




**TO:** Higher Education Committee

**FROM:** 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:** April 11, 2016

**AUTHORIZATION(S):**  

### 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 and permanent rule at its April 2016 meeting. A Statement of the Facts and Circumstances Justifying the Emergency is included as Attachment A.

## **Procedural History**

A Notice of Proposed Rule Making and Emergency Action was published in the State Register on February 3, 2016. A Notice of Revised Rule Making and Emergency Action will be published in the State Register on May 4, 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 Educating All Students Test (EAS), 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.

Following the 45-day public comment period, the Department received one comment from the New York State United Teachers on the proposed amendment.

The Department is also proposing an amendment to the current regulation to extend the safety net option for the MST 7-12 from June 30, 2016 to June 30, 2017 to be consistent with the safety net extensions for the other examinations.

## **Recommendation**

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

VOTED: That subdivision (c) of Section 80-1.5 of the Rules of the Board of Regents be amended, as submitted, effective April 18, 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, 2017, 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 and to ensure that the emergency rule adopted at the January Regents meeting and revised at the April meeting remains in effect continuously until it can be adopted as a permanent rule.

## **Timetable for Implementation**

If approved as an emergency adoption at the April 2016 meeting, the emergency rule will take effect on April 19, 2016. It is anticipated that the proposed rule will be adopted as a permanent rule at the June meeting. If adopted at the June meeting, the proposed rule will become permanent on June 29, 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 30-day public comment period for a revised rule making provided for in State Administrative Procedure Act (SAPA) is the June 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the June Regents meeting, is June 29, 2016, the date a Notice of Adoption would be published in the State Register. Therefore, 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, 2017, 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, have the option to use the safety net in lieu of retaking Part Two of the examination to

receive an initial certificate and to ensure that the emergency rule adopted at the January meeting and revised at the April meeting, will remain in effect continuously until it can be adopted as a permanent rule.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the June 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 April 18, 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.

(iii) 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, 2017, may, in lieu of retaking Part Two of such examination:

(a) present the Department with sufficient evidence of satisfactory completion of the mathematics tutorial approved by the Department prior to June 30, 2017; and

(b) submit an attestation on or before June 30, 2017, 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.

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on February 3, 2016, the State Education Department (SED) received the following comments:

1. COMMENT:

The safety net requires completion of an online tutorial and an attestation from an academic official at a higher education institution. One commenter expressed concern that the attestation portion of the safety net is proving to be more difficult than the process discussed at the January 2016 Regents meeting.

Currently, the attestation form requires higher education officials to attest to the fact that “The teacher has a deep understanding of the Learning Standards for Mathematics and effectively connects the standards for mathematical practice with the standards for mathematical content to demonstrate a high level of mathematical proficiency and to provide highly effective mathematics instruction.” This language is being interpreted by some college officials as requiring the candidate for the Students with Disabilities 7-12 Generalist certificate to possess a level of mathematical knowledge equal to a teacher who holds a math 7-12 certificate. The commenter has indicated that these certificate holders are employed as consultant teachers, resource room service providers, or integrated co-teachers. They do not deliver math content on their own. While we agree that they should have a foundation in math, the commenter indicates that the attestation requires a skill set that exceeds the knowledge the exam requires and therefore the intent of the safety net is negated. Instead, the commenter requests that the attestation be modified to require an academic official to attest to a



candidate's ability to provide meaningful instructional assistance in math to students with disabilities in grades 7-12 that would be better aligned with the certificate title of students with disabilities 7-12 generalist.

DEPARTMENT RESPONSE:

The language used in the safety net attestation for Part Two: Mathematics of the Multi-Subject: Secondary Teachers (Grades 7-12) Content Specialty Test directly reflects the language in the framework of the Multi-Subject Test (see: [http://www.nystce.nesinc.com/PDFs/NY\\_fld241\\_242\\_245\\_objs.pdf](http://www.nystce.nesinc.com/PDFs/NY_fld241_242_245_objs.pdf)), which states that a teacher of students with disabilities shall have “a deep understanding of the New York State P-12 Common Core Learning Standards for Mathematics (NYCCLS) and effectively connects the standards for mathematical practice with the standards for mathematical content to demonstrate a high level of mathematical proficiency and to provide highly effective mathematics instruction.” The mathematics competencies and performance expectations in the framework reflect the mathematics content knowledge and skills that are expected of a teacher who is seeking to support the teacher of record in an integrated classroom or teach students with disabilities in a self-contained classroom as either a co-teacher or a consultant teacher in Grades 7-12. Thus, the attestation is not requiring mathematical content knowledge beyond what is tested on Part Two: Mathematics of the Multi-Subject Test.

The framework for the Multi-Subject test was developed through the collaboration of NYSED representatives and content specialists, based on NYSED-designated and educator-developed standards. The framework was then reviewed by New York State educators and teacher educators from across New York State on the NYSTCE Bias Review Committee and Multi-Subject 7-12 Content Advisory Committee at a

Framework Review Conference. In addition, a sample of over 200 educators and teacher educators from across New York State reviewed the test framework in a Content Validation Survey. Approximately 104 New York State educators also participated in a job analysis study that identified the critical teacher tasks to which the Content Advisory Committee linked the Multi-Subject 7-12 test framework.