



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER
Office of Higher Education
Office of the Professions

TO: Presidents of Colleges and Universities with Teacher Education Programs

FROM: Johanna Duncan-Poitier *Johanna Duncan-Poitier*

DATE: January 21, 2005

SUBJECT: CEO Memo # 05-01 – Performance-based Policy Modifications regarding Faculty Staffing in Teacher Education Programs

CC: Deans and Directors of Teacher Education Programs

The 1998 New York State Board of Regents Teaching Policy included a commitment to ongoing monitoring of the implementation and impact of the Policy, and a plan to consider adjustments and modifications as necessary to reflect the educational environment. College and university leadership at institutions with teacher education programs requested the Regents and the State Education Department to provide more flexibility to develop staffing plans that are consistent with the changing needs of the programs (i.e., enrollment fluctuations and the need to offer specific courses to meet the demands for teachers in certain subject areas, etc.). Consistent with that feedback, on January 11, 2005, the Board of Regents approved an amendment to Section 52.21(b)(2)(i)(h) of the Regulations of the Commissioner of Education to provide performance-based flexibility to institutions with teacher education programs. The performance-based policy will continue to require high standards of quality, while giving colleges and universities with demonstrated records of performance more discretion and flexibility to develop staffing plans that are consistent with their program designs.

Beginning February 3, 2005, an exception provision will provide institutions of higher education with teacher education programs with new discretion and flexibility to determine faculty workloads and the percentage of courses taught by teacher education faculty if the programs meet both of the following requirements:

- 1) Achieve and maintain program accreditation; and
- 2) Meet and maintain the established institutional pass rate (currently 80 percent) on the teacher certification examinations.

The Regents and the Department continue to believe that the expertise and experience full-time faculty contribute to the education and preparation of new teachers is very important. To ensure high standards of quality, the regulations require that all teacher education programs, even those that qualify for the exception, "provide sufficient numbers of qualified, full-time faculty in order to foster and maintain continuity and stability in teacher education programs and policies and ensure the proper discharge of instructional and all other faculty responsibilities." Important guidance information on the implementation of this regulatory modification follows.

Thank you for your continued commitment to excellence in teacher education and for your willingness to provide meaningful input into important policy decisions. With regular communication and collaboration, we can ensure high academic standards and accountability while providing the necessary flexibility to support your programs and institutions. This memo, a set of frequently asked questions, and additional information, as it becomes available, will be posted on our Web site at www.highered.nysed.gov.

Important Guidance Information regarding Performance-based Policy for Faculty Staffing in Teacher Education Programs

On January 11, 2005, the New York State Board of Regents approved an amendment to Section 52.21(b)(2)(i)(h) of the Regulations of the Commissioner of Education, providing performance-based flexibility regarding the number of full-time faculty required in teacher education programs and the prescribed limits on the number of semester hours full-time faculty in teacher education programs may teach.

Section 52.21(b)(2)(i)(h) of the Commissioner's Regulations requires the majority of teacher education courses to be taught by full-time faculty and establishes workload limitations for teacher education faculty. Beginning February 3, 2005, an exception provision will provide institutions of higher education with teacher education programs with new discretion and flexibility to determine faculty workloads and the percentage of courses taught by teacher education faculty if two performance-based conditions are met and maintained. The new exception provision applies only to institutions with teacher education programs that meet both of the following requirements:

- 1) **Achieve and maintain program accreditation¹** by an acceptable professional education accrediting association, which includes the National Council on Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC), or by the Board of Regents through the Regents Accreditation of Teacher Education (RATE) process, according to Section 52.21(b)(2)(iv)(c) of the Commissioner's Regulations. Maintaining high standards of accreditation is important to ensuring program quality. To qualify for the flexibility, the program must receive accreditation with no conditions, areas for improvement, or weaknesses - relating to full-time faculty and faculty workload.

and

- 2) **Meet and maintain the established institutional pass rate (80 percent) on all of the teacher certification examinations annually.** According to Section 52.21(b)(2)(iv)(b) of the Commissioner's Regulations, at least 80 percent of students who satisfactorily complete an institution's program and also apply for certification must pass each required examination for a teaching certificate. For 2003-2004, required examinations for Provisional (now Initial) certification included the Liberal Arts and Sciences Test (LAST) and the Assessment of Teaching Skills-Written (ATS-W). Candidates for Initial certification must now take and pass the appropriate Liberal Arts and Sciences Test (LAST), Assessment of Teaching Skills-Written (ATS-W), and Content Specialty Test (CST). The Department will notify the field of test results for 2004-2005 beginning in early 2006. At that time, results of the CST will be included in the computation of the 80 percent pass rate.

The requirements of Section 52.21(b)(2)(i)(h)(1) and (2)(i) will apply until the institution has demonstrated compliance with these two performance-based conditions to the satisfaction of the State Education Department.

