

Education Department

NOTICE OF ADOPTION

State Aid for Library Construction

I.D. No. EDU-52-24-00005-A

Filing No. 362

Filing Date: 2025-04-08

Effective Date: 2025-04-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 90.12 Title 8 NYCRR.

Statutory authority: Education Law, sections 207 and 273-a

Subject: State aid for library construction.

Purpose: To conform the Commissioner's regulations to chapter 241 of the Laws of 2024.

Text or summary was published in the December 24, 2024 issue of the Register, I.D. No. EDU-52-24-00005-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Designation of a Deputy Commissioner of Education

I.D. No. EDU-52-24-00006-A

Filing No. 365

Filing Date: 2025-04-08

Effective Date: 2025-04-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 3.8(b) of Title 8 NYCRR.

Statutory authority: Education Law, section 101

Subject: Designation of a Deputy Commissioner of Education.

Purpose: Provide flexibility should the organization of the Department change in the future.

Text or summary was published in the December 24, 2024 issue of the Register, I.D. No. EDU-52-24-00006-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Relating to the Requirements for Licensure as an Athletic Trainer

I.D. No. EDU-52-24-00007-A

Filing No. 363

Filing Date: 2025-04-08

Effective Date: 2025-12-22 for secs. 52.27, 59.12, 59.13, 79-7.1--79-7.5; 2028-12-22 for new sec. 79-7.5

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 59.12, 59.13, 79-7.1, 79-7.2, 79-7.3, 79-7.4; repeal of sections 52.27, 79-7.5; addition of new sections 52.27 and 79-7.5 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6505-b, 6507, 8351, 8352, 8353, 8354, 8355, 8356, 8356-a, 8357, 8358 and 8359; L. 2023, ch. 733

Subject: Relating to the requirements for licensure as an athletic trainer.

Purpose: Allows for athletic trainers to be licensed professionals.

Text or summary was published in the December 24, 2024 issue of the Register, I.D. No. EDU-52-24-00007-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Following the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on December 24, 2025, the State Education Department received the following comments on the proposed regulation:

1. COMMENT: A group of New York State Athletic Trainers criticized the Department's use of the term "Licensed Professional" in the State Register materials for this proposed rulemaking and proposed correcting the record by replacing the term "Licensed Professional" with "Licensed Athletic Trainer", which is the term used in the statute.

DEPARTMENT RESPONSE: "Licensed Athletic Trainer" is the statutory title for this profession and is the title used in proposed amendment. Accordingly, no changes to this proposed amendment are required.

2. COMMENT: A group of New York State Athletic Trainers proposed adding the following sentence: "[a]n athletic trainer may also, under the supervision of a physician in a corporate setting or industrial-type setting, utilize their skills, education and training to maintain the health, minimize the risk of injury and maximize the safety of those workers."

DEPARTMENT RESPONSE: The proposed sentence cannot be considered as it is too far beyond the scope of the enacted legislation.

3. COMMENT: A group of New York State Athletic Trainers proposed that nurse practitioners, who have 3600 hours or more experience, be allowed to supervise athletic trainers.

DEPARTMENT RESPONSE: The proposed change cannot be considered as it is too far beyond the scope of the enacted legislation.

4. COMMENT: A group of New York State Athletic Trainers proposed the following changes to the statute: "[n]o physician (M.D or D.O) or Nurse Practitioner shall supervise more than four athletic trainers; except that such limitation shall not apply for athletic trainers practicing in secondary schools, institutions of postsecondary education and institutions who support high school athletics (NYSPHSAA and its related organizations). However, should an athletic trainer, for any reason, be unable to find supervision from a local medical provider, he or she may seek supervision from any eligible medical provider within 25-mile radius. That medical provider, if he or she would be willing to provide supervision, can apply for a waiver if the need dictates. A medical provider can supervise up to 10 ATs using this waiver."

DEPARTMENT RESPONSE: The references to secondary schools and institutions of postsecondary education are already included in the legislation. The concerns expressed about the supervision of ATs in schools and the commenters' proposed solution to it cannot be considered as they are too far beyond the scope of the enacted legislation. Accordingly, no changes to the proposed amendment are required.

5. COMMENT: A group of New York State Athletic Trainers proposed several amendments to Education Law §§ 8354 and 8356.

DEPARTMENT RESPONSE: The proposed statutory amendments would require legislative action, which is not within the purview of the Department.

6. COMMENT: A New York State Athletic Trainer Association (AT Association) requested that the Department clarify that “professional athletic organizations” includes organizations such as the National Football League, National Hockey League, National Basketball Association, Major League Baseball, etc., and their subsidiaries. They also request clarification that “dance organizations” includes organizations such as Cirque du Soleil, Rockettes, and Broadway, etc.”).

DEPARTMENT RESPONSE: The proposed amendment’s language is consistent with the statute. The Department does not typically identify specific organizations in a regulation for illustrative purposes. However, Department is willing to collaborate with stakeholders on proposed guidance to the field in this respect.

7. COMMENT: The Athletic Trainers Association requested that a revision be made to the permitted maximum number of self-study hours for mandatory continuing education from 15 hours to 30 hours.

DEPARTMENT RESPONSE: The 15-hour maximum self-study requirement for mandatory continuing education is contained in statute. As such, it can only be modified by the legislature.

