



TO: The Honorable Members of the Board of Regents

FROM: William P. Murphy *William P. Murphy*

SUBJECT: Proposed Amendments of Sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education Relating to the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program

DATE: July 3, 2024

AUTHORIZATION(S): *Donna B. Bellotti*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendments of sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education relating to the requirements for the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program?

Reason for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its July 2024 meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at its March meeting. A Notice of Proposed Rule Making was published in the State Register on March 27, 2024, for a 60-day public comment period, and a Notice of Emergency Adoption was published in the State Register on May 29, 2024. Following publication in the State Register, the Department received one comment on the proposed

amendment. An Assessment of Public Comment (Attachment B) is attached. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

The Albert Shanker Grant was established by Education Law §3004-a in 1999 to defray the costs of [National Board for Professional Teaching Standards](#) (NBPTS) certification to eligible New York State (NYS) public school teachers. National Board Certification is a voluntary, respected process designed to develop, retain, and recognize accomplished teachers and to generate ongoing improvement in schools nationwide. In order to earn National Board Certification, a teacher must obtain a passing score on an assessment of each of [four components](#) consisting of Content Knowledge, Differentiation in Instruction, Teaching Practice and Learning Environment, and Effective and Reflective Practitioner, within a three-year period. During those three years, candidates may retake any component of the examination that they do not pass up to two times. Once the teacher earns National Board Certification, that Certification is valid for 5 years. After this time, they must engage in a separate Maintenance of Certification process, in order to renew their National Board Certification.

A teacher in NYS holding a valid National Board Certificate is deemed to have satisfied the Continuing Teacher and Leader Education (CTLE) requirement to complete 100 hours to maintain a Professional teaching certificate during the five-year registration period within which National Board Certification was attained.¹ The current cost to obtain National Board Certification is \$1,900, and the cost to renew the Certification is \$570.

The Albert Shanker Grant is a grant program administered by the New York State Education Department that allows eligible teachers to receive up to \$2,500 to cover the costs associated with the NBPTS process. Of this \$2,500, up to \$500 may be allocated to an eligible teacher's school district to cover the cost of supportive services, which may include the cost of hiring a substitute teacher for up to three days or the duration of such eligible teacher's approved leave, whichever is less. There are 2,332 National Board-Certified Teachers (NBCTs) in New York State.

Proposed Amendment

Currently, the Albert Shanker Grant provides a teacher grant funds only to defray the initial cost of obtaining National Board Certification. NBCTs who choose to renew their certification must do so at their own expense. The proposed amendments would provide an opportunity to support NBCT candidates seeking to renew their National Board Certification at the five-year expiration date interval through the National Board's Maintenance of Certification process.

Additionally, the proposed amendments would allow first-time candidates who completed the entirety of the initial NBPTS candidacy effort but did not successfully complete one or more components as required for funding, to receive funding for the retake of unsuccessful component(s) toward certification one time, after initial completion.

¹ The CTLE certificate holder must continue to meet the applicable required CTLE requirements in language acquisition.

The proposed amendment also makes several technical revisions that update the language of Part 86 of the Commissioner's regulations.

Related Regents Items

March 2024: [Proposed Amendments of Sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education Relating to the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program](https://www.regents.nysed.gov/sites/regents/files/324hea1.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/324hea1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 31, 2024.

Timetable for Implementation

If adopted at the July meeting, the proposed amendment will become effective as a permanent rule on July 31, 2024.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207 and 3004-a of the Education Law.

1. Subdivision (a) of section 86.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Eligible teacher shall mean a teacher who:

(1) is currently teaching in a public school in New York State;

(2) holds tenure;

(3) is a graduate of an accredited college or university;

(4) holds a valid New York State teaching certificate or a valid teaching license issued pursuant to law or regulation by the superintendent of schools of the City School District of Buffalo or by the chancellor of the city school district of the City of New York;

and

(5) [was accepted as a certificate candidate by the National Board for Professional Teaching Standards on or after April 1, 1999, or] has made an application to the national board for acceptance as a certificate candidate [on or after September 1, 1999; and

(6) has not previously received funding pursuant to Education Law, section 3004-a, the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program].