To assure the quality of teacher education programs, Section 52.21(b)(2)(i)(h)(1) of the Regulations require that **all programs**, even those that qualify for the exception provision, "provide sufficient numbers of qualified, full-time faculty in order to foster and maintain continuity and stability in teacher education programs and policies and ensure the proper discharge of instructional and all other faculty responsibilities."

¹ Teacher education program accreditation standards in Section 52.21(b)(2)(iv)(b) of the Commissioner's Regulations are separate and distinct from the voluntary institutional accreditation standards in Subpart 4-1 of the Rules of the Board of Regents. Whether or not institutions have achieved institutional accreditation, all institutions with teacher education programs in New York State must achieve accreditation of their programs by December 31, 2006.

Institutions with teacher education programs qualify for the new exception provision (which provides discretion and flexibility to determine faculty workloads and the percentage of courses taught by teacher education faculty) if the institution has achieved and maintains program accreditation, and meets and maintains the established institutional pass rate (currently 80 percent) on the teacher certification examinations. Therefore, all of an institution's teacher education programs must be in compliance with both the full-time faculty and faculty workload requirements, according to Section 52.21(b)(2)(i)(h), at the time of their accreditation site visit.

- Teacher education faculty may teach no more than 12 hours per semester for undergraduate courses; 9 hours per semester for graduate courses; and 21 hours per academic year for a combination of undergraduate and graduate courses.
- Full-time teacher education faculty must teach the majority of teacher education courses.

These performance standards apply to all teacher education programs, including alternative certification programs. Also, please note that faculty requirements in Section 52.2(b) must be met at all times.

For those institutions with programs that do not meet or maintain the performance measures of accreditation and the pass-rate standards, the existing requirements regarding the ratio of full-time faculty and faculty workloads described above will continue to apply.

If an institution qualifies for the performance-based flexibility and later does not meet the performance indicators, the Department will provide that institution with a timetable for returning to compliance with faculty standards as stated in Section 52.21(b)(2)(i)(h)(2)(i).

If you have any questions or need additional information, please contact Joseph Frey, Assistant Commissioner, Office of Quality Assurance, at (518) 486-3633 or by e-mail at jfrey@mail.nysed.gov.

REGULATIONS PROVIDING PERFORMANCE-BASED FLEXIBILITY TO TEACHER EDUCATION PROGRAMS REGARDING THE NUMBER OF FULL-TIME FACULTY AND THE REQUIREMENTS STIPULATING LIMITS ON THE NUMBER OF SEMESTER HOURS FACULTY MAY TEACH

Clause (h) of subparagraph (i) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective February 3, 2005, as follows:

(h) Faculty.

(1) Institutions shall provide sufficient numbers of qualified, full-time faculty in order to [:] foster and maintain continuity and stability in teacher education programs and policies [; ensure that the majority of credit-bearing courses in the program are offered by full-time teaching faculty:] and ensure the proper discharge of instructional and all other faculty responsibilities. Institutions shall meet the requirements for faculty set forth in section 52.2 of this Part.

(2) Staffing requirements.

(i) Except as provided in item (ii) of this subclause, institutions shall meet the following staffing

requirements: Institutions shall ensure that the majority of credit-bearing courses in the program are offered by full-time teaching faculty. Faculty teaching assignments shall not exceed 12 semester hours per semester for undergraduate courses, or 9 semester hours per semester for graduate courses, or 21 semester hours per academic year for faculty who teach a combination of graduate and undergraduate courses, while still providing sufficient course offerings to allow students to complete their programs in the minimum time required for earning the degree. Individual faculty members shall not supervise more than 18 student teachers per semester. Supervision of field experiences, practica, and student teaching shall be considered by the institution in determining faculty load, and institutions shall demonstrate how such supervision is considered in determining faculty load.

(ii) Waiver and exception.

(a) Waiver. The commissioner may grant a waiver from one or more requirements of [this clause] item (i) of this subclause upon a showing of good

cause satisfactory to the commissioner, including but not limited to a showing that the institution cannot meet the requirement because of the nature of the program, which otherwise meets the requirements of this Part.

(b) Exception. Institutions that meet the standard for student performance on the New York State teacher certification examinations set forth in section 52.21(b)(2)(iv)(b) of this Part and are accredited in accordance with section 52.21(b)(2)(iv)(c) of this Part shall not be required to meet the staffing requirements prescribed in item (i) of this subclause.

(iii) For institutions subject to registration review for failing to meet the standard for student performance on the New York State teacher certification examinations set forth in section 52.21(b)(2)(iv)(b) of this Part, the department may impose a time frame for the institution to conform to the staffing requirements set forth in item (i) of this subclause as part of the institution's corrective action plan.