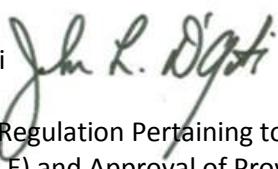




Deputy Commissioner
Office of Higher Education

June 1, 2016

To: District Superintendents
Superintendents of Public Schools
Administrators of Public Schools
Other Interested Parties

From: John L. D'Agati 

Subject: New Law and Regulation Pertaining to Registration, Continuing Teacher and Leader Education (CTLE) and Approval of Providers of CTLE

This memorandum is to update you on important changes in State law and regulation regarding registration, Continuing Teacher and Leader Education (CTLE) and the approval of those providing CTLE.

In March 2016, the Board of Regents advanced for public comment regulations to implement the new State Law (Section 3006 of the Education Law) related to registration, CTLE and the approval of sponsors providing CTLE.

Registration:

The new law requires, commencing with the 2016-2017 school year, that any holder of a:

- permanent or professional teaching certificate in the classroom teaching service,
- permanent or professional leader certificate in the educational leadership service (i.e., school building leader, school district leader, school district business leader), or
- a Level III Teaching Assistant certificate

to register with the Department every five years. These certificate holders must be registered in order to practice in a New York public school district or BOCES. As defined in the regulations, "practicing" means employed 90 days or more during a school year by a single applicable school in New York in a position requiring certification. A single day of employment shall include a day actually worked in whole or in part, or a day not actually worked but a day paid.

Registration will be completed through the TEACH system. The initial registration process will be staggered in the 2016-2017 school year to allow for future re-registrations to be distributed as equally as possible during the course of the year. The Regulations provide for the following registration periods:

- For teachers and school leaders with a permanent or professional certificate or a Level III Teaching Assistant certificate **issued prior to July 1, 2016**, they shall register during the 2016-2017 school year

during his/her month of birth, beginning on July 1, 2016 and shall renew his/her registration in the last year of each subsequent five-year period thereafter.

- For teachers and school leaders with a permanent or professional certificate or a Level III Teaching Assistant certificate **issued on or after July 1, 2016**, they 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.

If a certificate holder is **not practicing**, or for any reason ceases to practice in New York, the certificate holder must notify the Department through the TEACH system that he/she is not practicing in a New York State school district or BOCES.

The law also states that a willful failure to register, or provide notice within 180 days of such change, *may* constitute grounds for moral character review. Since the law allows for discretion, and the Department recognizes that this is a transition period, we have no plans to pursue Part 83 moral character review for anyone who may fail to register or update their name and/or address. In the event that a certificate holder who must register fails to do so, the Department will contact the individual several times to make them aware of their responsibility under the law. In addition, the Department has interpreted a “willful failure to register” to mean a failure to register after being notified of the need to register by the Department at least several times.

Continuing Teacher and Leader Education (CTLE):

The new law also requires, commencing with the 2016-2017 school year, that holders of a professional certificate in the classroom teaching service or educational leadership service and holders of a Level III Teaching Assistant certificate (but not holders of permanent certificates) who are practicing (see definition of practicing above) in a New York public school or board of cooperative educational services (BOCES) to complete 100 hours of Continuing Teacher and Leader Education (CTLE) during each five year registration period. This is a change from the current requirement of 175 hours for those who hold professional certificates and from 75 to 100 hours for those who hold a Level III Teaching Assistant certificate.

Consistent with the previously established professional development requirements, the proposed amendment also requires that certificate holders complete the following CTLE requirements in language acquisition to address the needs of English language learner students:

- For those holding 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
- For all other 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

- For those holding 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.

There is an exemption for teachers and school leaders employed in districts who possess a waiver from such CTLE requirements pursuant to Part 154 of the Commissioner's Regulations if they have less than 5 percent (or 30) ELL students enrolled in the district. In those districts, teachers and school leaders will not have to meet this requirement.

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.