NOTICE OF ADOPTION

Content Core Requirement for Additional Teaching Certificates in Certain Areas

I.D. No. EDU-52-24-00008-A

Filing No. 361

Filing Date: 2025-04-08

Effective Date: 2025-04-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 52.21 and 80-3.7 of Title 8 NYCRR.

Statutory authority: Education Law, sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Content Core Requirement for Additional Teaching Certificates in Certain Areas.

Purpose: Allow candidates who seek one or more additional teaching certificates in specified areas to complete 18 semester hours of study.

Text or summary was published in the December 24, 2024 issue of the Register, I.D. No. EDU-52-24-00008-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Following publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on December 24, 2024, the Department received the following comments on the proposed amendment:

1. COMMENT: Multiple commenters supported the proposed rule. Some indicated that it has been challenging to fill teacher vacancies. One commenter expressed that the current semester hour requirements make it more difficult for teachers to use their instructional skills in another content area. Another commenter, a school district administrator, explained that the current 30-credit hour requirement was a financial and time barrier for candidates interested in teaching hard to staff subjects. This administrator also indicated that they support this rule as some staff are willing to earn a second certificate to address the district’s needs.

DEPARTMENT RESPONSE: These comments are supportive of the proposed rule; therefore, no changes are necessary.

2. COMMENT: Multiple commenters did not support the proposed rule because they believe that reducing the content area credit hour requirement for subject areas such as dance, health, and physical education will compromise the pedagogical background needed to provide quality educational experiences and would lead to teachers who do not have the pedagogical content knowledge to safely and effectively instruct students. The commenters believe that health and physical education teachers must possess a bevy of skills and knowledge, and the proposed rule diminishes

the value of such programs. The commenters also indicated that shortages in many of the subject areas in the proposed rule have not been documented.

DEPARTMENT RESPONSE: The Department agrees that all teachers must have both content knowledge and pedagogical skill to work effectively with students. The proposed rule does not change the pedagogical core requirement for teaching certificates and registered teacher preparation programs. The proposed rule also only relates to teachers and teacher candidates who are seeking certain additional teaching certificates. As such, these individuals have already completed the necessary pedagogical coursework for the classroom by meeting the requirements for their first teaching certificate.

Additionally, while the proposed rule reduces the number of content area credit hours required to obtain an additional certificate from 30 to 18, it maintains the requirement to take and pass the content knowledge examination in the subject area of the certificate sought. This requirement ensures that each individual has the necessary content knowledge, including pedagogical content knowledge, aligned with the relevant New York State learning standards, maintaining high standards for entry into the profession. Specific to the New York State Teacher Certification Examinations (NYSTCE) health education and physical education content specialty tests, there are several competencies within each test framework that explicitly address the concerns raised by the commenters.

Although some of the subject areas in the proposed rule are not designated statewide teacher shortage areas, some schools and school districts may have local shortages in those areas. Additionally, all schools and school districts benefit from hiring teachers from a large, high-quality pool of candidates. No changes to the proposed rule are necessary.

3. COMMENT: Multiple commenters who are students currently enrolled in undergraduate physical education teacher education programs described the content and pedagogical coursework that they completed and/or were currently completing as part of their registered teacher education program. The commenters noted the importance of completing coursework related to instructional methods, curriculum, assessment, methods for instructing special education students, and content area coursework in kinesiology and do not believe that all of this coursework could be completed in 18 credit hours.

DEPARTMENT RESPONSE: The Department agrees that all teachers must have both content knowledge and pedagogical skills to work effectively with students and that this cannot be accomplished with only 18 credit hours of study. Please see the Department’s response to Comment #2. No changes to the proposed rule are necessary.

4. COMMENT: Multiple commenters requested that physical education be excluded from the proposed rule because they do not believe that there is a statewide shortage of physical education teachers. The commenters believe that the physical education teaching assignments are unlike other classroom teaching assignments because of the range of possible activities undertaken in the physical education classroom (e.g., aquatics, Zumba, outdoor education, team sports) and the proposed rule would impact the physical education teacher preparation program’s ability to provide a comprehensive pedagogical background to teacher candidates. The commenters believe that it is only possible to do this work by taking numerous pedagogical and content courses specific to physical education.

DEPARTMENT RESPONSE: The Department agrees that all teachers must have both content knowledge and pedagogical skills to work effectively with students and that this cannot be accomplished with only 18 credit hours of study. Please see the Department’s response to Comment #2. No changes to the proposed rule are necessary.

5. COMMENT: A commenter expressed concern that physical education teachers who do not have the necessary knowledge and skills in the content area could create safety and liability issues for schools. Additionally, the commenter believes that teachers who currently teach in a shortage area and eventually obtain an additional teaching certificate in physical education or health could exacerbate vacancies in shortage areas if they leave their current position for one in physical education or health.

DEPARTMENT RESPONSE: The Department agrees that physical education teachers must have both content knowledge and pedagogical skills to work effectively with students and ensure their safety, mitigating liability issues. The Department further believes that expanding the pool of available, high-quality candidates to teach various subjects statewide will help to address both statewide and local hiring needs. Please see the Department’s response to Comment #2. No changes to the proposed rule are necessary.

6. COMMENT: A commenter expressed concern that the proposed rule would result in candidates obtaining certification without having the necessary pedagogical skills. The commenter also noted that health, physical education, music, theatre, and visual arts are all distinct areas with their own content and that P-12 students would be negatively impacted if their teachers did not have a strong understanding of the specific content area in which they will be teaching. The commenter also noted that special subject