



TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Proposed Amendments to Part 80 of the Commissioner's Regulations Related to the Elimination of the Academic Literacy Skills Test (ALST) for Teacher Certification and to Remove Unnecessary References to the Liberal Arts and Sciences Test (LAST)

DATE: June 1, 2017

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend Part 80 of the Commissioner's Regulations to eliminate the Academic Literacy Skills Test (ALST) for teacher certification and to remove unnecessary references to the Liberal Arts and Sciences Test (LAST)?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the full Board for adoption as a permanent rule at its June 2017 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

At its March 2017 meeting, the Board of Regents adopted the proposed amendment, as an emergency measure, effective March 14, 2017. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 29, 2017.

At its May 2017 meeting, the Board of Regents adopted the proposed amendment as a second emergency rule in order to ensure that the emergency rule adopted at the March and May 2017 meetings remained continuously in effect until it can be permanently adopted at the June 2017 meeting. Following the 45-day public comment period, the Department received several comments on the proposed amendment. An Assessment of Public Comment is included as Attachment B.

Background Information

New and revised teacher certification exams were released to the field in May 2014.

Description of the Currently Required Certification 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 Educating All Students (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 Content Specialty Tests (CSTs) measure content knowledge in a particular subject area and are aligned with the New York State learning standards.

Ongoing Review of Teacher Certification Examinations

The edTPA Task Force was reconvened by request of the members of the Board of Regents in January 2016. Beginning in May 2016, the Task Force began to review the edTPA, as well as other teacher certification exams. Conversations were led by co-chairs, Dr. David Cantaffa (Assistant Provost for Educator Preparation, SUNY) and Dr. Jamie Dangler (Vice President for Academics, UUP). This work was also informed by the gathering of information across the State of New York by the Higher Education Committee chairs, Regents Cashin and Collins. Several other members of the NYS Board of Regents and the NYS Commissioner of Education participated in public forums over the past year to discuss the teacher certification exams.

At the January 2017 Board of Regents meeting, the co-chairs of the Task Force presented the Board with their proposed recommendations. See Appendix A for the full report of the Task Force. One of the recommendations from the Task Force was to eliminate the requirement to take and pass the ALST (or use the safety net, which is in place until June 30, 2017) for teacher certification.

Proposed Regulation

As a result of feedback from the public forums and the edTPA Task Force, as well as meetings with deans of many education preparation programs, and the recommendations of the edTPA Task Force, the Department recommends that candidates for teacher certification no longer be required to take and pass the Academic Literacy Skills Test (ALST) in order to obtain an initial teaching certificate. Concerns about the assessment that were expressed by the Task Force and the deans included the cost, the need for the assessment in light of the other certification examinations, and the total number of exams required for teacher certification.

In lieu of this assessment, the Department will work with the testing vendor to make modifications to the EAS exam to eliminate the current short-answer constructed response items and replace them with reading and writing item(s) which will assess both students' ability to teach a diverse population and also their literacy skills. As a result, the Department will extend the safety net for the EAS until the revised EAS becomes operational.

The Department is also proposing technical amendments to eliminate any references to the Liberal Arts and Sciences Test which is no longer administered as a teacher certification examination. The proposed amendment also makes technical amendments to eliminate regulations relating to modified licenses and certificates of qualification because these certificates and licensure titles no longer exist.

The Department is also extending the safety net for the edTPA until a new passing score for the edTPA has been established by the Commissioner, after a recommendation has been made by a new standard setting panel.

Related Regents Items

<https://www.regents.nysed.gov/common/regents/files/416hea2.pdf>

<https://www.regents.nysed.gov/common/regents/files/1016hea2.pdf>

<https://www.regents.nysed.gov/common/regents/files/117hed2.pdf>

<http://www.regents.nysed.gov/common/regents/files/317hea1revised.pdf>

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 June 28, 2017.

Timetable for Implementation

If adopted at the June meeting, the proposed amendment will become effective as a permanent rule on June 28, 2017.

