



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   
Ken Wagner 

**SUBJECT:** Creation of Safety Nets for Candidates Who Take the New Teacher Certification Examinations (ALST, EAS and the Redeveloped CSTs) and an Extension of the Safety Net for the edTPA

**DATE:** July 13, 2015

**AUTHORIZATION(S):**  

#### SUMMARY

#### Issue for Decision (Consent Agenda)

Should the Board of Regents readopt as an emergency action the amendments to Section 52.21 and Subparts 80-1, 80-3 and 80-5 of the Commissioner's Regulations to provide a safety net for candidates who take the new teacher certification examinations (ALST, EAS, and the redeveloped CSTs) and to extend the time validity of the existing edTPA safety net?

#### Reason(s) for Consideration

Review of policy.

#### Proposed Handling

The proposed amendment is being presented to the full Board for adoption as an emergency action at the July 2015 Regents meeting. A Statement of the Facts and Circumstances Which Necessitate Emergency Action is attached.

## **Procedural History**

At the May 18-19, 2015 Regents meeting, the proposed amendment was discussed at a joint meeting of the Higher Education Committee and the P-12 Education Committee and adopted as an emergency rule, effective May 19, 2015. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 3, 2015.

The May emergency rule will expire on August 16, 2015. A second emergency action is necessary at the July Regents meeting to ensure that the rule remains continuously in effect until it can be presented for adoption and take effect as a permanent rule. A copy of the proposed amendment is attached. Supporting materials 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 (CST) and the implementation of a teacher performance assessment.

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. The requirement for a “bar” exam for teachers was codified in the 2012-13 Enacted Budget.

In an effort to implement this requirement and transform teachers and leaders, 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 had 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 have 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

These workshops and meetings have resulted in institution-developed resources to assist with preparing certification candidates for the new examinations to complement the resources made available by the Department. For example:

- faculty at CUNY Brooklyn College have developed EAS practice materials for candidates, which can be found at [www.brooklyn.cuny.edu/web/academics/schools/education/certification/exams.php](http://www.brooklyn.cuny.edu/web/academics/schools/education/certification/exams.php);
- clcu conducted a series of webinars focusing on “Reflective Writing for edTPA”; archived copies of the webinars are available at [vimeo.com/isnetworked/videos](http://vimeo.com/isnetworked/videos); and
- SUNY has created a new online resource center which contains a media library designed to support candidates who are preparing for the new certification examinations; the resource center is located at <https://dspace.sunyconnect.suny.edu/handle/1951/65104>.

Other professional development resources have been created for university and college faculty to ensure they have the tools necessary to prepare candidates for the new examinations:

- At CUNY, many college campuses offer continuing education courses to support candidates who need to retake the certification examinations, such as Queens College’s EAS and ALST course, information about which may be found at <http://www.qc.cuny.edu/pcs/Programs/ProfessionalDevelopment/Pages/ExamPrep.aspx>;
- A SUNY New Paltz faculty member has created a collection of video resources providing information on the ALST and EAS. Widely utilized, these resources may be found at <http://www.symbaloo.com/mix/educatingallstudents>; and

- clcu held a statewide conference in Albany with presentations on the EAS, ALST and edTPA; those presentations may be found at <http://www.isnetworked.org/page/isnetworked-june-18-2014-conference-66.html>.

As a result, each of the sectors has reported strong, positive impacts from this work.

- clcu reports increased faculty involvement in certification work, such as faculty taking practice versions of the certification examinations, alignment of coursework and the knowledge, skills and abilities needed to successfully complete the assessments;
- CUNY reports that this work has made it possible to further develop its support of diverse teacher candidate populations by recruiting students with academic potential who are historically underrepresented and underserved into preparation programs; and
- SUNY has also expanded statewide initiatives, including the development of edTPA preparation workshops at SUNY Plattsburgh; realignment of all teacher preparation coursework to the Common Core State Standards at SUNY Albany; and the implementation by SUNY Geneseo of a teacher preparation service learning course at a local high school, which provides pre-service teacher candidates with early experience reviewing student writing.

At the March and April Board of Regents meetings, the Department presented the pass rate results of all test takers and program completers, provided here as Attachment C. The support to the field discussed above has yielded strong performance by program completers on the new and revised assessments and the Department is encouraged by these results. These candidates have attained an 81 percent pass rate on the ALST and an 86 percent pass rate on the EAS. Overall performance on the edTPA by New York State candidates continues to set an aspirational target for the rest of the country, with 82 percent of candidates currently passing the assessment.

However, 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. 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 at the April 2015 Board meeting 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”)**

The Department proposes, for candidates who take and fail the ALST on or before June 30, 2016, allowing a candidate who takes and fails the ALST 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 Academic Literacy Skills Test through course completion , and the candidate received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework. This safety net will be available to all candidates for all certificate types that require the ALST.

### **Educating All Students Test (“EAS”)**

The Department will amend the passing standard to establish a “safety net cut score” which would be operative through June 30, 2016. This safety net will be available to those taking the EAS during the safety net period, and candidates who previously took the EAS and would have passed under the safety net cut score. These individuals will receive updated score reports informing them of the potential change in their scoring status.