2. Section 86.2 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 86.2. Application

Eligible teachers seeking a grant pursuant to Education Law, section 3004-a, and this Part shall submit an application in a form provided by the commissioner. Such application shall include [the following:

(a)] documentation that the applicant is an eligible teacher, which may include a written statement signed by an officer of the sponsoring school district verifying that the applicant is employed as a tenured teacher by such sponsoring district [; and

(b) documentation that the applicant has properly submitted a completed application for national board certification to the National Board for Professional Teaching Standards between April 1, 1999, and June 30, 2000, inclusive and that such applicant meets the national board's eligibility criteria].

3. Section 86.3 of the Regulations of the Commissioner of Education is amended to read as follows:

Applications for grant awards received by the department from eligible teachers shall be evaluated and processed by the department in the following manner:

[(a) An eligible teacher who, between April 1, 1999 and November 30, 1999, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be awarded a grant pursuant to Education Law, section 3004-a and this Part, to the extent that funds are available, in the order in which his or her application is received by the department. If an eligible teacher's application to the national board is made prior to such teacher's application to the department, as indicated by postmark or other proof of delivery, the department shall consider such earlier date as the date of receipt by the department for evaluation and approval purposes.

(b) An eligible teacher who, between December 1, 1999, and June 30, 2000, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be a candidate to receive a grant award pursuant to Education Law, section 3004-a and this Part. If the number of candidates does not exceed the availability of funds, all such candidates shall be awarded a grant pursuant to Education Law, section 3004-a and this Part. If the number of candidates exceeds the availability of funds, the department shall conduct a lottery of all such candidates on July 1, 2000. All candidates selected by such lottery shall be awarded a grant pursuant to Education Law, section 3004-a and this Part to the extent that funds are available.]

[(c)] (a) An eligible teacher who [, on or after July 1, 2000,] submits a properly completed application to the department during the application period and a properly completed application for national board certification to the National Board for Professional Teaching Standards, may be eligible to receive a grant award pursuant to Education Law, section 3004-a and this Part, to the extent that funds are available, in the order in which the application is received by the department. [subject to the following procedures:

(1) An eligible teacher who, between July 1st and November 30th, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be awarded a grant pursuant to Education Law, section 3004-a and this Part, to the extent that funds are available, in the order in which his or her application is received by the department.

(2) An eligible teacher who, between December 1st and June 30th of the next succeeding year, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be a candidate to receive a grant award pursuant to Education Law, section 3004-a and this Part. The department shall conduct a lottery of all such candidates on July 1st of the next succeeding year. All candidates selected by such lottery shall be awarded a grant pursuant to Education Law, section 3004-a and this Part to the extent that funds are available.]

(b) An eligible teacher may apply to receive grant award funds to cover costs associated with the following types of applications:

(1) an initial application to the National Board for Professional Teaching Standards for national board certification;

(2) a one-time retake of the application process to obtain a national board certification; or

(3) to pursue a Maintenance of Certification.

(c) In the event there is insufficient funding to cover all eligible applicants, the order of priority for administering funds will be as follows:

(1) first-time applicants;

(2) applicants who retake one or more components for the first time;

(3) applicants who pursue Maintenance of Certification.

4. Subdivision (b) of section 86.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) From such \$2,500 grant, each eligible teacher's sponsoring school district [shall] may be eligible to receive direct reimbursement from the department in an amount up to \$500 to cover the cost of supportive services, which may include the cost

of hiring a substitute teacher for up to three days or the duration of such eligible teacher's approved leave, whichever is less. To qualify for such reimbursement, a sponsoring school district must submit an affirmation of support and a statement of expenditures, in a form prescribed by the commissioner.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on March 27, 2024, the State Education Department received the following comment on the proposed amendment:

1. COMMENT: The commenter believes the amended rule will ensure equitable access for educators to apply for and achieve National Board Certification.

DEPARTMENT RESPONSE: The commenter is supportive of the proposed rule; therefore, no changes are necessary.