



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

To: Higher Education Committee

From: John L. D'Agati *John L. D'Agati*

Subject: Proposed Amendment to Part 80 of the Regulations of the Commissioner of Education Relating to the New Teacher and School Building Leader Certification Examination Requirements

Date: December 3, 2012

Authorization(s): *Richard A. Trentacosta* *John B. P. P.*

### SUMMARY

#### Issue for Decision

Should the Board of Regents amend Part 80 of the Commissioner's Regulations relating to the timeline for the new certification examinations for teachers and school building leaders?

#### Reason(s) for Consideration

Review of policy.

#### Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for adoption at its December 2012 meeting (see Attachment A - Amendment to the Regulations).

#### Procedural Handling

A Notice of Proposed Rule Making was published in the State Register on October 3, 2012. Supporting materials are available upon request to the Board of Regents. Following a 45-day public comment period, the Department received comments in response to the proposed amendment (see Attachment B - Assessment of Public Comment).

## Background Information

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 and school leadership in New York State. One of those initiatives was to strengthen the assessments for the certification of teachers and school leaders, by creation of a teacher performance assessment and increased rigor of the content specialty exams. In May 2010, the Board reaffirmed the direction for the new exams, which includes the Academic Literacy Skills Test (ALST), the Educating All Students test (EAS), the Teacher Performance Assessment (edTPA), and the School Building Leader performance assessment (SBL), as well as revisions to the Content Specialty Tests (CSTs). The new exams were described in New York's Race to the Top (RTTT) application and are part of New York's RTTT scope of work and were scheduled to be implemented in May 2013. At the Board's September 2011 meeting, Department staff presented background information on the exams and proposed revisions to the content of the examinations based on research and developments in educational policy. At the February 2012 meeting, the Board of Regents approved a shift in the implementation date of the new certification examinations (edTPA, ALST, EAS and the SBL) based on input from the field. These new examinations would be required for all candidates applying for teacher or school building leader certification and/or completing all certification requirements on or after May 1, 2014.

To support program administrators and faculty to prepare their candidates to pass the new exams, the Department posted draft frameworks and scoring rubrics for the Teacher Performance Assessment, the Academic Literacy Skills Test, the Educating All Students test, the new School Building Leader exam, as well as the English Language Arts, Health Education, Library Media Specialist, Literacy, Mathematics, Physical Education, Students with Disabilities, and all Multi-subject CSTs during the spring 2012 semester. We plan to post frameworks for the remaining new CSTs in batches, well before the new exams are required (see Attachment C - Background Information for a discussion of the new examinations).

## Timeline for Initial Certificates for Teachers in all fields other than Career and Technical Education (CTE)

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, will need to pass the LAST (Liberal Arts and Sciences Test), the ATS-W (Assessment of Teaching Skills-Written), and the CST in the area of the certificate on or before April 30, 2014. Instead of meeting the old examination requirements, a candidate applying for certification on or before April 30, 2014 may achieve a satisfactory level of performance on the new set of examinations (edTPA, EAS, ALST, CST). Candidates will not be permitted to mix and match examinations from the old and new tests.

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, will be required to pass the edTPA, EAS, ALST, and CST.

#### Timeline for STEM Certification Candidates

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 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 is only required to achieve a satisfactory level of performance on the LAST.

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 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, shall only be required to pass the EAS and ALST.

#### Timeline for Initial Certificates in CTE Fields - Option A

Candidates who have completed an associate's degree and have two years work experience in a field related to their certification are eligible to apply for certification under the Option A pathway. A candidate who has completed all requirements for initial certification on or before April 30, 2014 and who applies for certification on or before April 30, 2014, is required to pass the ATS-W on or before April 30, 2014 or achieve a satisfactory level of performance on the edTPA and EAS.

A candidate who applies for certification on or after May 1, 2014 or a candidate who applies for certification on or before April 30, 2014 but does not meet all the requirements for an initial certificate on or before April 30, 2014, is required to pass the edTPA and EAS. However, the Department is currently considering future amendments to the regulation to allow candidates to pass the ATS-W until the edTPA is available.

#### Timeline for Initial Certificates in CTE Fields - Option B

Candidates who have a high school diploma and four years work experience in a field related to their certificate are eligible to apply for certification under the Option B pathway. A candidate who has completed all requirements for initial certification on or before April 30, 2014 and who applies for certification on or before April 30, 2014, is required to pass the Communication and Quantitative Skills Test (CQST) and ATS-W on or before April 30, 2014 or submit evidence of having achieved a satisfactory level of performance on the CQST, edTPA and EAS.