### **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 forty-one CSTs, of which sixteen have been redeveloped. As directed by the Board of Regents, the Department proposes allowing, through June 30, 2016, candidates who have taken and failed a redeveloped CST to take and pass the predecessor of the redeveloped CST currently required. The predecessor CSTs will be reactivated and made available to candidates as soon as possible. This safety net will be made retroactive to when the redeveloped CSTs first became available. This fall, the next group of redeveloped CSTs is scheduled to become available and the corresponding predecessor CSTs will remain available to candidates as part of the safety net.

### **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 ATS-W; or (ii) submit evidence of having achieved a satisfactory passing score on 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. The Department proposes that the edTPA safety net be extended until June 30, 2016; to be coterminous with the other safety nets and, consistent with the process approved by the Board in January and April, allowing candidates an additional year, until June 30, 2017, to complete all other certification requirements.

### **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 percent 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 percent 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 percent 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 percent of such students pass these required examinations.

### **Recommendation**

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

VOTED: That Sections 52.21, 80-1.5, 80-3.3, 80-3.4 and 80-5.13 of the Regulations of the Commissioner of Education be amended, as submitted, effective August 17, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the May 18-19, 2015 Regents meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule.

### **Timetable for Implementation**

The proposed amendment was adopted as an emergency rule at the May 18-19, 2015 Regents meeting, effective May 19, 2015, and will expire on August 16, 2015. If adopted at the July Regents meeting, the second emergency action will become effective on August 17, 2015 for a 60-day period. It is anticipated that the proposed amendment will be presented for permanent adoption at the September 16-17, 2015 Regents meeting, after expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. If adopted at the September meeting, the proposed amendment will take effect as a permanent rule on October 7, 2015.

## 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. A new subdivision (c) shall be added to section 80-1.5 of the Regulations of the Commissioner of Education, effective August 17, 2015, 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, 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, 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; 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.

(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, 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; 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.

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 is amended, effective August 17, 2015, to read as follows:

(1) [The] For the 2015-2016 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 [80] 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; provided that for the 2014-2015 and 2015-2016 academic years, the department shall not conduct a registration review based solely upon students having less than an 80 percent passage rate on the teacher performance

assessment. However, programs with less than an 80 percent passage rate for the 2013-2014 and 2014-2015 academic years on the teacher performance assessment will be required to submit a professional development plan to the Department that describes how the program plans to improve the readiness of faculty and pass rate for candidates on the teacher performance assessment]. For the 2016-2017 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.

3. Clause (b) of subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner is amended, effective August 17, 2015, to read as follows:

(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. [Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except the candidate does not achieve a satisfactory level of performance on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives 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, 2015; or

(2) passes the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective) and the candidate has taken and failed the teacher performance assessment prior to June 30, 2015.]

4. Clause (b) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education is amended, effective August 17, 2015, as follows:

(b) Candidates who hold a transitional C certificate for career changers and others holding a graduate academic or graduate professional degree, pursuant to the requirements of section 80-5.14 this Part, and who apply for certification on or after May 1, 2014 or candidates who apply for professional certification on or before April 30, 2014 but do not meet all the requirements for a professional 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 teacher performance assessment. [Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except the candidate does not achieve a satisfactory level of performance on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives 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, 2015; or

(2) passes the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective) and the candidate has taken and failed the teacher performance assessment prior to June 30, 2015.]

5. Clause (b) of subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective August 17, 2015, to read as follows:

(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. [Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except the candidate does not achieve a satisfactory level of performance on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives 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, 2015; or

(2) passes the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective) and the

candidate has taken and failed the teacher performance assessment prior to  
June 30, 2015.]

## **Attachment B**

### **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. At its April meeting, the Board of Regents 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 at the April 2015 meeting, multiple options for safety nets applicable to each of the following certification examinations: ALST, EAS and the CSTs and an extension of the current edTPA safety net to exist conterminously with any other safety nets covering the remainder of the teacher certification examinations.

The proposed amendment was adopted by emergency action at the May 18-19, 2015 Regents meeting, effective May 19, 2015, in order to ensure that candidates have notice of the new safety net options for these exams. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 3, 2015. Because the Board of Regents meets at scheduled intervals, and does not meet during the month of August, 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 September 16-17, 2015 Regents meeting.

Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the September meeting, would be October 7, 2015, the date a Notice of Adoption would be published in the State Register. However, the May emergency rule will expire on August 16, 2015, 90 days from its filing with the Department of State on May 23, 2014.

Emergency action to adopt the proposed rule is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the May 2015 Regents meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule, and thereby 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 on 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 proposed amendment will be presented for adoption as a permanent rule at the September 16-17, 2015 Regents meeting, which is the first meeting scheduled after expiration of the 45-day period for public comment pursuant to the State Administrative Procedure Act.

## Attachment C

### PROGRAM COMPLETER PASS RATE

The Department has gathered preliminary data on pass rates for program completers derived from Institutions of Higher Education (IHE) as part of their Title II Federal Reporting Requirement for 2013-2014. This data represents those individuals identified by their IHE who have completed their teacher preparation program and have taken the ALST and EAS.

#### PROGRAM COMPLETER

Academic Literacy Skills Test	81%
Educating All Students	86%

#### ALL TEST TAKERS

Academic Literacy Skills Test	68%
Educating All Students	78%