Sponsor Approval:

The law requires the Department to approve all CTLE sponsors. In order to become an approved sponsor, NYS school districts and BOCES will be required to submit their professional development plan and attest that their plan is consistent with 100.2(dd) of the Commissioner's Regulations and that they meet the requirements of Subpart 80-6 for approved CTLE. Professional development plans should include a list of contracted entities or individuals that will provide CTLE on behalf of the school district or BOCES as well.

Other entities that may become sponsors include:

Teacher centers
NYS institutions of higher education
Professional organizations and unions
Any other entity approved by the Department

Teacher centers, IHEs, professional organizations and unions will be required to submit an attestation that the CTLE programs/coursework they provide will meet the rigorous CTLE requirements in the regulations. For all other entities, they will be required to apply to the Department on an application form prescribed by the Department, with an application fee of \$600, and they will have to demonstrate how they meet each of the CTLE requirements outlined in the regulation. Each sponsor will be approved for a five year period and will then be required to submit a renewal application. Entities will be included on a list of approved sponsors on the Office of Teaching website as they are approved. If a CTLE certificate holder is contemplating taking CTLE from an organization that is not already incorporated into a school district or BOCES CTLE plan, the CTLE certificate holder will need to check the Office of Teaching website to confirm that the organization providing the CTLE has been approved by the Department.

Last, please note that more information regarding these requirements and the attached "Frequently Asked Questions on the New Registration and CTLE Requirement" will be posted and regularly updated on NYSED's Office of Teaching Initiatives website at www.highered.nysed.gov/tcert/.

Attachment

Frequently Asked Questions
New Registration and CTLE Requirement

General Registration and CTLE Information

- 1. When will the TEACH system, new registration and sponsor approval process be piloted to the field? What is NYSED's timeline for implementation?**
 - a. The TEACH system and new registration system is tentatively scheduled to be piloted in early June and is planned to go operational in mid-June. Once the system is operational, registration may begin and NYS school districts that want to become CTLE sponsors may begin the approval process. The new 100 hour CTLE requirement officially begins on July 1, 2016 for holders of professional certificates in the classroom teaching and educational leadership service and Level III teaching assistants.
- 2. When exactly does the new registration and CTLE requirement begin?**
 - a. The new registration and CTLE requirement begins on July 1, 2016.
- 3. Does the Department plan to repeal or rescind the law?**
 - a. The Department cannot rescind or repeal the law, we can only advocate for its repeal—this would have to ultimately be decided by the Commissioner and the Board of Regents. The Regulations developed by the Department (in consultation with experts and stakeholders in the field) implement the new law and represent areas of consensus among those consulted. In addition, the Department drafted the Regulations with the intention of making the process as user-friendly as possible for those who have to register and apply for sponsor approval, while remaining within the confines of the new law.
- 4. Who gets the money from the late registration fee?**
 - a. The fees will go directly to the Office of Teaching Initiatives account in order to fund the staff and work involved in the new registration and CTLE process. In addition, please note that while the Regulations (consistent with the law) allow for a late registration fee, the Department will not be implementing this during the first five-year registration period recognizing that we are in a transition phase of implementation.
- 5. How will materials be distributed to the field?**
 - a. Communication materials and guidance to the field will be distributed by NYSED. The first level of communication will be to District Superintendents and Superintendents, and the Department will ask that they distribute the materials to employees in their districts. NYSED will also send out communications to the field based on the TEACH system. In addition, communications as well as this FAQ will be publicly posted on the NYSED website. RCOs are being trained on the new

registration and CTLE requirement in order to provide support to certificate holders during the implementation of the new law. Last, to ensure successful implementation of these requirements, please make sure your TEACH account has your current mailing and email information.

