

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. Section 80-1.6 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 80-1.6. Extensions of time validity of certificates

(a)

(1) For candidates who applied for their first time extension under this section prior to March 1, 2017, subject to the limitation provided in subdivision (e) of this section and excluding expired certificates in the classroom teaching service or expired provisional certificate in the title of school administrator and supervisor, the time validity of an expired provisional, initial or transitional certificate may be extended for a period not to exceed two years from the expiration date of such certificate, except as provided in subdivision [(c)] (f) of this section, upon application by the holder of a teaching certificate:

(i) who is on leave from his/her teaching duties because of childbearing, childrearing, serious illness, or extended illness;

(ii) who is serving with the Peace Corps or other volunteer organization;

(iii) whose service as a teacher has been discontinued as a result of abolition of teaching positions in the school district in which employed;

(iv) who, because of extreme hardship or other circumstances beyond the control of the individual, was unable to complete the requirements for the permanent or

professional certificate in a timely manner, excluding normal family commitments or inconvenience;

(v) for a candidate who has been unable to secure employment as a teacher or who has been pursuing a career other than teaching.

(2) For candidates who were issued a two-year time extension under this subdivision prior to March 1, 2017 and the two-year time extension expired on or after August 31, 2016, the commissioner shall automatically extend the time validity of the expired certificate beyond the two-year extension provided for in this subdivision, for a period not to exceed one year from the expiration date of the two-year extension.

(b) For holders of a provisional certificate or provisional renewal in the pupil personnel service, or for holders of an initial certificate, initial reissuance or an internship, residency, or renewable transitional certificate in the classroom teaching service or school leadership applying for their first time extension on or after March 1, 2017 through August 1, 2023, the time validity of the expired certificate may be extended once per applicable transitional certificate and once after the issuance of the first provisional or initial certificate, per certificate title (educators would not be able to earn a time extension on both the initial certificate and initial reissuance or the provisional certificate and provisional renewal, per certificate title), for a period not to exceed three years from the expiration date of such certificate, except as provided in subdivision [(c)] (f) and (g) of this section, upon application by the holder of the certificate:

(1) who is on leave from his/her teaching duties because of childbearing, childrearing, serious illness, or extended illness;

(2) who is serving with the Peace Corps or other volunteer organization;

(3) whose service as a teacher has been discontinued as a result of abolition of teaching positions in the school district in which employed;

(4) who, because of extreme hardship or other circumstances beyond the control of the individual, was unable to complete the requirements for the permanent or professional certificate in a timely manner, excluding normal family commitments or inconvenience;

(5) for a candidate who has been unable to secure employment as a teacher or who has been pursuing a career other than teaching.

(c) For holders of an internship, residency, or applicable transitional certificate applying for their first time extension on or after August 2, 2023, the time validity of the expired certificate may be extended once for a period not to exceed three years from the expiration date of such certificate, except as provided in subdivision (f) of this section, upon application by the holder of the certificate:

(1) who is on leave from their duties as an educator because of childbearing, childrearing, serious illness, or extended illness;

(2) who is serving with the Peace Corps or other volunteer organization;

(3) whose service as an educator has been discontinued as a result of abolition of educator positions in the school district in which employed;

(4) who, because of extreme hardship or other circumstances beyond the control of the individual, was unable to complete the requirements for the permanent or professional certificate or for their registered educator preparation program in a timely manner, excluding normal family commitments or inconvenience; or

(5) who has been unable to secure employment as an educator or who has been pursuing a career outside the field of education.

(d) Candidates who hold the transitional A certificate shall submit evidence of having a commitment of employment of at least one year from a public or nonpublic school or board of cooperative educational services as a teacher in the area of the certificate sought after the expiration date of such certificate to obtain the time extension. Candidates who hold the transitional G certificate shall submit evidence of having a commitment of employment of at least one year from a school district as a teacher in the area of the certificate sought after the expiration date of such certificate to obtain the time extension.

(e) Candidates who hold the internship, residency, transitional B, transitional C, or transitional H certificate shall submit evidence of continued matriculation in their registered educator preparation program pursuant to section 52.21 of this Title after the expiration date of such certificate to obtain the time extension.

[(c)] (f) The time validity of expired certificates prescribed in this section [, including an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor,] held by individuals on active duty with the Armed Forces may be extended by the commissioner, upon application by the holder of such certificate, for the time of such active service and an additional 12 months from the end of such service.

(g) Candidates who were issued a time extension for their initial certificate, initial reissuance, provisional certificate, or provisional renewal pursuant to section 80-1.6(b)

of this Title shall have the expiration date of such time extension extended by two years, provided that the expiration date is on or after August 31, 2023.

2. Section 80-1.7 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 80-1.7. Renewal of a provisional certificate

(a)

[(1) Except as otherwise provided by subdivision (c) of this section, by application to the commissioner by the holder of the certificate, the commissioner may renew an expired provisional certificate in the administrative and supervisory service or the pupil personnel service on one occasion only] The holder of a provisional certificate in the pupil personnel service whose certificate has expired may have such certificate renewed on up to two occasions for a period of five years from the effective date of the [renewed provisional certificate is issued, provided that the candidate has met all requirements for the permanent certificate in the certificate title of the provisional certificate, except the experience requirement] renewal. [The requirements of this paragraph shall not apply to the renewal of a provisional certificate in the title school counselor. The requirements of paragraph (2) of this subdivision shall apply to the renewal of a provisional certificate in the title school counselor.]

