



THE STATE EDUCATION DEPARTMENT

September 7, 2017

In contrast, the draft regulation proposes a less rigorous educator preparation model for SUNY-authorized charter schools than the existing New York State teacher certification requirements and the requirements for a registered teacher education program in New York, as set forth in the Code of Rules and Regulations (see, e.g., 8 NYCRR §52.21, Part 80). Indeed, there are many key differences between the teacher certification regulations proposed by SUNY and the requirements for state certification including, but not limited to, the elimination of the requirement to take and pass the NYS teacher certification examinations, which ensure that teachers have the minimum knowledge, skills and abilities in pedagogy and in their content area to enter the classroom and the minimum skills necessary to educate all students, including students with disabilities and English language learners.

The proposed regulations also do not require a prospective teacher to complete any coursework or fieldwork, as opposed to the minimum of 81 semester hours (at least 30 in liberal arts and sciences, 30 in the certificate title sought and 21 in pedagogy) required for State certification.

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Notwithstanding any other provision of law, rule or regulation to the contrary, the state university trustees charter school committee, as a charter entity, are further authorized and empowered, to promulgate regulations with respect to governance, structure and operations of charter schools for which they are the charter entity pursuant to section twenty-eight hundred fifty-one of this chapter.

This law authorizes SUNY to promulgate regulations with respect to the governance, structure, and operations of charter schools for which SUNY is the charter entity, notwithstanding any law, rule or regulation that previously prevented SUNY from promulgating regulations in these areas. While Education Law §355(2-

an approved Instructional Program under this section to be considered equivalent to the certification requirements applicable to other public schools of the state for the purposes of paragraph a-F. The requirements outlined in the proposed regulations apply to teachers employed in SUNY-authorized schools are drastically different than the certification requirements for public school certification. No State certification examinations, no student teaching requirement, and significantly less certification the candidate will receive pursuant to this Section is not transferrable to any education corporation/charter school not authorized by the board of trustees or to any district school, and may not be recognized as a teacher certification under regulations of the State Education Department.

The Board of Regents, the Commissioner, and NYSED have the authority to issue teaching certificates, to promulgate regulations for teacher certification in accordance with Education Law §3004(1), and to exclusively approve teacher certification. The proposed regulations erroneously assumes that Education Law §355(2-a) modified or diminished the authority of the Board of Regents, the Commissioner, and NYSED without any legislative action to amend Education Law §§207, 305, 2852 and 3004.

Further, the proposed regulations are in direct conflict with the provisions of Education Law §3602-ee, which govern the Statewide Universal Full-Day Pre-Kindergarten program. Subdivision 8 of Education Law §3602-ee requires that all teachers in the program meet the same teacher certification standards applicable to public schools and subdivision 12 of that section specifies that the limitations on the employment of uncertified teachers under §2854(3)(a-1) also apply to pre-kindergarten programs operated by participating charter schools. As discussed above, the certification standards outlined in the proposed regulations are drastically different than the certification standards for public schools.

The proposed regulations would have profound consequences, including:

- impeding equity in access to quality teachers;
- creating a system in which teachers participating in these proposed programs do not have appropriate skills or the ability to use this proposed certification in other public schools, thus limiting their employment to SUNY-authorized charter schools only; and
- requiring the State to promulgate regulations to ensure that all teachers have the training, experience, and credentials necessary to serve all students, especially at-risk students served by charter schools.

For these reasons, the New York State Board of Regents and the New York State Education Department strongly urge the State University of New York Trustees Charter School Committee to withdraw the proposed regulations.

Thank you for considering these comments. If we can be of any further assistance, please do not hesitate to contact the State Education Department at (518) 474-5844 or commissioner@nysed.gov.

Sincerely,



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