




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 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

DATE: May 3, 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 emergency adoption at its May 2017 Board of Regents meeting (Attachment A is a copy of the proposed amendment and Attachment B is a Statement of Facts and Circumstances Justifying the Emergency Action).

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. In accordance with the State Administrative Procedure Act, there is a

45-day public comment period which will expire on May 15, 2017. Therefore, the earliest the proposed amendment can be adopted as a permanent rule is the June 2017 meeting, effective June 28, 2017.

The proposed amendment is being presented to the full Board for adoption as a second emergency rule at its May 2017 meeting in order to ensure that the emergency rule adopted at the March 2017 meeting, which will expire on June 10, 2017, remains continuously in effect until it can be permanently adopted at the June 2017 meeting.

Background Information

New and revised teacher certifications 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 (CST) 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 and after a recommendation has been made by a new standard setting panel in order to implement the recommendations of the edTPA Task Force, which is further explained in the edTPA item before the Board of Regents this month.

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 11, 2017, as an emergency action to preserve the general welfare by ensuring that candidates who are applying for an initial certificate as a classroom teacher are aware that they are no longer required to take and pass the

ALST to become certified and to ensure that the emergency rule adopted at the March 2017 meeting remains in effect until it can be adopted as a permanent rule.

Timetable for Implementation

The proposed amendment was adopted as an emergency measure at the March 2017 meeting. The emergency action will expire on June 10, 2017. It is anticipated that the proposed amendment will be presented to the Board of Regents at the June 2017 meeting for adoption as a permanent rule. If adopted at the June meeting, the proposed amendment will be effective on June 28, 2017. Therefore, a second emergency action is needed at the May meeting to ensure that the emergency rule adopted at the March 2017 meeting remains continuously in effect until it can be adopted as a permanent rule. If adopted at the May meeting, the second emergency rule will become effective on June 11, 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.]

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

As a result of feedback the Board of Regents received from public forums across the State and based upon recommendations from the edTPA Task Force, the proposed amendment eliminates the requirement to take and pass the Academic Literacy Skills Test in order to obtain an initial teaching certificate.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(4-a), is the June 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the June meeting would be June 28, 2017, the date a Notice of Adoption would be published in the State Register. Emergency action is therefore needed at the May 2017 meeting to ensure that the emergency rule adopted at the March meeting, which will expire on June 10, 2017, remains continuously in effect until it can be adopted as a permanent rule. It is also necessary to ensure that candidates applying for an initial teaching certificate are aware that they will no longer be required to take and pass the ALST to obtain certification, and therefore will not have to pay a fee for the examination.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the June 2017 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 and will become effective as a permanent rule on June 28, 2017.

