




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Relating to Safety Nets for Teacher Certification Examinations

DATE: April 26, 2018

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend §80-1.5 of the Regulations of the Commissioner of Education relating to safety nets for teacher certification examinations?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption at its May 2018 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Proposed Rule Making was published in the State Register on February 7, 2018. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 60-day required public comment period under the State Administrative Procedure Act, the Department received comments on the proposed amendment (Assessment of Public Comment is included as Attachment B).

Background Information

New and revised certification exams were released to the field in May 2014, including the edTPA, Educating All Students (EAS) exam, and revised Content Specialty Tests (CSTs). Safety Nets for all certification exams were originally approved by the Board of Regents and implemented in May 2015 and were set to expire on June 30, 2016. When using one or more safety nets, candidates were given an additional year, until June 30, 2017, to complete all additional certification requirements. In April 2016, the Board approved an extension of all safety nets until June 30, 2017, with an additional year, until June 30, 2018, to complete all other certification requirements.

Since April 2016, the safety net deadlines were extended again for the CSTs, the edTPA, and Part Two (mathematics) of the Multi-Subject grades 7-12 CST (MST 7-12). In October 2016, the CST safety nets were amended to allow candidates a choice to take either the predecessor CST or the revised CST until June 30, 2019 for CSTs that became operational after October 2016. In March 2017, the edTPA and Part Two (mathematics) of the MST 7-12 safety nets were extended until June 30, 2018, and the EAS exam safety net was extended until such time that a revised EAS exam becomes operational. However, the requirement for candidates who use one or more safety nets to complete all other certification requirements on or before June 30, 2018 has not changed.

Proposed Amendment

At this time, the Commissioner's Regulations require candidates to complete all other certification requirements on or before June 30, 2018 to be eligible to use one of the safety nets for the teacher certification examinations. The Department is proposing to eliminate this requirement for candidates who use one or more safety nets. Candidates must continue to take advantage of safety nets before their applicable expiration date(s), as outlined in §80-1.5 of the Commissioner's Regulations; however, they do not have to complete all additional requirements for certification on or before June 30, 2018. Currently, the June 30, 2018 deadline would require candidates to complete the additional certification requirements prior to the expiration dates for the safety nets for the EAS and the CST. The proposed amendment provides candidates with flexibility to complete all additional certification requirements at their own pace while still being required to take advantage of the safety nets before their applicable expiration date(s).

In addition, the Department is proposing to extend the safety net for Part Two (mathematics) of the MST 7-12 until such time that the revised Part Two mathematics portion of the exam becomes operational. This revised portion of the MST 7-12 is under development by a panel of experts formed by the Department from the P-12 and higher education communities and is tentatively scheduled to be released operationally in fall 2018.

Related Regents Items

January 2016: <http://www.regents.nysed.gov/common/regents/files/116hea3.pdf>

October 2016: <http://www.regents.nysed.gov/common/regents/files/1016hea2.pdf>

March 2017: <https://www.regents.nysed.gov/common/regents/files/317hea1revised.pdf>

March 2017: <https://www.regents.nysed.gov/common/regents/files/317hed1.pdf>

January 2018: <http://www.regents.nysed.gov/common/regents/files/118hed4.pdf>

Recommendation

Department staff recommends that the Board of Regents take the following action:

VOTED: That §80-1.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 23, 2018.

Timetable for Implementation

If adopted at the May 2018 meeting, the proposed amendment will become effective on May 23, 2018.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3003, 3004 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 to read as follows:

(c) Except as otherwise prescribed in this subdivision, 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, 2018], except that such candidate does not achieve a satisfactory level of performance on one or more of the new certification examinations 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, may instead use one or more of the following safety net options, in lieu of taking, retaking one or more of such new and/or revised certification examinations:

(1) . . .

(2) . . .

(i) . . .

(ii) . . .

(iii) . .

(iv) 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, 2018] until the date a revised part two is operational, 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, 2018] until the date a revised part two is operational; and

(b) submit an attestation on or before [June 30, 2018] the date a revised part two is operational, on a form prescribed by the commissioner, attesting that the candidate has:

(1) . . .

(2) . . .

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on February 7, 2018, the State Education Department (SED) received the following comments on the proposed amendment. Below is an assessment of the public comments received.

1. COMMENT:

Commenter expressed concern that the Department wants to grant certification to people with no experience and failing test scores. Commenter noted that there are several teachers with safety nets teaching in schools, and that is a disaster.

DEPARTMENT RESPONSE:

The commenter is concerned with the use of safety nets to satisfy teacher certification requirements in general and does not refer to specific issues with the Department's proposal to remove a deadline related to the safety nets.

At this time, the Commissioner's Regulations require candidates to complete all other certification requirements on or before June 30, 2018 to be eligible to use one of the safety nets for the teacher certification examinations. The Department is proposing to eliminate this requirement for candidates who use one or more safety nets.

Candidates must continue to take advantage of safety nets before their applicable expiration date(s), as outlined in Section 80-1.5 of the Commissioner's Regulations; however, they do not have to complete all additional requirements for certification by June 30, 2018. Currently, the June 30, 2018 deadline would require candidates to complete the additional certification requirements prior to the expiration dates for the safety nets for the EAS and the CST. The proposed amendment provides candidates with flexibility to complete all additional certification requirements at their own pace

while still being required to take advantage of the safety nets by their applicable expiration date(s).

2. COMMENT:

Commenter thinks that the teacher safety net should not have been removed and recommends extending the safety net until the teacher profession improves.

DEPARTMENT RESPONSE:

The Department's proposal to remove a deadline related to the safety nets does not discontinue the use of safety nets for the teacher certification examinations. Candidates could continue to take advantage of safety nets before their applicable expiration date(s), as outlined in Section 80-1.5 of the Commissioner's Regulations; however, they would not have to complete all additional requirements for certification on or before June 30, 2018. The current June 30, 2018 deadline would require candidates to complete the additional certification requirements prior to the expiration dates for the safety nets for the EAS and the CST. The proposed amendment provides candidates with flexibility to complete all additional certification requirements at their own pace while still being required to take advantage of the safety nets by their applicable expiration date(s).

3. COMMENT:

Commenter requests eliminating the edTPA requirement for teacher certification, especially for out-of-state certified teachers.

DEPARTMENT RESPONSE:

No response is necessary because the edTPA requirement for teacher certification is not related to the Department's proposal regarding safety nets.