



Deputy Commissioner
Office of Higher Education

September 22, 2016

To: District Superintendents
Superintendents of Public Schools
Administrators of Public Schools
Certification Officers
Charter School Leaders
Deans/Directors of Institutions Offering Teacher Preparation Programs

From: John L. D'Agati 

Subject: Employment of Certified Individuals with Expired Certificates

A certified individual may continue to be employed after his/her certificate has expired if he/she has submitted an application and paid the fee for the next level certificate. This applies to teachers or school building leaders holding initial certification (Initial or Initial reissuance) who are pursuing an initial reissuance, professional certification or time extension of the Initial certificate; or pupil personnel staff holding provisional certification (provisional or provisional renewal) who are pursuing his/her provisional renewal, permanent certification or a time extension of the certificate:

- *Initial certification* - entry level certificate for classroom teachers, valid for five years, during which time the candidate may pursue an initial reissuance or professional certification.
- *Provisional certification* - entry level certificate for pupil personnel services, valid for five years, during which time the candidate may pursue a provisional renewal or permanent certification.
- Although an individual's initial, initial reissuance, provisional renewal or provisional certificate expires after a period of five years, the practice in the Department has been to allow those certificate holders to continue to be employed, so long as approval of certification rests upon the Department.
- State Administrative Procedures Act (SAPA) § 401 - if a candidate has made timely and sufficient application for the renewal of a license or a new license, the existing license does not expire until such application has been finally determined by the agency (NYSED).

- As long as an individual is holding an initial, initial reissuance, provisional or provisional renewal certificate, and is completing his/her process for certification (application submitted, waiting on approval), he/she may be employed in the grade/subject area of his/her pending certificate.
- The employer may verify submission of an application and the required documents in TEACH while approval is pending.

Re-issuance of an expired Initial Classroom Teaching Certificate

Initial Classroom Teacher Certificates are valid for five years. Once expired, an initial certificate may be reissued once, for a period of five years, only if the candidate:

- (1) does not already have three years of teaching experience or its equivalent for a classroom teaching certificate.
- (2) has completed 75 hours of **acceptable** professional development (PD) and/or CTLE as prescribed in Part 80-3.6 **within the year prior to applying** to the Department for the reissuance of his/her Initial certificate. If he/she completed PD according to a NYS school district plan, a letter from the district on school district letterhead verifying the number of PD hours completed one year prior to the date of your application.
- (3) has re-taken and achieved a satisfactory score on the Content Specialty Test(s) in the area(s) required for the certificate sought, within one year of applying for the reissuance of his/her Initial certificate. (Please note: even though he/she may take the CST **after** he/she apply, the certificate will not be reissued until a satisfactory score is received.)

Provisional Renewals - Pupil Personnel Service

- If the candidate holds a Pupil Personnel Service Provisional certificate, he/she may renew his/her expired Provisional certificate one time for a period of five years.
- For School Social Workers, School Psychologists, School Attendance Teachers, School Nurse Teachers, School Dental Hygiene Teachers:
 - The candidate must have completed all requirements for the Permanent certificate, with the exception of the experience requirement.
- For School Counselors:
 - To qualify for the renewed Provisional certificate for school counselors, the candidate is required to have completed all requirements for the Permanent certificate, with the exception of the academic and experience requirements.

Time Extension of a Certificate

First time extension to a certificate—up to two years:

The time validity of an expired **Provisional Pupil Personnel Service, Provisional Renewal Pupil Personnel Service, Initial or Transitional** certificate may be extended for up to two years from

the date the certificate expired if one of the conditions below applies to the certificate holder during the validity period of the certificate:

- The certificate holder is on leave from his/her teaching duties because of childbearing, child rearing, serious illness, or extended illness
 - Maintain, for potential audit by NYSED, a copy of the board of education resolution authorizing such leave of absence.
- The certificate holder is serving with the Peace Corps or other volunteer organization.
 - Maintain, for potential audit by NYSED, a statement on official letterhead of the organization showing dates of service.
- The certificate holder's service as a teacher has been discontinued as a result of abolishment of a teaching position(s) in the school district in which employed.
 - Maintain, for potential audit by NYSED, a statement from the school district including the date such action was taken.
- The certificate holder, because of extreme hardship or other circumstances beyond his/her control, was unable to complete the requirements for the Permanent or Professional certificate in a timely manner, excluding normal family commitments or inconvenience.
 - Provide an explanation of circumstances (including dates) in the text box provided in the online application and maintain, for potential audit by the New York State Education Department, any supporting documentation.
- The certificate holder is not a citizen of the United States and has applied for citizenship or permanent residency status and his/her application has not been acted upon by the United States Citizenship and Immigration Services (USCIS).
 - The certificate holder must submit to the Office of Teaching Initiatives a letter from USCIS or an immigration attorney indicating that his/her application for Permanent Residency or Naturalization is pending action by the USCIS.
- The certificate holder has been unable to secure employment as a teacher or has been pursuing a career other than teaching.
 - The certificate holder must maintain a list of school districts contacted, including dates, for potential audit by the New York State Education Department. If he/she is pursuing a career other than teaching, please enter this information in the text box provided in the online application.

Additional time extension to a certificate—up to an additional year

The time validity of an expired **Provisional Pupil Personnel Service, Provisional Renewal Pupil Personnel Service, Initial or Transitional** certificate may be extended beyond the two year time extension for a period not to exceed one additional year. The third year is only available if, during the six months preceding the end of the two year time extension, the certificate holder is faced with an **extreme hardship or other circumstances** beyond his/her control and is unable to complete the requirements for the Initial, Permanent or Professional certificate in a timely manner.

A detailed description of the extreme hardship or other circumstance must be provided when applying for the time extension in TEACH, and documentation supporting the indicated reason must be submitted to the Office of Teaching Initiatives.

Citizenship Exception:

The time validity of expired certificates held by certificate holders who have all requirements for the Professional or Permanent certificate except citizenship or permanent residence may be extended by the Commissioner one year at a time.

A time extension application must be submitted online in TEACH each year. Verification, (a letter from USCIS or an immigration attorney) indicating that his/her application for Citizenship or Permanent Residency is currently pending action by the USCIS must be mailed to the Office of Teaching Initiatives.

Military Exception:

The time validity of expired certificates held by a certificate holder, who was on active duty with the U.S. Military during the life of the certificate, may be extended by the Commissioner for the time of such active service plus one year. A time extension application must be submitted online in TEACH. Form DD-214 verifying dates of active service must be submitted to the Office of Teaching Initiatives.