- 6. Have stakeholders such as NYSUT been engaged in the process of understanding how registration and CTLE implementation will take place?**
 - a. Stakeholders, including NYSUT, UFT, NYSSBA, NYSCOSS, and district superintendents were asked to provide guidance on key components of the draft regulations. The Department specifically sought guidance on the definition of “practicing” for purposes of registration and CTLE, the timing of registration and re-registration, the definition of “resuming practice” for teachers who become inactive, the sponsor approval process, and whether districts and BOCES should continue to be required to submit professional development plans. The Department plans to continue engagement with stakeholders throughout the implementation process.

- 7. The new law references a potential moral character review if a certificate holder fails to register—how will this be implemented?**

- a. Pursuant to the statute, which was passed by the Legislature and signed into law by the Governor, a “willful failure to register or provide such notice (change of name or address) within 180 days of such change may constitute grounds for moral character review...”

Since the law allows for discretion, and the Department recognizes that this is a transition period, we have no plans to pursue Part 83 moral character review for anyone who may fail to register or update his/her name and/or address. In the event that a certificate holder who must register fails to do so, the Department will contact the individual several times to make him/her aware of his/her responsibility under the law. In addition, the Department has interpreted a “willful failure to register” to mean a failure to register after being notified of the need to register by the Department at several times.

Requirements of Individual Certificate Holders

- 1. Can professional development completed before registration be counted towards the 100 hours required during a five year period, or does the five years begin on the day you register?**
 - a. Professional development completed on or after July 1, 2016, but before the individual’s birthday month (at which time the individual *must* register) will be permissible. However, CTLE hours cannot be carried over from one five year registration period to a subsequent five year period.

- 2. Will it be possible to register early? For example, if ones' birthday month is in September, may they register in August?**
 - a. It will be possible to register early through the TEACH system, but we are encouraging people to wait for their birthday month so that the TEACH system is not overwhelmed. The TEACH system will allow for registration beginning in early June 2016.
- 3. Is registration automatic when moving from an initial to a professional certification?**
 - a. Yes, when an individual moves from an initial to professional certification or is issued his/her first professional certification, he/she is registered with the Department automatically.
- 4. How are the 100 hours tracked in the TEACH account?**
 - a. The Department will ask that the certificate holder attest to his/her completion of the 100 hours prior to his/her re-registration. He/she will also be responsible to retain a record of the CTLE programs attended and the number of hours completed. Certificate holders will attest that they have completed the 100 hours of required CTLE, must retain records of completed CTLE, and must provide documentation if requested showing that they have complied with the CTLE requirement.
- 5. How will holders of multiple certificates be treated? Must they register and/or complete CTLE hours for both or multiple certificates?**
 - a. No. An individual with multiple certificates registers only once. Similarly, there is only one 100 hour CTLE requirement per person.
- 6. As the regulations are drafted, those certificate holders not practicing and/or cease to practice in an applicable school in New York must notify the Department. How will this be communicated to those not practicing?**
 - a. All certificate holders that have a valid email address on TEACH will be sent information regarding the requirements. The Office of Teaching website includes information regarding the requirements.
- 7. What adjustments may be made, if any, for those completing the required CTLE hours?**
 - a. 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. Individuals will be able to apply for and request an adjustment on TEACH.

In addition, 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 Section 3012-d may credit his/her time towards meeting his/her CTLE.

The proposed amendment also provides that the 100 hour CTLE requirement will be deemed to have been met for a holder of a teaching certificate who achieves certification from the National Board for Professional Teaching Standards for the registration period in which such National Board certification is achieved, provided that the candidate meets the CTLE requirements in language acquisition, to the extent required.

Last, please note that 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.