A candidate who applies for certification on or after May 1, 2014 or a candidate who applies for certification on or before April 30, 2014 but does not meet all the requirements for an initial certificate on or before April 30, 2014, is required to pass the CQST, edTPA and EAS. However, the Department is currently considering future

amendments to the regulation to allow candidates to pass the ATS-W until the edTPA is available.

#### Timeline for Candidates Applying for Transitional B or C Certificates

A candidate who applies for a Transitional B or C certificate on or before April 30, 2014 and who meets all the requirements for a Transitional B or C certificate on or before April 30, 2014, is required to take the LAST and the CST in the area of the certificate, where such CST is required for the certificate title on or before April 30, 2014. Successful completion of the CST 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 CST prescribed by the Commissioner.

A candidate who applies for a Transitional B or C certificate on or after May 1, 2014 or a candidate who applies for a Transitional B or C certificate on or before April 30, 2014 but does not meet all the requirements for a Transitional B or C certificate on April 30, 2014 is required to pass the ALST, EAS, and the CST in the area of the certificate, where such CST is required for the certificate title. Successful completion of the CST 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 CST prescribed by the Commissioner or a teaching certificate in the classroom teaching service.

#### Timeline for Transitional B or C Candidates Applying for Certification

Candidates for certification via the Transitional B or C (“alternative”) pathways would be subject to the following requirements. 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, is required to take the ATS-W 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 edTPA 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 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 or before April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the edTPA and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable.

### Timeline for Transitional G Candidates

A candidate applying for a Transitional G certificate (only available to individuals who hold a graduate degree and are college professors) on or before April 30, 2014 and who meets all the requirements for a Transitional G certificate on or before April 30, 2014 is required to pass the LAST on or before April 30, 2014 or achieve a satisfactory level of performance on the ALST.

A candidate who applies for a Transitional G certificate on or after May 1, 2014 or who applies for a Transitional G certificate on or before April 30, 2014 but does not meet all the requirements for a Transitional G certificate on or before April 30, 2014 will be required to pass the ALST.

### Timeline for School Building Leader Candidates

A candidate applying for a school building leader certificate shall submit evidence of having achieved a satisfactory level of performance on the New York State assessment for school building leadership. In addition, for candidates applying for certification on or after May 1, 2014 or candidates who apply for certification on or before April 30, 2014 but do not meet all the requirements for an initial certificate on or before April 30, 2014, shall also achieve a satisfactory level of performance on the EAS.

Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received a few comments in response to the regulation. Attached is an assessment of the public comment received.

These regulations are necessary to fully implement the intent of the Regents Reform Agenda to redesign teacher and school leader preparation. Please see Attachment C-Examination Changes Table for additional information regarding the examination requirement changes.

### Recommendation

VOTED: That Part 80 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 2, 2013.

### Timetable for Implementation

If adopted at the December meeting, the proposed amendment will become effective on January 2, 2013.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

1. Subdivision (b) of section 80-1.5 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

(b) A school or school system shall not prohibit an [employee] individual who is a current or prospective applicant for [permanent] certification from videotaping a classroom for the purpose of meeting the requirements of the teacher performance assessment for certification as a teacher in the classroom teaching service or the performance assessment of teaching skills requirement for permanent certification, transmitting such videotape in the department, or otherwise fulfilling this classroom presentation requirement. A videotape made for this purpose shall be a confidential record of the department and as such, is not subject to viewing or disclosure to any individual or entity other than the applicant for certification, appropriate departmental personnel, and others engaged by the department to evaluate the videotape for purposes of determining the candidate's eligibility for certification.

2. Paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

(2) Examination. The candidate shall meet the examination requirement by meeting the requirements in one of the following subparagraphs:

(i)(a) Except as otherwise provided in this section, 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 subdivision (b) of this section.

(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.

(c) 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 5-9) or] (grades 7-12) and who is [seeking] 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 [not be required to achieve a satisfactory

level of performance on the content specialty test] 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 5-9)] or (grades 7-12) and who is [seeking] 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.

(ii) . . .