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 academic literacy skills test and/or the teacher performance assessment)] 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) 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, 2017] either the date a new passing score for the edTPA is approved by the Commissioner after a recommendation is made by a new standard setting panel or June 30, 2018, whichever is earlier; 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, 2017] either the date a new passing score for the edTPA is approved by the Commissioner after a recommendation is made by a new standard setting panel, or June 30, 2018, whichever is earlier.

(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, 2017, on a form prescribed by the commissioner, 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 test.

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

2. Subparagraph (iii) of paragraphs (1) of subdivision (c) of section 80-3.4 of the Regulations of the Commissioner of Education shall be repealed.

3. Subparagraph (iii) of paragraphs (2) of subdivision (c) of section 80-3.4 of the Regulations of the Commissioner of Education shall be repealed.

4. Clause (a) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education shall be repealed and clause (b) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education shall be renumbered as clause (a) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education.

5. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-5.22 of the Regulations of the Commissioner of Education shall be repealed and subparagraph (iii) shall be renumbered as subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-5.22 of the Regulations of the Commissioner of Education.

6. Sections 80-5.10 and 80-5.11 of the Regulations of the Commissioner of the Education shall be repealed.

7. Paragraph (3) of subdivision (b) of section 80-3.9 of the Regulations of the Commissioner of Education shall be repealed and paragraph (4) shall be renumbered as paragraph (3) of subdivision (b) of section 80-3.9 of the Regulations of the Commissioner of Education.

8. Paragraph (2) of subdivision (b) of section 80-5.14 of the Regulations of the Commissioner of Education shall be amended, to read as follows:

(2) Examination.

(i) [A candidate who applies for a Transitional C certificate on or before April 30, 2014 and who has completed all other requirements for a Transitional C certificate on or before April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination liberal arts and sciences test, and content specialty test(s) in the area of the certificate on or before April 30, 2014, or a satisfactory level of performance on the academic literacy skills test,

the educating all students test and the content specialty test(s) in the area of the certificate.

(ii)] Candidates who apply for a Transitional C certificate on or after May 1, 2014 or who apply for a Transitional C certificate on or before April 30, 2014 but do not meet all the requirements for an initial certificate on or before April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the [academic literacy skills test, the] educating all students test and the content specialty test.

9. Subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(i)

(a) [Except as otherwise provided in this subdivision, for candidates who have completed all requirements for initial certification on or before April 30, 2014 and who apply for certification on or before April 30, 2014, the candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination liberal arts and sciences test, written assessment of teaching skills, and content specialty test(s) in the area of the certificate on or before April 30, 2014, except that a candidate seeking an initial certificate in the title of Speech and Language Disabilities (all grades) shall not be required to achieve a satisfactory level of performance on the content specialty test. Instead of meeting the examination requirements of this subdivision, a candidate applying for certification on or before April 30, 2014 may achieve a satisfactory level of performance on the set of certification examinations described in this subdivision, except that such candidate may receive a satisfactory level of performance on either the teacher performance assessment or the written assessment of teaching skills.

(b)] Except as otherwise provided in this section, for candidates applying for certification on or after May 1, 2014 or candidates who applied for certification on or before April 30, 2014 but did not meet all the requirements for an initial certificate on or before April 30, 2014, such candidates shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment, the educating all students test, [the academic literacy skills test] and the content specialty test(s) in the area of the certificate, except that a candidate seeking an initial certificate in the title of Speech and Language Disabilities (all grades) shall not be required to achieve a satisfactory level of performance on the content specialty test or the teacher performance assessment and a candidate seeking an initial certificate in the title of Educational Technology Specialist (all grades) shall not be required to achieve a satisfactory level of performance on the teacher performance assessment.

[(c)] (b) Examination requirement for candidates with a graduate degree in science, technology, engineering or mathematics and two years of post-secondary teaching experience in the area of the certificate sought.

(1) [Any candidate seeking an initial certificate in earth science, biology, chemistry, physics, mathematics or in a closely related field as determined by the department in (grades 7-12) and who is applying for an initial certificate through individual evaluation under section 80-3.7(a)(3)(ii)(c) of this Subpart on or before April 30, 2014 and who has completed all other requirements for initial certification under such section on or before April 30, 2014 shall only be required to achieve a satisfactory level of performance on the liberal arts and sciences test.