- 8. Will SED now have data about actual experiences that teachers engage in (other than the attestation of hours)? Is this the intent of the statute?**
 - a. Yes, CTLE sponsors will be required to upload activities completed within one year.
- 9. Is the new registration and CTLE requirement duplicating the existing professional development plan procedures? Is this the intent?**
 - a. No, the new registration and CTLE requirement does not duplicate the existing professional development requirement. Rather, it replaces the former 175 hour requirement.
- 10. How does the Department plan on getting communications out to those who are not practicing or cease to practice in New York? This is important because those certificate holders not practicing or who cease to practice in NY must notify the Department that he/she is not practicing. What mechanisms does the Department have for communicating with non-practicing certificate holders?**
 - a. As a first means of communication, the Department will be providing all information related to the new registration and CTLE requirement on the Office of Teaching Initiatives website. In addition, the Department will ask that NYSUT and other stakeholders aid the Department in effective and timely communication to the broadest group of certificate holders possible.
- 11. If an individual has administrative rights in the TEACH system, it appears that they cannot also have a non-administrative TEACH account (cannot have two accounts with the same SSN). How does the Department plan to address an administrator seeking to register (superintendent, principal, etc.)? Is NYSED even aware of this issue?**
 - a. An individual can have both an administrative and personal account. The individual will need a separate user ID and password to access the personal TEACH account. If

the administrator needs assistance with creating a personal account, he/she should contact the TEACH technical line at (518) 486-6041.

12. Will the webinar address creating a TEACH account as well as the registration process be available?

- a. Yes, such webinar should be available by the second week in June.

13. What happens if a certificate holder is unable to complete his/her required CTLE before the end of the five year registration period?

- a. If a certificate holder does not complete the required CTLE before the end of his/her five year registration period, he/she shall not be registered and shall not practice until he/she is registered. The certificate holder can apply for a conditional registration to allow a candidate up to one year to complete the remaining CTLE hours and remain eligible to practice in a New York State public school or BOCES. When the CTLE has been completed, the CTLE certificate holder will be deemed registered for the remaining registration period. As per the statute, if the CTLE certificate holder continues to practice without his/her registration, he/she may be subject to moral character review pursuant to Part 83 of the Commissioner's Regulations. Also, please note that the proposed amendment requires that, if a CTLE certificate holder were to become inactive (no longer practicing) for a period of time during his/her five year registration period and then return to practice during that same five year period, he/she will be required to register with the Department prior to resuming practice. If the certificate holder was in the middle of a registration period when he/she became inactive and was no longer practicing, he/she must complete a minimum of 20 hours of CTLE for every year that he/she was practicing in an applicable school during that five year registration period.

District, BOCES, and Sponsor Responsibilities

1. Must individual employees and consultants who are providing professional development/CTLE be identified in the professional development plan?

- a. Individual employees who are providing professional development/CTLE activities do not need to be identified in the plan since they are already identified as employees of the district or BOCES; however, independent consultants (name and name of the company) must be included in the plan. As stated in the new law, "programs must be taken from sponsors approved by the department..." Thus, if consultants (even if previously approved and vetted by the district or BOCES) are not incorporated into the professional development plan to be approved by the Department, the Department would not be fulfilling its obligation under the new law.

2. If a change is made to a plan mid-year, must the plan be amended immediately?

- a. Districts and BOCES may update their professional development plans once every 6 months (if changes are made mid-year to the plan) in order to avoid having to continuously make multiple amendments to the plan throughout the year. Please

note, if no changes are made throughout the year to the professional development plan, there is no need to amend or re-submit the plan. Also, very minor adjustments may be made to the CTLE offerings.

3. What if our BOCES has already vetted a consultant—why must we do this again?

- a. The Department does not ask that districts or BOCES go through the process of approving or vetting a consultant for a second time; the consultant simply must be included or added to the professional development plan that is submitted to the Department.

4. What is the responsibility of districts and BOCES to report CTLE hours completed by their employees?

- a. The responsibility of districts or BOCES to report completed CTLE activities relates to their status as a sponsor. As an approved sponsor, the anticipated plan is that districts and BOCES must upload, through the online TEACH system, information related to CTLE programs and activities provided to certificate holders. This information shall include: participants, number of hours provided, and the type of CTLE programs or activities provided. All approved sponsors will be required to provide those who attend CTLE activities with a certificate of completion for purposes of record-keeping, and as required by the statute.