(c) Requirements for initial certificates in a specific career and technical subject within the field of agriculture, business and marketing, family and consumer sciences, health, a technical area, or a trade (grades 7 through 12). The candidate shall meet the requirements for the initial certificate by successfully completing the requirements in paragraph (1) or (2) of this subdivision.

(1) Option A. The requirements of this paragraph are applicable to candidates who seek an initial certificate through completion of an associate degree program or its equivalent. The candidate shall meet the requirements in each of the following subparagraphs:

(i) . . .

(ii) Examination. The candidate shall meet the examination requirement by meeting the requirements in one of the following clauses:

(a) [The candidate]

(1) A candidate who has completed all requirements for initial certification on or before April 30, 2014 and who applies for certification 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, [and content specialty test(s) in the area of the certificate] on or before April 30, 2014 or achieve a satisfactory level of performance on the teacher performance assessment and the educating all students test.

(2) A candidate who applies for certification on or after May 1, 2014 or a candidate who applies for certification on or before April 30, 2014 but does 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 New York State Teacher Certification Examination teacher performance assessment and the educating all students test.

(b) . . .

(iii) . . .

(2) Option B. The requirements of this paragraph are applicable to candidates who seek an initial certificate through completion of a program of coursework that does not lead to an associate or higher degree. This option shall not be available in specific family and consumer science, business and marketing and technical subject titles. The candidate shall meet the requirements in each of the following subparagraphs:

(i) . . .

(ii) Examination. The candidate shall meet the examination requirement by meeting the requirements in one of the following clauses:

(a) [The candidate]

(1) A candidate who has completed all requirements for initial certification on or before April 30, 2014 and who applies for certification 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 communication and quantitative skills test[, and the written assessment of teaching skills[, and content specialty test(s) in the area of the certificate] on or before April 30, 2014 or evidence of having achieved a satisfactory level

of performance on the communication and quantitative skills test, the teacher performance assessment and the educating all students test.

(2) A candidate who applies for certification on or after May 1, 2014 or a candidate who applies for certification on or before April 30, 2014 but does 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 New York State Teacher Certification Examination communication and quantitative skills test, the teacher performance assessment and the educating all students test.

(b) . . .

(iii) . . .

3. Section 80-3.4 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, as follows:

Section 80-3.4. Requirements for the professional certificate in the classroom teaching service.

(a) . . .

(b) Requirements for professional certificates in all titles in classroom teaching service, except in a specific career and technical subject within the field of agriculture, business and marketing, family and consumer sciences, health, a technical area, or a trade (grades 7 through 12). The candidate shall meet the requirements in each of the following paragraphs:

(1) . . .

(2) . . .

(3) Examination.

(i) (a) 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 have completed all requirements for professional certification on or before April 30, 2014, or have completed all requirements

for professional certification with the exception of completion of their registered Transitional C program, and who apply for certification 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 on before April 30, 2014 or shall submit evidence of having a achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment.

(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 a achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment.

(ii) . . .

(c) Requirements for professional certificates in a specific career and technical subject within the field of agriculture, business and marketing, family and consumer sciences, health, a technical area, or a trade (grades 7 through 12). The candidate shall meet the requirements for the professional certificate by successfully completing the requirements in paragraph (1) or (2) of this subdivision.

(1) Option A. The requirements of this paragraph are applicable to candidates who seek a professional certificate and who hold an associate degree or its equivalent. The candidate shall meet the requirements for the professional certificate in each of the following subparagraphs:

(i) . . .

(ii) . . .

(iii) Examination.

(a) [The candidate] A candidate who has completed all requirements for a professional certificate and who apply for certification 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 on or before April 30, 2014 or evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination academic literacy skills test.

(b) A candidate who applies for certification on or after May 1, 2014 or who applies for certification on or before April 30, 2014 but does 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 academic literacy skills test.

(2) Option B. The requirements of this paragraph are applicable to candidates who seek a professional certificate and do not possess an associate degree or its equivalent. This option shall not be available in specific family and consumer science, business and marketing, and technical subject titles. The candidate shall meet the requirements in each of the following subparagraphs:

(i) . . .

(ii) . . .

(iii) Examination.

(a) [The candidate] A candidate who has completed all other requirements for a professional certificate and who applies for certification 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 on before April 30, 2014 or a satisfactory level of performance on the New York State Teacher Certification Examination academic literacy skills test.

