

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, 3001, 3004, 3009, 6504, 6506, and 6507 of the Education Law and Public Law 117-333.

1. Section 59.16 of the Regulations of the Commissioner of Education is added to read as follows:

59.16 Temporary practice certificate for certain servicemembers and spouses

(a) Definitions. For purposes of this section the following terms shall have the following meanings:

(1) "Servicemember" shall have the same meaning as defined in 50 U.S.C. 3911(1).

(2) "Military service" shall have the same meaning as defined in 50 U.S.C. 3911(2).

(b) Eligibility. A United States servicemember or servicemember's spouse, either of whom holds a current professional license in good standing in another United States state or jurisdiction other than New York State and has actively used such license during the two years preceding the relocation, and who relocates their residency because of a military order or orders for military service in New York State may practice under the out-of-state license in New York State if he or she meets the requirements for a temporary practice certificate prescribed in this section. For purposes of this section, a certificate of temporary practice shall be considered the same as a license to practice a profession.

(c) Application. The servicemember or servicemember's spouse shall submit in a form acceptable to the department an application for the temporary practice certificate, which shall include:

(1) A copy of the military order or orders that relocate the servicemember to New York State that include the expiration date (if any) of such orders;

(2) A copy of the current license and registration, including the expiration date of such license, from the other United States state or jurisdiction that authorizes the applicant to practice the same profession which the servicemember or servicemember's spouse seeks to practice in New York State;

(3) An attestation that the servicemember or servicemember's spouse submits to the full disciplinary and regulatory authority of the Board of Regents and the department, including but not limited to standards of practice, discipline, and fulfillment of any continuing education requirements for the profession in which the temporary practice certificate is issued;

(4) Verification of good standing by the current state(s) or jurisdiction(s) of licensure to practice the profession in that jurisdiction(s). If the profession is not authorized or recognized in New York State, the servicemember or servicemember's spouse may not practice that profession in New York State; and

(5) Attestation that the servicemember or spouse of a servicemember has actively used the license during the two years immediately preceding the relocation. For purposes of this section, year is defined as 12 months.

(d) The servicemember or servicemembers spouse shall be of good moral character, as required by the Education Law and as determined by the department.

(e) Certificate.

(1) The department shall issue a temporary practice certificate to a servicemember or servicemember's spouse who meets the requirements of this section.

(2) The certificate shall name the authorized New York State profession and the certificate holder's licensed profession and license number in the originating jurisdiction.

(3) The certificate holder shall display the certificate where the certificate holder practices such profession in New York State.

(4) Failure to notify the department within 60 days of any change in the certificate holder's name, address or contact information shall subject the certificate holder to the penalties set forth in section 6511 of the Education Law.

(f) Duration. Except as otherwise prescribed in this section, the temporary practice certificate shall be valid for the duration of the military order or orders for service in New York State or for the time period during which the out-of-state license is valid, whichever length of time ends first; provided, however, that if disciplinary action is taken against the certificate holder by the other state or jurisdiction in which they hold a license, the temporary practice certificate shall no longer be valid as the servicemember or servicemember's spouse would no longer be in good standing in such other state or jurisdiction.

(1) If such order does not include an expiration date, the certificate shall expire on the date the applicant's license or registration in the other jurisdiction expires; the certificate holder is responsible for providing an updated registration from the other state for any renewal of the authorization.

(2) If the duration of such order or orders changes, the certificate holder shall notify the department and provide the revised or updated military order or orders for service in New York State showing the updated expiration date of such orders. If the time period during which the out-of-state license is valid changes, the certificate holder

shall notify the department and provide documentation showing the updated license expiration date. If disciplinary action is taken against the certificate holder by the other state or jurisdiction in which they hold a license, the certificate holder shall notify the department.

(3) The department shall change the expiration date of the certificate based on the revised or updated military order or orders for service in New York State that show a new or updated expiration date of such orders or documentation showing the updated end date of service or license expiration date.

2. Section 29.21 of the Rules of the Board of Regents is added to read as follows:

29.21 Unprofessional conduct by temporary practice certificate holder

(a) A servicemember or servicemember's spouse who is issued a temporary practice certificate pursuant to section 59.16 of this Title shall be under the supervision of the Board of Regents and subject to the disciplinary procedures and penalties set forth in Subarticle 3 of Article 130 of the Education Law.

(b) Any such certificate holder shall be subject to suspension, revocation or annulment for cause, and disciplinary proceedings and penalties in the same manner, to the same extent, and for the same reasons as individuals licensed in the same profession in New York State, as provided in Title VIII of the Education Law and this Title.

(c) For purposes of this section, a certificate of temporary practice shall be considered the same as a license to practice a profession.

3. Section 80-5.6 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (f) to read as follows:

(f) Authorization for service under an out-of-state certificate for certain servicemembers and spouses.