(2)] Any candidate seeking an initial certificate in earth science, biology, chemistry, physics, mathematics or in a closely related field as determined by the

department in (grades 7-12) and who is applying for an initial certificate through individual evaluation under section 80-3.7(a)(3)(ii)(c) of this Subpart on or after May 1, 2014 or candidates who applied for certification on or before April 30, 2014 but did not meet all the requirements for an initial certificate through individual evaluation on or before April 30, 2014, shall only be required to achieve a satisfactory level of performance on the educating all students test [and the academic literacy skills test].

10. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-5.13 of the Regulations of the Commissioner of Education, shall be amended, to read as follows:

(ii) Examination.

(a) [A candidate who applies for a Transitional B certificate on or before April 30, 2014 and who meets all the requirements for a Transitional B certificate on or before April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the New York State teacher certification examination liberal arts and sciences test, and the content specialty test(s) in the area of the certificate, where such content specialty test is required for the certificate title on or before April 30, 2014.

Successful completion of the content specialty test in the area of the certificate shall not be required for the transitional B certificate authorizing the teaching of English to speakers of other languages, students with disabilities, students who are deaf or hard-of-hearing, students who are blind or visually impaired, or students with speech and language disabilities, or for an extension of a transitional B certificate in bilingual education. Instead, the candidate shall submit evidence of having achieved a satisfactory level of performance on a New York State teacher certification examination content specialty test prescribed by the Commissioner.

(b) A candidate who applies for a Transitional B certificate on or after May 1, 2014 or a candidate who applies for a Transitional B certificate on or before April 30,

2014 but does not meet all the requirements for a Transitional B certificate on April 30, 2014 shall submit evidence of having achieved a satisfactory level of performance on the New York State teacher certification examination [academic literacy skills test,] the [education for] educating all students test and the content specialty test(s) in the area of the certificate, where such content specialty test is required for the certificate title.

Successful completion of the content specialty test in the area of the certificate shall not be required for the [transitional B] Transitional B certificate authorizing the teaching of English to speakers of other languages, students with disabilities, students who are deaf or hard-of-hearing, students who are blind or visually impaired, or students with speech and language disabilities, or for an extension of a Transitional B certificate in bilingual education. Instead, the candidate shall submit evidence of having achieved a satisfactory level of performance on a New York State teacher certification examination content specialty test prescribed by the Commissioner or a teaching certificate in the classroom teaching service.

11. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.13 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State teacher certification examination written assessment of teaching skills test, and] any [other] examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable.

[(a) A candidate who applies for an initial certificate on or before April 30, 2014, and who has completed all other requirements for an initial certificate or who has completed all requirements for an initial certificate except completion of their registered Transitional B program, on or before April 30, 2014 shall submit evidence of having

achieved a satisfactory level of performance on the New York State teacher certification examination written assessment of teaching skills test, and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable, on or before April 30, 2014 or a satisfactory level of performance on the teacher performance assessment, if applicable for that certificate title, and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable.

(b) A candidate who applies for an initial certificate on or after May 1, 2014 or who applies for an initial certificate on or before April 30, 2014 but does not meet all the requirements for an initial certificate on April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the teacher performance assessment, if applicable for that certificate title, and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable.]

ASSESSMENT OF PUBLIC COMMENT

Since publication of Emergency Adoption and Proposed Rule Making in the State Register on March 29, 2017, the State Education Department (SED) received several comments:

1. COMMENT:

One commenter supported removal of the Academic Literacy Skills Test (ALST) asserting that the exam is flawed, unreliable, invalid, and is biased against minority students. The commenter supports assessing literacy and suggested using an assessment like the SAT writing assessment.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

2. COMMENT:

One commenter supported removal of the ALST asserting the exam is flawed, developed without a pilot phase and without a state contract, and because the questions are vague, misleading, and irrelevant.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

3. COMMENT:

One commenter requested information about how removal of the ALST affects those candidates who paid for and took the ALST before the emergency action to remove the requirement for certification.

DEPARTMENT RESPONSE:

A satisfactory passing score on the ALST was required for teacher certification in NY until March 14, 2017 (effective date of the Regulation change). Candidates who sat for the ALST through March 13, 2017 unfortunately are not eligible for a refund. However, anyone who was registered for the exam on or after March 14, 2017 is eligible for a refund.

