



TO: Higher Education Committee

FROM: John L. D'Agati *John L. D'Agati*

SUBJECT: Creation of a Safety Net for Candidates who take and fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grade 7 - Grade 12 Content Specialty Test which is required for Students with Disabilities – Grades 7-12 - Generalist Teacher Certification

DATE: January 4, 2016

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SUMMARY

Issue for Decision

Should the Board of Regents amend Part 80 of the Commissioner's Regulations to provide a safety net for candidates who take and fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grade 7-Grade 12 Content Specialty Test (CST) which is required for Students with Disabilities - Grades 7-12 - Generalist Teacher Certification?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for adoption as an emergency measure at its January 2016 meeting. A Statement of the Facts and Circumstances Justifying the Emergency is attached as Attachment A.

Procedural History

A Notice of Proposed Rule Making and Emergency Action will be published in the State Register on January 27, 2016.

A copy of the proposed amendment is included as Attachment B. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background

Consistent with the intent of the safety nets that are currently in place for the Academic Literacy Skills Test (ALST), the edTPA and the other Content Specialty Tests, the Commissioner directed the Department to create a temporary safety net for those candidates who have taken and failed Part Two (the Mathematics portion) of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12 Content Specialty Test.

In order to be eligible for the safety net, a candidate must pass Part One (Literacy and English Language Arts) and Part Three (Arts and Sciences) of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12 CST and then take and fail Part Two (Mathematics) of the CST and then complete a mathematics tutorial that will be provided to candidates who qualify. The tutorial is intended to review mathematics lessons aligned to the New York State Learning Standards for mathematics comparable to the content on Part Two of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12 test. The tutorial also prompts candidates to answer certain questions to review the skills needed to prepare them for the math portion of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12.

Upon completion of the mathematics tutorial, candidates must then submit an attestation completed by the higher education institution they attended, attesting that they have completed at least one college mathematics course (3 semester hours) and received a grade of 3.0 or higher or the substantial equivalent in that course. The attestation must be signed by the Dean, Chief Academic Officer, or the substantial equivalent at the college/university certifying that the candidate attended the college/university, and has satisfactorily completed comparable mathematics coursework at such college/university.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That subdivision (c) of Section 80-1.5 of the Rules of the Board of Regents be amended, as submitted, effective January 19, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that teacher candidates who will be applying for certification prior to June 30, 2016, have timely and sufficient notice of the safety net option available to them if they take and pass Parts One and Three, but fail Part Two of the Multi-Subject Content Specialty Test (7-12) so that they may apply for an initial certificate.

Timetable for Implementation

If adopted at the January 2016 meeting, the emergency rule will take effect on January 19, 2016. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the April 2016 Regents meeting. If the proposed amendment is adopted at the April meeting, the proposed amendment will become permanent on May 4, 2016.

8 NYCRR §§80-1.5

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING THE EMERGENCY
ACTION

Despite the high pass rates on Parts One and Three of the new multi-subject content specialty test (7-12), the field has expressed concern about the pass rates for candidates on Part Two of the examination. In response to the field's concerns, the proposed amendment provides a safety net option for candidates who pass Parts One and Three, but fail Part Two of the multi-subject content specialty test (7-12). The safety net option will exist conterminously with any other safety nets covering the remainder of the teacher certification examinations.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), is the April 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the April Regents meeting, is May 4, 2016, the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare in order to ensure that teacher candidates who will be applying for certification from now until June 30, 2016, have timely and sufficient notice that, if they fail Part Two of the multi-subject content specialty test (grades 7-12) and receive a satisfactory score on Parts One and Three, they have the option to use

the safety net in lieu of retaking Part Two of the examination to receive an initial certificate.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the April 2016 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for proposed rulemakings.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 215, 3001, 3003 and 3009 of the Education Law.

Paragraph (3) of Subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended, effective January 19, 2016, to read as follows:

(3) Content specialty [examination] test. [A] Except as otherwise provided in subparagraph (iii) of this paragraph, a candidate who takes and fails to achieve a satisfactory level of performance on any required revised content specialty [examination] test in the candidate's certification area may, in lieu of retaking such revised content specialty test:

(i) receive a satisfactory score on the predecessor content specialty [examination] test after receipt of his/her failing score on the revised content specialty tests and prior to June 30, 2016; or

(ii) pass the predecessor content specialty [examination] test on or before the new certification examination requirements became operational, provided the candidate has taken and failed the revised content specialty test prior to June 30, 2016.

(c) A candidate who takes and fails to achieve a satisfactory level of performance on Part Two of the new Multi-Subject: Secondary Teachers Grade 7 - Grade 12 content specialty test, if required for the certificate area sought and he/she received a satisfactory level of performance on Parts One and Three of such test on or after

September 1, 2014 through June 30, 2016, may, in lieu of retaking Part Two of such examination:

(1) present the Department with sufficient evidence of satisfactory completion of the mathematics tutorial approved by the Department prior to June 30, 2016; and

(2) submit an attestation on or before June 30, 2016, on a form prescribed by the Commissioner, and signed by a dean or chief academic officer of a higher education institution or the substantial equivalent, attesting that the candidate has:

(i) demonstrated comparable mathematical skills to what is required by Part Two of the multi-subject (7-12) content specialty examination through course completion by completing a minimum of three semester hours in mathematics coursework satisfactory to the Commissioner; and

(ii) received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework.