(b) A candidate who applies for certification on or after May 1, 2014 or who applies for certification on or before April 30, 2014 but does not meet all the requirements for a

professional 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.

4. Section 80-3.9 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, as follows:

(a) . . .

(b) Professional certificate. In lieu of meeting the education, experience, and examination requirements prescribed in section 80-3.4(b) of this Subpart, the candidate issued an initial certificate under the requirements of subdivision (a) of this section shall meet the following requirements for a professional certificate as a teacher of speech and language disabilities (all grades):

(1) . . .

(2) . . .

(3)

(i) [the candidate] a candidate who has completed all other requirements for the professional certificate on or before April 30, 2014 and who applies for certification on or before April 30, 2014, must achieve a satisfactory level of performance on the liberal arts and sciences test [portion of the New York State teacher certification examinations] on before April 30, 2014 or a satisfactory level of performance on the academic literacy skills test.

(ii) A candidate who applies for certification on or after May 1, 2014 or a candidate who applies for certification on or before April 30, 2014 but does not meet all the requirements for a professional certificate on or before April 30, 2014 must achieve a satisfactory level of performance on the academic literacy skills test; and

(4) . . .

5. Clause (b) of subparagraph (ii) of paragraph (1) of subdivision (a) of section 80-3.10 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

Section 80-3.10. Certificates for the educational leadership service.

(b) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State assessment for school building leadership[, provided that such assessment is available at the time the candidate applies and upon application qualifies for the initial certificate. The department shall determine the date on which such assessment is available and required]. In addition, for candidates applying for certification on or after May 1, 2014 or candidates who apply for certification on or before April 30, 2014 but do not meet all the requirements for an initial certificate on or before April 30, 2014, the candidate shall also achieve a satisfactory level of performance on the educating all students test.

6. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

(ii) Examination.

(a) [The candidate] 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 [or a teaching certificate in the classroom teaching service].

(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 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 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.

7. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

(ii) Examination.

(a) [The candidate] 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, 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 or before April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the teacher performance assessment, and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable.

8. Paragraph (2) of subdivision (b) of section 80-5.14 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

(2) Examination.

(a) [The candidate] 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.

(b) 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 (ii) of paragraph (2) of subdivision (a) of section 80-5.22 of the Regulations of the Commissioner of Education is amended, effective January 2, 2013, to read as follows:

(ii) Examination.

(a) [The candidate] A candidate who applies for a Transitional G certificate on or before April 30, 2014 and who meets all the requirements for a Transitional G 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 on or before April 30, 2014 or achieve a satisfactory level of performance on the New York State Teacher Certification Examination academic literacy skills test.

(b) A candidate who applies for a Transitional G certificate on or after May 1, 2014 or who applies for a Transitional G certificate on or before April 30, 2014 but does not meet all the requirements for a Transitional G 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 academic literacy skills test.

## ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Revised Rule Making in the State Register on October 3, 2012, the State Education Department (SED) received the following comments on the revised proposed amendment.

### COMMENT:

After reading both the Field 201: EAS Test Design and Framework and the Fields 107/108: School Building Leader Assessment Design and Framework, I find that both will address knowledge and skills needed by effective school leaders.

After working 24 years in a small upstate city school district where the performance of students revealed the need for an overhaul in the traditional process of teaching and administrating, I have experienced why an improved certification process should be pursued. Now, as a faculty member of a certification program in educational leadership, I also feel it is imperative to transform teaching, learning, and school leadership. Because the particular courses I teach focus on reaching all students, especially those with diverse learning needs, I possess a heightened sense of urgency that future school leaders are prepared to inspire this effort.

I find it interesting that not only is “change” to positively impact student learning challenging at the K-12 level, but based on a CADEA & MCEAP conference I attended, it seems even more challenging in higher ed!

### DEPARTMENT RESPONSE:

The comment is generally supportive of the regulation. Therefore, no response is necessary.

## COMMENTS:

A commenter expressed concern with the negative impact of the current timeline on candidate preparation to submit the edTPA, a performance-based assessment portfolio that is completed in the student teaching semester.

The commenter indicated that many stakeholders from the P – 20 learning community are involved in the implementation of the edTPA. A period of knowledge gathering, dissemination, and discussion about the edTPA must take place prior to gaining constituent support and follow-through. The current, proposed implementation timeline does not support a well-planned delivery of edTPA preparation for the stakeholders involved, especially with respect to the timing of designation of campus edTPA coordinators and the candidate cohort who will submit the first round of edTPA portfolios.

