



United Federation of Teachers
A Union of Professionals

July 26, 2017

Joseph W. Belluck
Charter School Committee Chair
State University of New York
Charter Schools Institute
41 State Street, Suite 700, Albany, NY 12207

Dear Mr. Belluck,

Recent proposals by the Charter School Committee of the State University of New York to lower the certification standards for charter school teachers threaten the state's efforts to professionalize the teaching profession. These proposals also contradict the clear intent of SUNY's mandate from the Legislature.

The state requires prospective cosmetologists to receive 1,000 hours of specialized instruction and real estate brokers to get 120 hours of instruction and two years of field experience. But SUNY's proposed regulations would, in essence, let charter schools — many of which have admitted having difficulty hiring and retaining certified teachers — create their own special teaching licenses for anyone who finishes one week of specialized instruction and works only 100 hours in a classroom under the supervision of another teacher or administrator, including those who are not themselves certified.

These standards are far less rigorous than those demanded of regular public school teachers.

When the Legislature in 2016 granted SUNY greater control over the charters it authorizes, Assembly Speaker Carl Heastie and Assembly Education Committee Chair Cathy Nolan specifically noted:

“The Legislature did not intend to delegate to SUNY broad authority to regulate charter schools it oversees. Nor did it intend to empower SUNY to adopt regulations that are inconsistent with current laws governing charter schools, including but not limited to laws related to teacher certification requirements, participation in pre-kindergarten programs and co-location of charter schools within traditional public schools.”

Indeed, Article 56 of the New York Education Law, which governs the operations of charter schools, expressly states, with regard to the applicability of other laws, that “notwithstanding any provision of law to the contrary, to the extent that any provision of this article is inconsistent with any other state or local law, rule, or regulation, the provisions of this article shall govern and be controlling.” N.Y. Educ. Law, §2854(1)(a).

Thus, even if the Legislature had intended to grant SUNY broad authority to regulate the charter schools it oversees, which it did not, any such regulations would be subject to the provisions of Article 56.



Relevant here is that Article 56 requires that the board of trustees of a charter school, with minimal exceptions, employs teachers who “shall be certified **in accordance with the requirements applicable to other public schools.**” N.Y. Educ. Law §2854(3)(a-1) (emphasis added). Thus, SUNY is not authorized to promulgate different certification processes for charter schools.

That some charter chains, facing high levels of teacher burnout and departures, cannot appropriately staff their schools is no reason for the state to radically depart from its decades-long effort to ensure a highly qualified teacher in every classroom.

While the Board of Regents does permit various pathways to certification, all of these avenues have one thing in common: The Regents ensure that applicants for initial certification have engaged in a rigorous process, including a bachelor’s degree (a master’s degree is required for a professional certificate, which is required after five years of teaching), coursework specific to the area in which they wish to be certified, and supervised teaching hours. In addition, to obtain certification, teachers are required to pass a New York State Teacher Certification Examination to ensure that “teachers and school leaders have the [necessary] knowledge and skills.”

Given that the Court of Appeals has used teacher certification as a proxy for teacher quality, particularly with regard to the delivery of a sound basic education (see *Campaign for Fiscal Equity Inc. v. State of New York*, 100 N.Y.2d 893, 909 (2003)), it is no surprise that the Board of Regents has adopted such demanding standards. These standards should not now be compromised because charter schools are having difficulty meeting them.

Charter school families need to be confident that their children are being taught by teachers who meet rigorous certification requirements. New Yorkers need to see the state defending high licensing standards for all its professions.

Sincerely,



Michael Mulgrew
UFT President