



TO: Higher Education Committee
FROM: John L. D'Agati *John L. D'Agati*
SUBJECT: Extension of Existing Safety Nets for Candidates Who Take the New Teacher Certification Examinations (ALST, edTPA, EAS and the Redeveloped CSTs)
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AUTHORIZATION(S):

Richard P. Iacono

MaryEllen Elin

SUMMARY

Issue for Decision

Should the Board of Regents amend Part 80 of the Commissioner's Regulations to extend the existing safety nets for candidates who take the new teacher certification examinations (ALST, EAS, edTPA and the redeveloped CSTs)?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for emergency adoption at its April 2016 meeting (see Attachment A for a copy of the proposed amendment and Attachment B for the Statement of Facts and Circumstances Justifying the Emergency Action).

Procedural History

A Notice of Proposed Rule Making and Emergency Action will be published in the State Register on May 4, 2016. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background

At the November and December 2009 Board of Regents meetings, the Board approved a number of initiatives for the purpose of transforming teaching and learning in New York State. One of those initiatives was to strengthen the certification examinations for teachers and school leaders. In May 2010, the Board reaffirmed this direction for the new teacher certification examinations, which included the development of the Academic Literacy Skills Test (ALST), Educating All Students examination (EAS), redevelopment of the Content Specialty Tests (CSTs) and the implementation of a teacher performance assessment (edTPA).

In April 2012, Governor Cuomo established an Education Reform Commission that was charged with reviewing a broad range of education policy issues. The Commission made several recommendations, one of which was the creation of a “bar”-like exam, indicating the importance of ensuring that only qualified individuals are given the state’s approval to educate our children.

In an effort to implement this requirement, new and revised certification exams were developed. The development of each certification examination follows a design and development process that is consistent with the standards of (i) the American Psychological Association; (ii) the National Council on Measurement in Education; and (iii) the American Educational Research Association. Separately, each certification examination has also gone through the process of content validation, job analysis and construct validity. The new examinations were specifically developed to be more rigorous and raise the entry bar to the teaching profession. In addition, each examination was developed to assess specific areas of knowledge, skills and abilities that teachers need to be effective in the classroom. Studies have repeatedly shown that students taught by better prepared teachers achieve better results.

Description of the New and Revised Examinations

The edTPA, a performance examination, is a multiple-measure examination system comprised of three tasks: (i) planning instruction and examination; (ii) instructing and engaging students in learning; and (iii) assessing student learning.

The ALST measures skills and competencies in reading and writing aligned to college and career readiness standards, including: (i) analyzing text structure; (ii) writing to sources; and (iii) using valid reasoning and relevant evidence to support claims.

The EAS measures skills and competencies that address: (i) diverse student populations; (ii) English language learners; (iii) students with disabilities and other special learning needs; (iv) teacher responsibilities; and (v) school-home relationships.

The CSTs measure content knowledge in a particular subject area, and are aligned with the New York State learning standards.

Throughout the development of the new and revised certification examinations, the Department worked closely with the field. Over 2,000 New York State educators and New York State teacher preparation program faculty have directly participated in various stages of the development process, including the establishment of the examination frameworks, validation and review of the frameworks, development and review of examination items, content review and bias review panels, and the establishment of performance standards for the examinations. As part of this process, the new and redeveloped assessments have been extensively field tested by over 10,000 New York State teacher candidates.

Supports, Accommodations and Professional Development for the New Examinations

The Department also established support systems for the field to ensure each college and university has the information necessary to adequately prepare its teacher candidates for success on the new and revised certification examinations.

In April 2012, the Office of Higher Education entered into agreements with SUNY, CUNY and the Commission on Independent Colleges and Universities (clcu) to provide \$10 million of Race to the Top funded professional development to further enhance collaboration between schools of education and the Department in the examination development process.

In February 2012, the Board of Regents also approved a shift in the implementation date of the new and revised certification examinations, from May 1, 2013 to May 1, 2014, to provide the field an additional year to prepare their teacher certification candidates for success on these new examinations.

In November 2013, the Department added an additional \$1.5 million for the three higher education sectors to continue to support a range of professional development activities.

