




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 the Extension of the Educational Technology Specialist Content Specialty Test Safety Net

DATE: July 2, 2019

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to Section 80-1.5 of the Regulations of the Commissioner of Education relating to the extension of the Educational Technology Specialist Content Specialty Test safety net?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as an emergency measure and as a permanent rule at the July 2019 Board of Regents meeting (Attachments A and B are a copy of the proposed amendment and the Statement of Facts and Circumstances Justifying the Emergency Adoption, respectively).

Procedural History

A Notice of Proposed Rule Making was published in the State Register on April 24, 2019. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents. Following the 60-day public comment period required under the State Administrative Procedure Act, no comments were received on the proposed amendment.

Background Information

At its June 2018 meeting, the Board of Regents decided to reinstate the Educational Technology Specialist Content Specialty Test (CST) safety net through June 30, 2019 in response to the significant decrease in the pass rate for this examination. The safety net enables candidates to take either the revised Educational Technology Specialist CST or the predecessor CST while the Department reviews the test to determine if adjustments are needed.

A committee comprised of New York State educators who hold permanent or professional certification in educational technology and New York State educator preparation faculty who are preparing teachers in educational technology met in November 2018 to review the framework and validate test items for the revised Educational Technology Specialist CST. The committee recommended changes to the framework and test items to align the test with current best practices in the field of educational technology.

The Department plans to share the updated framework with the field to learn if it reflects what is occurring in practice. After the framework is vetted with the field, the test development process will continue until the revised Educational Technology Specialist CST is redeveloped and operational.

Proposed Amendment

Candidates who do not pass the revised Educational Technology Specialist CST may take advantage of the safety net through June 30, 2019. The Department is proposing to extend the safety net expiration date to six months after the revised Educational Technology Specialist CST is redeveloped and operational.

By extending the expiration date, the safety net enables candidates to be held harmless during the redevelopment of the revised Educational Technology Specialist CST. The safety net gives candidates who do not pass the revised test the option of taking the same test again or the predecessor test.

In addition, having the safety net expiration date six months after the revised Educational Technology Specialist CST is redeveloped and operational gives candidates and teacher preparation programs time to transition to the redeveloped test. During this six-month period, candidates could take the redeveloped test or the revised test as a first-

time test taker. If they take and do not pass the revised test, they could take the revised test again or the predecessor test.

Related Regents Items

[June 2018](http://www.regents.nysed.gov/common/regents/files/618hea2.pdf) <http://www.regents.nysed.gov/common/regents/files/618hea2.pdf>

[September 2018](http://www.regents.nysed.gov/common/regents/files/918brca8.pdf) <http://www.regents.nysed.gov/common/regents/files/918brca8.pdf>

[April 2019](https://www.regents.nysed.gov/common/regents/files/419hea3.pdf) <https://www.regents.nysed.gov/common/regents/files/419hea3.pdf>

Recommendation

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

VOTED: That Section 80-1.5 of the Regulations of the Commissioner of Education be adopted, as an emergency measure, effective July 16, 2019, to preserve the general welfare in order to ensure that the safety net becomes effective immediately so candidates can be held harmless during the redevelopment of the Educational Technology Specialist Content Specialty Test and to ensure that the emergency rule adopted at the April 2019 meeting remains continuously in effect until it can be adopted as a permanent rule; and

VOTED: That Section 80-1.5 of the Regulations of the Commissioner of Education be adopted as submitted, effective July 31, 2019.

Timetable for Implementation

If adopted at the July 2019 meeting, the proposed amendment will become effective as an emergency rule on July 16, 2019 and as a permanent rule on July 31, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3003, 3004 and 3009 of the Education Law.

Paragraph (2) of subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(iii) For revised content specialty tests that became operational on or after October 18, 2016 or for the revised Educational Technology Specialist content specialty test, a candidate may take and receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty test until [June 30, 2019] six months after the revised Educational Technology Specialist content specialty test is redeveloped and operational.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING THE EMERGENCY
ACTION

The Department is proposing to extend the safety net for candidates seeking certification as Educational Technology Specialists until six months after the revised Educational Technology Specialist content specialty test is redeveloped and operational. The safety net will hold candidates harmless during the redevelopment of the Educational Technology Specialist CST. The safety net gives teacher candidates who do not pass the revised test the option of taking the same test again or the predecessor test.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) Sections 202(1) and (5), is the July 2019 Regents meeting. Furthermore, pursuant to SAPA Section 203(1), the earliest effective date of the proposed amendment, if adopted at the July Regents meeting, is July 31, 2019, the date a Notice of Adoption would be published in the State Register. However, because the current emergency rule adopted at the April 2019 Board of Regents meeting will expire before it can be permanently adopted, emergency action is necessary for the preservation of the general welfare in order to ensure that the safety net becomes effective immediately so candidates can be held harmless during the redevelopment of the Educational Technology Specialist content specialty test and to ensure that the emergency rule adopted at the April 2019 meeting remains in effect until it can be adopted as a permanent rule.