

New Continuing Education and Registration Requirements Still on the Horizon for 2016-2017

In the same budget bill that enacted Education Law § 3012-d, the State legislature also statutorily codified substantive requirements in an area that has, up until now, been under the exclusive purview of the Commissioner of Education – teacher certification. Pursuant to Education Law § 3006(3) and § 3006-a. Starting with the 2016-2017 school year, all teachers, teaching assistants, and certified administrators, including those holding permanent certification, must register with the State Education Department every five years or risk removal.

For holders of permanent certification, registration is all that will be required. Nevertheless, the statute expressly provides that educators with “lapsed” registration are not permitted to practice until the registration requirement is met. Additionally, late registrants may be subject to a late filing penalty.

For holders of professional classroom teaching, professional educational leadership, or level III teaching assistant certification, the law now requires that they complete a minimum of 100 hours of continuing education within each five year registration period. Educators who have not completed the required continuing education, “shall not practice until they have met such requirement and have been issued a registration...” The stakes for failure to meet the continuing education and registration requirements will be much higher, as educators required to complete continuing education who continue to practice while unregistered, “shall be subject to moral character review.”

In addition to codifying a continuing education requirement, the legislature also mandated that the Commissioner issue, “rigorous standards for courses, programs, or activities,” that qualify to receive credit. Further, the legislature has dictated that continuing education includes “activities designed to improve the teacher or leader’s pedagogical and/or leadership skills, targeted... [to] promote the professionalization of teaching and be closely aligned to district goals for student performance.” Finally, programs must be taken from “sponsors” approved by SED, which will include school districts themselves. Nevertheless, it appears that school districts will have less discretion as to what they may accept to meet continuing education or professional development requirements than had in the past.

Most of the details regarding the new statutory continuing education requirements are subject to regulation and are currently unknown, including what the registration deadlines will be, the process for registering, and standards for continuing education programs. It is also unknown what will happen with professional development completed prior to the 2016-2017 school year under the old regulations. In May, the Office of Teaching website published notice of the new continuing education and registration requirements on its website and indicated that regulations would be published later this year. Bond will publish additional informational memos as new details become available.

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