With the resources provided by the Race to the Top grant, the field participated in an extensive series of workshops and meetings to adopt the curriculum and instruction to prepare students for these new and revised examinations. In February 2015, the Department provided the Board of Regents with an overview of the work. In summary, over 20,000 university faculty and deans, certification officers, P-12 representatives and BOCES representatives participated in these meetings, as outlined below.

	Total Meetings	Total Participants
SUNY	2,149	8,765
CUNY	1,884	6,115
clcu	2,862	5,759
TOTAL	6,895	20,693

However, many programs continued to share concerns that they have not had enough time to make changes to their programs and curricula. Therefore, the Board requested that the Department propose safety net options for the ALST, EAS and the CSTs. In response to the Board’s request, the Department proposed multiple options for safety nets applicable to each of the following certification examinations: ALST, EAS and the CSTs and an extension of the edTPA safety net to exist conterminously with any other safety nets covering the remainder of the teacher certification examinations. At the April meeting, the Board instructed the Department to present an emergency amendment to the Commissioner’s Regulations at its May 2015 meeting necessary to create and implement the following safety nets:

Academic Literacy Test (“ALST”):

Currently, the safety net for the ALST allows a candidate who takes and fails the ALST on or before June 30, 2016 to 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 demonstrated comparable skills to what is required by the ALST through course completion and the candidate received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework. The proposed amendment extends this safety net to June 30, 2017.

Educating All Students Test (“EAS”):

The current safety net for the EAS revises the passing standard to establish a “safety net cut score” which would be operative through June 30, 2016. The proposed amendment extends the “safety net cut score” for the EAS to June 30, 2017.

Redeveloped Content Specialty Tests (“CSTs”)

The CSTs measure content knowledge in a particular subject area, and are aligned with the New York State learning standards. Currently, there are 41 CSTs, of which 20 have been redeveloped. Currently, the safety net for the CSTs allows candidates who have taken and failed a redeveloped CST to take and pass the predecessor of the redeveloped CST currently required through June 30, 2016. The proposed amendment extends this safety net until June 30, 2017.

Extension of the Existing edTPA Safety Net

At its April 2014 meeting, the Board of Regents created a safety net allowing candidates who take and fail the edTPA to either (i) take and pass the ATS-W; or (ii) submit evidence of having achieved a satisfactory passing score on the ATS-W on or

before April 30, 2014, in lieu of retaking and achieving a passing score on edTPA through June 30, 2015. As initially implemented, the safety net required that candidates complete all other requirements for certification on or before June 30, 2015 to take advantage of the edTPA safety net.

At its January 2015 Board of Regents meeting, the Board proposed an amendment to the safety net regulation to allow candidates an additional year, until June 30, 2016, to complete all other certification requirements so long as they (i) took and failed the edTPA and (ii) either took and passed the ATS-W; or submitted evidence of having achieved a satisfactory passing score on the ATS-W on or before April 30, 2014. At its April 2015 meeting, the Board of Regents extended the safety net for the edTPA until June 30, 2016 to be coterminous with the other safety nets. The proposed amendment extends the safety net for the edTPA for an additional year until June 30, 2017.

Professional Development and Corrective Action Plans

Section 52.21(b)(2)(iv)(b)(1) of the Commissioner's Regulations requires the Department to conduct a registration review of a program in the event that fewer than 80% of students, who have completed the program and have also completed one or more of the required certification examinations, pass each such examination that they have completed. At the April 2014 meeting, the Board approved waiving the 80% passage requirement for corrective action for students who take the edTPA during the 2013-2014 and 2014-2015 academic years, and instead requires programs where fewer than 80% of students pass the edTPA to submit a professional development plan to the Department that describes how the program will work to improve student outcomes.

The Department recommends extending this safety net policy to all teacher certification examinations for the 2015-2016 academic year by requiring a professional development plan to be submitted to the Department in the event that fewer than 80 percent of students who have satisfactorily completed the institution's program pass one or more of the required certification examinations, and requiring a corrective action plan be submitted to the Department in the event that fewer than 70% of such students pass these required examinations.

Recommendation

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

VOTED: That Part 80 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 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, 2017, have timely and sufficient notice of the safety net options available to them so that they may receive an initial certificate.