In addition, the Department is currently working with districts, BOCES, and My Learning Plan to potentially use My Learning Plan (which many districts and BOCES already use for professional development purposes) as a means of providing certificates of completion.

5. How will professional development be tailored to meet the needs of those who work with students with disabilities and/or alternative curriculum?

- a. There is nothing in the new law that limits the type of CTLE that a teacher/leader/Teaching Assistant Level III may choose as long as it is consistent with the new law, which states that acceptable CTLE “shall mean 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 shall promote the professionalization of teaching and be closely aligned to district goals for student performance which meet the standards prescribed by regulations of the Commissioner.”

There is also nothing preventing the districts and BOCES from providing additional CTLE, or preventing certificate holders from completing additional hours of CTLE beyond the 100 hours required during the five year period. So long as CTLE is included in a district or BOCES professional development plan and approved by the Department, there is nothing preventing districts and BOCES from providing CTLE that targets teachers of students with disabilities and/or other specific populations of students.

In addition, please note that the Regulations do require a minimum of 15% of the required CTLE clock hours to be dedicated to language acquisition addressing the needs of English language learners, or 50% for those holding professional certification in the certificate title of English to speakers of other languages (all grades) or a holder of a bilingual extension. This remains consistent with the former professional development requirements under Part 154 of the Commissioner's Regulations.

- 6. Does the Department have a plan for data uploads from various professional development tracking systems that are currently used by districts and BOCES? Are there issues related to data uploads that have not yet been resolved by the Department?**
 - a. Yes. The Office of Teaching Initiatives has had preliminary conversations with My Learning Plan.
- 7. Has the Department planned training for regional certification office staff (more commonly known as the BOCES certification specialists)?**
 - a. RCOs have been informed of the regulations. The Department is currently in the process of training RCOs to be able to play a proactive role in the implementation of the new registration and CTLE requirements. The Department will be providing webinars and asking for feedback from the RCOs in order to improve the transmittal of information in a smooth and timely manner.
- 8. Will teacher centers be approved providers?**
 - a. Teacher centers may become approved providers of CTLE, and are specifically included in the regulations. Teacher centers, along with IHEs, professional organizations, and unions will be required to submit an attestation that the CTLE activities they provide will meet the rigorous CTLE requirements in the regulations.
- 9. If approved providers of CTLE are required to provide a certificate to those attending CTLE activities to maintain and verify their hours, how will this requirement be communicated to the field?**
 - a. In order to be approved by the Department, sponsors must follow the applicable approval process, which includes an attestation. This attestation states the requirement that sponsors must be able to provide those attending the CTLE activities and programs they provide with a certificate of completion.
- 10. What is the difference between “approved CTLE experiences” for NYSED (via district and BOCES plans, or other sponsors) and “approved activities” that align (or do not align) with individual district plans? If there are fundamental differences, how does the Department plan to clarify this?**
 - a. Further guidance from the Department on this distinction will be forthcoming.

11. Currently, the Regulations state that districts and BOCES must have professional development plans submitted on or before September 1 of each year. How does this change, if at all, with the new registration and CTLE requirement?

- a. The new registration and CTLE requirement begins on July 1, 2016. In order to incorporate the professional development timeframe for submission into the new law, the Department will allow districts and BOCES with professional development plans approved for the 2015-2016 school year to submit their plans beginning July 1, 2016. This will involve uploading their current professional development plan and attesting that the current plan is in alignment with the professional development standards and the statute. This will allow districts and BOCES to become approved sponsors in a timely manner. In addition, those approved sponsors may also make revisions to their professional development plans on or before September 1, 2016 to prepare for the 2016-2017 school year. Please note, in addition, districts and BOCES may update their professional development plans once every 6 months (if changes are made mid-year to the plan) in order to avoid having to continuously make multiple amendments to the plan throughout the year.