(1) Definitions. For purposes of this subdivision, the following terms shall have the following meanings:

(i) "Servicemember" shall have the same meaning as defined in 50 U.S.C. 3911(1).

(ii) "Military service" shall have the same meaning as defined in 50 U.S.C. 3911(2).

(2) Eligibility. A United States servicemember or servicemember's spouse, either of whom holds a valid educator certificate or license in good standing in another state or jurisdiction in the United States other than New York State and has actively used such license during the two years preceding the relocation, and who relocates their residency because of a military order or orders for military service in New York State may practice under the out-of-state certificate or license in New York State if he or she meets the requirements for a permit prescribed in this section. For purposes of this section, a permit shall be considered the same as a certificate to practice as a professional educator.

(3) Application. The servicemember or servicemember's spouse shall submit in a form acceptable to the department an application for the permit, which shall include:

(i) A copy of military order or orders that relocate the servicemember to New York State that include the expiration date (if any) of such orders;

(ii) A copy of the valid educator certificate or license, including the expiration date of such certificate, from the other state or jurisdiction of the United States that authorizes the applicant to practice in the same area in which the servicemember or servicemember's spouse seeks to practice in New York State and is equivalent to an initial, provisional, professional, or permanent certificate;

(iii) An attestation that the servicemember or servicemember's spouse submits to the full disciplinary and regulatory authority of the Board of Regents and the department, including but not limited to standards of practice, discipline, and fulfillment of any continuing education requirements for the area in which the permit is issued;

(iv) Verification of good standing by the current state(s) or jurisdiction(s) of certification or licensure to practice as an educator in that jurisdiction(s). If the area of the certificate or license is not comparable to a New York State certificate, the servicemember or servicemember's spouse may not practice in the area of the certificate or license in New York State; and

(v) Verification of two years of satisfactory experience in the other state or jurisdiction of the United States in a position that would have required the equivalent of an initial, provisional, professional, or permanent certificate in the area of the permit sought as an educator for employment in New York State and while under a certificate or license issued by such other state or jurisdiction authorizing such service, provided that such experience was completed during the two years immediately preceding the relocation.

(4) The servicemember or servicemember's spouse shall meet the requirements in section 80-1.11 of this Part and Part 87 of this Title relating to criminal history checks and the requirement in Part 83 of this Title that such applicant be of good moral character.

(5) Time Validity. Except as otherwise prescribed in this subdivision, the permit shall be valid for the duration of the military order or orders for service in New York State or for the time period during which the out-of-state certificate or license is valid, whichever length of time ends first; provided, however, that if disciplinary action is taken against the permit holder by the other state or jurisdiction in which they hold a certificate or license, the permit shall no longer be valid as the servicemember or servicemember's spouse would no longer be in good standing in such other state or jurisdiction.

(i) If such order or orders do not include an expiration date and the out-of-state certificate or license does not include an expiration date, the permit shall not have an expiration date until such order or orders are revised or updated or the out-of-state certificate or license is updated to include an expiration date.

(ii) If the duration of such order or orders changes, the permit holder shall notify the department and provide the revised or updated military order or orders for service in New York State showing the updated expiration date of such orders. If the time period during which the out-of-state certificate or license is valid changes, the permit holder shall notify the department and provide documentation showing the updated certificate or license expiration date. If disciplinary action is taken against the permit holder by the other state or jurisdiction in which they hold a certificate or license, the permit holder shall notify the department.

(iii) The department shall change the expiration date of the permit based on the revised or updated military order or orders for service in New York State that show a new or updated expiration date of such orders or documentation showing the updated end date of service or certificate or license expiration date.

(6) Individuals who meet the requirements prescribed in this subdivision and hold a valid permit are subject to the moral character review process pursuant to Part 83 of this Title. Failure to provide revised or updated military order or orders for service in New York State and/or documentation showing an updated certificate or license expiration date may constitute grounds for a moral character review.

(7) Individuals who meet the requirements prescribed in this subdivision, hold a valid permit in the classroom teaching service, pupil personnel service, or as a school building leader, and are employed as a full-time educator:

(i) shall be considered a professional educator pursuant to subpart 30-1 of this Title and shall be appointed to tenure or to a probationary period in a tenure area identified in subpart 30-1 of this Title; and

(ii) shall be subject to any evaluation requirements prescribed in Part 30 of this Title. For classroom teachers and building principals, in order to be appointed to tenure, such educators shall be subject to the same requirements prescribed in the education law related to satisfactory service and annual evaluations as any other classroom teacher or building principal.

(8) Individuals who meet the requirements prescribed in this subdivision and hold a permit in the classroom teaching service or educational leadership service for five or



more years shall be subject to the continuing teacher and leader education requirements pursuant to Part 80-6.