrees and whose programs are registered by the department;

(4) pedagogical coursework shall be completed at an institution of higher education that has at least one teacher preparation program that leads to certification in the jurisdiction where the institution is located or an institution of higher education that has an articulation agreement with such a program; and

(5) the candidate shall have achieved at least a C or its equivalent in any undergraduate level course and at least a B- or its equivalent in any graduate level course in order for the semester hours associated with that course to be credited toward meeting the semester hour requirements for a certificate under this section.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on a certification examination of teaching assistant skills; provided that candidates who hold or held a teaching certificate and achieved a satisfactory level of performance on a content knowledge certification examination are

not required to achieve a satisfactory level of performance on a certification examination of teaching assistant skills.

(iii) Experience. The candidate shall successfully complete three school years, or its equivalent, of teaching assistant experience under an initial teaching assistant, level I teaching assistant, level II teaching assistant, level III teaching assistant, pre-professional teaching assistant, or emergency COVID-19 teaching assistant certificate or a continuing certificate authorizing employment as a teaching assistant, or one school year, or its equivalent, as a teacher in the classroom teaching service as defined in section 80-1.1 of this Part.

(2) Validity of certificate. The professional teaching assistant certificate shall be continuously valid.

[(a)] (c) Level I teaching assistant certificate for candidates who apply on or before August 31, 2025, and qualify for such certificates on or before December 31, 2025. Such certificate shall not be issued with an effective date that begins after February 1, 2026; provided, however, that the commissioner may renew such certificates, as applicable, on or before February 1, 2029.

(1) ...

(i) ...

(ii) ...

(2) ...

[(b)] (d) Level II teaching assistant certificate for candidates who apply on or before August 31, 2028, and qualify for such certificates on or before December 31,

2028. Such certificate shall not be issued with an effective date that begins after February 1, 2029.

(1) ...

(i) ...

(ii) ...

(iii) ...

(2) ...

[(c)] (e) Level III teaching assistant certificate for candidates who apply on or before August 31, 2031, and qualify for such certificates on or before December 31, 2031. Such certificate shall not be issued with an effective date that begins after February 1, 2032.

(1) ...

(i) ...

(ii) ...

(iii) ...

(iv) Certification. The candidate shall hold or have held a level I teaching assistant, level II teaching assistant, or emergency COVID-19 teaching assistant certificate or a continuing certificate authorizing employment as a teaching assistant.

(2) ...

[(d)] (f) Pre-professional teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent[, successfully completed a total of at least 18 semester hours of collegiate study acceptable toward meeting the requirements for an associate or baccalaureate degree,] and shall meet the requirements in one of the following subclauses:

(a) be matriculated in a program registered as leading to teacher certification pursuant to section 52.21 of this Title, or its equivalent, or in a program with an articulation agreement with such a program[.];

(b) be matriculated in a program registered as leading to the professional teaching assistant certificate pursuant to section 52.21(e) of this Title; or

(c) meet the education requirement for the professional teaching assistant certificate.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State assessment of teaching assistant skills.

(iii) Experience. The candidate shall submit adequate evidence substantiating satisfactory employment as a teaching assistant for one school year under [a] an initial teaching assistant, level I teaching assistant [certificate], [a] level II teaching assistant [certificate], [a] level III teaching assistant [certificate], or [an] emergency COVID-19 teaching assistant certificate, or under a [temporary license or] continuing certificate authorizing employment as a teaching assistant.

(2) Validity of certificate and renewal of certificate. The certificate shall be valid for five years from its effective date, at which time it must be renewed to be valid; provided, however, the certificate shall have an earlier expiration date if the candidate

exits a program leading to teacher or teaching assistant certification, as determined by the institution of higher education. In order to be renewed, the holder of the certificate shall demonstrate matriculation in a program registered as leading to teacher certification pursuant to section 52.21 of this Title, or its equivalent, or in a program with an articulation agreement with such a program, and completion during the five-year period in which the certificate is held of 30 semester hours of coursework in such a program. For individuals called to active duty in the Armed Forces, the validity period for a pre-professional teaching assistant certificate and any renewal of such certificate may be extended by the commissioner for the time of active service and an additional 12 months from the end of such service.

6. Subpart 80-6 of the Regulations of the Commissioner of Education is amended 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 Professional Teaching Assistant or Level III 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 Professional Teaching Assistant or Level III Teaching Assistant [Level III] Certificate Holders for the 2016-2017 School Year and Thereafter

7. Section 80-6.1 of the Regulations of the Commissioner of Education is amended to read as follows:

As used in this Subpart:

(a) ...

(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 professional teaching assistant or 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 professional teaching assistant or level III teaching assistant certificate employed in a school district or board of cooperative educational services or nonpublic school in New York State.

(d) ...

(e) ...

8. Section 80-6.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) ...

(b) ...

(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 professional teaching assistant or 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 professional teaching assistant or level III teaching assistant certificate on or after July 1, 2016, shall be automatically registered, and the certificate holder shall re-register during the 5th succeeding birthday month thereafter and during each birthday month in the last year of each subsequent five-year period.

(e) ...

(f) ...

(g) ...

(h) ...

(i) ...

9. Subdivision (a) of section 80-6.3 of the Regulations of the Commissioner of Education is amended to read as follows:

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

(1) ...

(i) ...

(ii) ...

(iii) for a CTLE certificate holder who holds a professional teaching assistant or 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) ...

(i) ...

(ii) ...

(3) ...

10. Subparagraph (i) of paragraph (1) of subdivision (dd) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) By September 1st of each school year, each school district and board of cooperative educational services (BOCES) shall adopt or, in the case of multi-year plans, readopt a professional 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 administrator, school building leader, school district leader, and school district business leader certificates) participate in professional learning, 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 professional teaching assistant and level III teaching assistant 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 learning program of

the district or BOCES. Districts and boards of cooperative education services are strongly encouraged to include the opportunity for holders of initial teaching assistant certificates to participate in the professional learning program of such district or BOCES in their plans.

11. Clause (a) of subparagraph (ii) of paragraph (2) of subdivision (dd) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) how the school district or BOCES provides all teachers and leaders it employs substantial professional learning opportunities tailored to the needs of educators that are directly related to student learning 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. 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 teaching assistants who hold a professional teaching assistant or level III teaching assistant certificate with opportunities to complete 100 hours of continuing teacher and leader education (CTLE), as required every five years under Part 80 of this Title;

(b) ...

(c) ...

(d) ...

(e) ...

12. Clause (c) of subparagraph (v) of paragraph (2) of subdivision (dd) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

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