(2) By application of the holder of the certificate, the commissioner may renew an expired provisional certificate in the title school counselor on one occasion only for a period of five years from the date the renewed provisional certificate is issued in order to permit the candidate to meet the experience and/or education requirement for the permanent certificate in the title school counselor.]

(1) For the first renewal, the candidate shall meet all requirements for the permanent certificate in the certificate title of such provisional certificate except the education and/or experience requirement.

(2) For the second renewal, the candidate shall meet all requirements for the permanent certificate in the certificate title of such provisional certificate except the education or experience requirement.

(b) The requirements for the permanent certificate shall be those in effect at the time the renewed provisional certificate is issued.

(c) [The commissioner shall not accept an application for the renewal of a provisional school administrator and supervisor certificate submitted to the commissioner after September 1, 2013 unless the certificate holder] A candidate who holds an expired provisional school administrator and supervisor certificate and applies and qualifies for a renewal of such certificate prior to September 2, 2024 may have such certificate renewed on one occasion only for a period of five years from the effective date of the renewal, provided that the candidate has achieved a satisfactory score on the school building leader [assessment(s) that is required at the time the renewed provisional certificate is issued] assessment that is required for a certificate as a school building leader.

(d) Notwithstanding subdivisions (a) or (c) of this section, candidates who were issued one renewal of a provisional certificate and one time extension pursuant to section 80-1.6(a) and (b) of this Title shall not be eligible to receive a second renewal of such provisional certificate. Candidates who were issued a time extension pursuant to section 80-1.6(a) and (b) of this Title shall be eligible to receive only one renewal of

such provisional certificate under the first renewal requirements in paragraph (a)(1) of this section. Candidates who were issued a renewal of a provisional certificate on or after May 20, 2020 and prior to August 2, 2023 may receive a second renewal under the first renewal requirements in paragraph (a)(1) of this section.

3. Section 80-1.8 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) The holder of an initial certificate in the classroom teaching service or in the title school counselor whose certificate has expired [and who has not successfully completed three school years of experience, or its equivalent, as is required for a professional certificate, shall be reissued an initial certificate on one occasion only,] may have such certificate reissued on up to two occasions for a period of five years from the effective date of reissuance.

(1) [Candidates applying for a reissuance shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area required for the certificate sought, the New York State assessment required for a certificate as a school building leader, or the New York State assessment required for a certificate as a school counselor, which shall be taken within one year prior to or one year after the department's receipt of a completed application for the reissuance of the initial certificate or during the validity period of the Emergency COVID-19 certificate, provided such certificate is held in the same certificate title of the reissuance sought.] For the first reissuance, the candidate shall meet all requirements for the professional certificate in

the certificate title of such initial certificate except the education and/or experience requirement.

(2) For the second reissuance, the candidate shall meet all requirements for the professional certificate in the certificate title of such initial certificate except the education or experience requirement.

(b) [Notwithstanding the above, an initial certificate as a school building leader may be reissued a second time if the certificate holder has met all of the requirements for the professional certificate except the experience requirement and has been employed in a school district or BOCES to provide instructional support services as defined in section 80-5.21 of this Part during three of the past five school years.] The holder of an initial certificate in the title school building leader whose certificate has expired may have such certificate reissued on up to two occasions for a period of five years from the effective date of reissuance, provided that they meet all requirements for the professional certificate in the title school building leader except the experience requirement.

(c) Notwithstanding subdivisions (a) or (b) of this section, candidates who were issued one reissuance of an initial certificate and a time extension pursuant to section 80-1.6(a) and (b) of this Title shall not receive a second reissuance of such initial certificate. Candidates who were issued a time extension pursuant to section 80-1.6(a) and (b) of this Title shall receive a reissuance of such initial certificate on one occasion only under the first reissuance requirements in paragraph (a)(1) of this section. Candidates who were issued a reissuance of an initial certificate on or after May 20,

2020 and prior to August 2, 2023 may receive a second reissuance under the first reissuance requirements in paragraph (a)(1) of this section.

4. Subdivision (c) of section 80-5.9 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) The certificate shall be valid for no more than two years from its effective date [and is not renewable]. For individuals called to active duty in the Armed Forces, the validity period of the internship certificate may be extended for the time of active service and an additional 12 months from the end of such service, provided that the holder is a candidate in a registered or approved graduate program of teacher education, school leadership or school counseling program.

5. Paragraph (2) of subdivision (c) of section 80-5.24 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) Limitations. [The certificate shall not be renewable.] The certificate shall authorize a candidate to work only in a school, school district, or board of cooperative educational services for which a commitment for employment and mentoring has been made. The candidate shall not be the teacher of record.

6. Paragraph (1) of subdivision (a) of section 80-5.25 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Time validity. The Transitional H certificate shall be valid for three years from its effective date [and shall not be renewable].