Timetable for Implementation

If the Board of Regents adopts the attached emergency regulations at its April 2016 meeting, the emergency rule will become effective April 19, 2016. It is anticipated that the proposed amendment will be adopted by the Board of Regents as a permanent rule at their July 2016 meeting. If adopted at the July 2016 meeting, the proposed amendment will become effective as a permanent rule on July 27, 2016.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

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

(c) Notwithstanding any applicable provisions of Subparts 80-1, 80-3, 80-4 and 80-5 of this Part or any other provision of rule or regulation to the contrary, a candidate who applies for and meets all the requirements for a certificate on or before [June 30, [2017] June 30, 2018, except that such candidate does not achieve a satisfactory level of performance on one or more of the new certification examinations (the academic literacy skills test and/or the teacher performance assessment) or the revised content specialty examination(s), as prescribed by the Commissioner, that is/are required for the certificate title sought, and such examination(s) was/were taken and failed on or after September 1, 2013 through [June 30, 2016] June 30, 2017, may instead use one or more of the following safety net options, in lieu of retaking one or more of such new and/or revised certification examinations:

(1) Teacher performance assessment. A candidate who takes and fails to achieve a satisfactory level of performance on the teacher performance assessment (after completing and submitting for scoring the teacher performance assessment), may, in lieu of retaking the teacher performance assessment:

(i) receive a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to [June 30, 2016] June 30, 2017; or

(ii) pass the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective), provided the candidate has taken and failed the teacher performance assessment prior to [June 30, 2016] June 30, 2017.

(2) Academic Literacy Skills Test. A candidate who takes and fails to achieve a satisfactory level of performance on the academic literacy skills test may, in lieu of retaking the academic literacy skills test, submit an attestation on or before [June 30, 2016] 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 skills to what is required by the academic literacy skills test through course completion by completing a minimum of three semester hours in coursework satisfactory to the commissioner; and

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

(3) Content Specialty Examination. A candidate who takes and fails to achieve a satisfactory level of performance on any required revised content specialty examination 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 after receipt of his/her failing score on the revised content specialty tests and prior to [June 30, 2016] June 30, 2017; or

(ii) pass the predecessor content specialty examination 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] June 30, 2017.

2. Subclause (1) of clause (b) of subparagraph (iv) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education, shall be amended, to read as follows:

(1) For the [2015-2016] 2016-2017 academic year, in the event that fewer than 80 percent of students, who have satisfactorily completed an institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination they have completed, such program shall submit to the department a professional development plan that describes how the program plans to improve the readiness of faculty and the pass rate for candidates on the examinations required for a teaching certificate. Further, for the 2015-2016 academic year, the department shall conduct a registration review in the event that fewer than 70 percent of students, who have satisfactorily completed the institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination that they have completed. For the [2016-2017] 2017-2018 academic year and thereafter, the department shall conduct a registration review in the event that fewer than 80 percent of students, who have satisfactorily completed the institution's program

during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination that they have completed. For purposes of this clause, students who have satisfactorily completed the institution's program shall mean students who have met each educational requirement of the program, excluding any institutional requirement that the student pass each required examination of the New York State teacher certification examinations for a teaching certificate in order to complete the program. Students satisfactorily meeting each educational requirement may include students who earn a degree or students who complete each educational requirement without earning a degree. For determining this percentage, the department shall consider the performance on each certification examination of those students completing an examination not more than five years before the end of the academic year in which the program is completed or not later than the September 30th following the end of such academic year, academic year defined as July 1st through June 30th, and shall consider only the highest score of individuals taking a test more than once.

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING THE EMERGENCY
ACTION**

Despite the high pass rates on the new and redeveloped certification examinations by candidates who have completed preparation programs and have been recommended for certification, the field has expressed concern about the pass rates for candidates who have not completed a preparation program and have not yet been recommended for certification. In response to concerns from the field regarding the expiration of the current safety nets on June 30, 2016, the Department has presented emergency regulations to extend the existing safety nets for an additional year to ensure that candidates have notice of the safety net options for these exams while the Department reexamines the current 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 the State Administrative Procedure Act (SAPA) sections 202(1) and (5), is the July 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the July Regents meeting is July 27, 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, 2017, have timely and sufficient notice that, if they fail one or more of the following new and redeveloped certification examinations (the ALST, the EAS, the edTPA and/or the required CST, if they meet one

or more of the safety net options in lieu of retaking the failed examination, they may 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 July 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.