



## MEMORANDUM

October 11, 2017

**To: Members of the Charter Schools Committee**

**From: Joseph W. Belluck, Chair, Charter Schools Committee**

**Subject: Adoption of a New Part 700 of 8 NYCRR (Alternative Teacher Certification Pathway for SUNY Authorized Charter Schools)**

### Action Requested

The proposed resolution authorizes the final adoption of new regulations regarding alternative teacher certification pathways for charter schools authorized by the State University of New York pursuant to New York Education Law § 355(2-a). Such certifications will only be valid in New York charter schools for which the Board of Trustees is the “charter entity” or authorizer within the meaning of New York Education Law § 2851(3).

### Resolution

I recommend that the Charter Schools Committee adopt the following resolution:

Whereas the Charter Schools Committee (the “Committee”) approved proposed teacher certification compliance regulations and authorized the publication of the proposed new Part 700 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“NYCRR”) at its meeting on July 6, 2017 (Committee Resolution No. 42-2017); and

Whereas the State University of New York Charter Schools Institute (the “Institute”) published the proposed regulations in the *State Register*, proposed changes to the proposed regulations based on further review and the comments, and distributed the proposed changes to the Board of Trustees; and

Whereas the Committee reviewed the changes to the proposed regulations; now, therefore, be it

Resolved that 8 NYCRR part 700 be, and hereby is, adopted as set forth in the *Regulations of the SUNY Board of Trustees' Charter Schools Committee* (the "Regulations"), which were distributed to the Board of Trustees (copies on file in the Office of the Secretary of the University and the Albany office of the Institute); and, be it further

Resolved that the Institute be, and hereby is, directed to take such other and further steps to comply with SAPA including, but not limited to, filing a copy of the Regulations with the Secretary of State, and publication of summaries of the Regulations and assessment of public comment in the *State Register*.

### **Background**

Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated to its Charter Schools Committee (the "Committee") policy matters related to charter school education corporations. Amendments to Education Law § 355, effective June 23, 2016, permit the Committee to promulgate regulations for charter schools authorized by the Board of Trustees, Subdivision 355(2-a).

The stated purpose of the New York Charter Schools Act of 1998 (as amended, the "Act") is:

to authorize a system of charter schools to provide opportunities for teachers, parents, and community members to establish and maintain schools that operate independently of existing schools and school districts in order to accomplish the following objectives:

- (a) Improve student learning and achievement;
- (b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
- (c) Encourage the use of different and innovative teaching methods;
- (d) Create new professional opportunities for teachers, school administrators and other school personnel;

- (e) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (f) Provide schools with a method to change from rule-based to performance-based accountability systems by holding schools established under this article accountable for meeting measureable student achievement results.

Education Law § 2850(2).

In alignment with the purposes of the Act, and in light of a national and state wide teacher shortage, especially in the areas of science, technology, engineering and math, the Board of Trustees approve these regulations as an alternative certification pathway for teachers in high performing SUNY authorized charters parallel to the multiple pathways identified by the New York State Board of Regents. The regulations provide the opportunity for high performing SUNY authorized charter schools to attract more and diverse individuals to teaching. In addition, the regulations allow for study and research into what works in the approved teacher instructional programs linked directly to the performance of the schools that operate the programs. As charters are renewed every five years, SUNY will review the programs then, and any SUNY approved teacher instructional program will need to show evidence of that program's effectiveness in order to continue to operate. The regulations allow for independent assessment and monitoring of teacher instructional programs, and authority to operate can be revoked at any time.

This resolution authorizes the final adoption of new SUNY regulations related to compliance with the New York State teacher certification provisions of the Act. The regulations apply only to SUNY authorized charter schools, and have no application to any other New York public school. At its July 6, 2017 meeting, the Committee approved proposed regulations and, pursuant to formal rulemaking under the State Administrative Procedure Act ("SAPA"), authorized publication of a Notice of Proposed Rulemaking. The 45 day comment period expired on September 11, 2017 even though the SUNY Charter Schools Institute (the "Institute") has continued to accept comments. In accordance with SAPA § 202 and the Committee's direction, the Institute is summarizing and responding to comments on the proposed regulations and will produce an assessment of public comment, which will be summarized in the State Register and made available on the Institute's website, [www.newyorkcharters.org](http://www.newyorkcharters.org), as part of the [SAPA final adoption process](#).

As a result of the comments received and further review of the proposed regulations, the Institute proposed changes to the proposed regulations that are reflected in the final regulations. If the Committee approves this resolution, the

Institute will also publish a summary of the final regulations (with a notice that the full text will be available on the Institute's website) and a description of the changes to the proposed regulations in accordance with Section 202. The regulations will not be effective until they are filed with the Secretary of State, and their notice of adoption is published in the State Register in accordance with SAPA § 203.