4. COMMENT:

Commenters supported the removal of the ALST as a requirement for teacher certification because the exam is a barrier to certification and is biased against candidates of color, and because literacy can be assessed in a less biased way.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

5. COMMENT:

Commenters supported removal of the ALST because they believe it is a poorly constructed test.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

6. COMMENT:

One commenter supported removal of the ALST asserting the test is a redundant test of literacy that is already assessed in teacher preparation programs which require students to take at least two courses on the teaching of literacy; they are required to

write academic and professional papers, which develops their writing skills; and they are required in every course to read, analyze, and apply what they have read.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

7. COMMENT:

One commenter supported removal of the ALST because while literacy is important, it is best assessed through program coursework. The ALST is not the best way to assess literacy because it is limited in scope and culturally biased. The commenter suggests using a fair assessment.

DEPARTMENT RESPONSE:

To the extent the comment is supportive, no response is necessary. The Department has proposed to revise the existing EAS exam to include a literacy portion. This revision ensures that candidates pursuing teacher certification will still be required to demonstrate satisfactory literacy skills.

8. COMMENT:

Commenters expressed support for removing the ALST as a requirement for certification and commend those who supported its removal.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

9. COMMENT:

One commenter states that removal of the ALST for certification was appropriate because the exam is similar to the EAS. The commenter further stated that the Content Specialty Tests required for certification are costly and lengthy, that the edTPA is costly and should be simplified, and that the exams required for teacher certification cost students hundreds and sometimes thousands of dollars and must be addressed.

DEPARTMENT RESPONSE:

To the extent the comment is supportive, no response is necessary. The Department also believes the cost of exams required for one to become a teacher must be addressed. In fact, the cost of the teacher certification examinations was one of the factors that the edTPA task force considered in proposing removal of the ALST for teacher certification.

10. COMMENT:

One commenter offered his personal experience with the ALST. He explained that the content on the ALST is irrelevant to becoming a teacher, does not assess the competence of a future teacher, and that is only assessed whether or not the candidate is a “good test taker.” The commenter believes that the only purpose of the exam was to raise money. The commenter suggests that the Board of Regents ensure that the exams needed to become a teacher assess the competence of future teachers.

DEPARTMENT RESPONSE:

No response is necessary as the comment is generally supportive. The Department also believes that the remaining examinations sufficiently assess the minimum knowledge, skills and abilities needed for a teacher to enter the classroom.

11. COMMENT:

One commenter supports removal of the ALST for teacher certification and believes that this will address teacher shortages and get more candidates into and through teacher preparation programs. The commenter believes that the recommendations from the edTPA task force were well thought out.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

12. COMMENT:

One commenter expressed concern that the removal of the ALST for teacher certification and revising the EAS exam lowers the standard for teachers. The commenter discussed the lowering of standards for education in general, including the Regents exams and New York State ELA and Math tests, as well as lower graduation rates. The commenter believes that continuing to lower the standards for teacher certification is related to the lowering of standards and declining standards for K-12 students.

DEPARTMENT RESPONSE:

The Department does not believe, nor was it intended, that the proposed amendment lowers the standards for teacher certification in New York. The removal of the ALST was proposed after extensive consideration by the edTPA Task Force over several months. To the extent that the commenter is concerned about revisions to the EAS, these revisions have been proposed to assess the literacy skills previously included as part of the ALST. The EAS will be revised to add a component that assesses candidates reading and writing skills, and the revised assessment will go

through the entire test development process to ensure validity before it is implemented in the field.

13.COMMENT:

One commenter expressed concern with eliminating the ALST for teacher certification because it is a basic reading and writing test. The commenter believes teachers need more rigorous standards, not lower standards. They are concerned that an education major in college is not as demanding as other disciplines. The commenter pointed out that NY is doing a poor job educating all students, but especially minority and students of poverty, and lowering the standards for teacher certification will contribute to this problem. The commenter does not believe the tests are flawed, but the Board only calls them “flawed” when pass rates are not high enough.

DEPARTMENT RESPONSE:

See response to #12 above.