Based on the following considerations, it is requested that the Board of Regents' Higher Education Committee move the new exams implementation date from May 1, 2014 to June 1, 2014.

Another commenter indicated that faculty members continue to voice very serious concerns regarding the implementation date for the new exams—particularly the Teacher Performance Assessment (edTPA). Those working directly with the affected cohort of students (juniors if using a baccalaureate program as an example) do not have adequate information at this time to guide their students. Many of the support programs related to the edTPA are at the beginning stages of disseminating information. Newly appointed TPA coordinators are attempting to design guidance and information programs for faculty, candidates, and school districts. This is happening as entering juniors are beginning their year with faculty members who have not had adequate time and information to modify programs. You will find varied and strong perspectives on the use of edTPA within

educational communities, yet there is likely agreement that teacher candidates should not be set up for failure at the very point that they are most excited about their career development. If the implementation date is slightly altered, that is from May 1, 2014 to **June 1, 2014**, this would shift the affected cohort for the edTPA by an entire semester for many programs.

DEPARTMENT RESPONSE: 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 and school leadership in New York State. One of those initiatives was to strengthen the assessments for the certification of teachers and school leaders, by creation of a teacher performance assessment and increased rigor of the content specialty exams. In May 2010, the Board reaffirmed the direction for the new exams, which includes the Academic Literacy Skills Test (ALST), the Educating All Students test (EAS), the Teacher Performance Assessment (edTPA), and the School Building Leader performance assessment (SBL), as well as revisions to the Content Specialty Tests (CSTs). The new exams were described in New York's Race to the Top (RTTT) application and are part of New York's RTTT scope of work and were scheduled to be implemented in May 2013. At the Board's September 2011 meeting, Department staff presented background information on the exams and proposed revisions to the content of the examinations based on research and developments in educational policy. At the February 2012 meeting, the Board of Regents approved a shift in the implementation date of the new certification examinations (edTPA, ALST, EAS and the SBL) based on input from the field. These new examinations would be required for all candidates applying for teacher or school building leader certification and/or completing all certification requirements on or after May 1, 2014. The Department has already amended its scope of work for its Race to the Top Application to push back the implementation timeline for these

new exams. It has also provided more than four years notice of these new examination requirements before they will have been implemented and has provided frameworks and assistance to the field on these new exams. Therefore, the Department does not believe these timeframes should be extended further.

**COMMENT:**

We want to bring attention to the unique difficulties a teacher performance assessment presents to those applying for a CTE certificate. This will prove problematic for most applicants given the unique niche they fill and the pathway taken by many applicants. Most will not have settings or connections to P-12 teachers with whom to complete a performance assessment.

**RESPONSE:** The Department is working with its examination administrator and the higher education community to address the unique nature of a CTE certificate and the opportunities for these teachers to perform a performance assessment.

**COMMENT:** We understand that you are already aware of the need to make the correction in the proposed regulations related to the grade level and the STEM pathway to certification for those with post-secondary teaching experience. While this was originally proposed for grades 5-9 or grades 7-12, it was changed to grades 7-12 (only) as a result of public comment—as per the July, 2011 action by the Board of Regents.

**RESPONSE:** The commenter is correct and this non-material change to the proposed amendment will be reflected when the proposed amendment is adopted.

COMMENT: While the current regulations refer to an “employee,” this proposed regulation change refers to an “individual”— a current or prospective applicant for certification. This extends an existing regulation to non-employees given the requirement for the edTPA. As we have communicated previously, the logistics for the edTPA will be formidable, particularly given the current implementation date. While the wording change may be minor, the implications for classroom teachers (and candidates) are not. This will be the first time that classroom teachers (or teams) who agree to mentor teacher candidates will be required to accommodate videotaping. This regulation was originally developed for the permanent certificate—that is, employed teachers asking a colleague to videotape them in their class.

While the final video that a candidate submits for the edTPA may be modest in size, we do not yet know how this process will unfold in educational settings. Candidates may be making requests to tape multiple times in order to have choices. Current edTPA guidance suggests that P-12 student responses be audible, which will likely require attention to microphones. It will be important that these expectations as well as others related to the edTPA are clearly communicated to P-12 educators. It is not just teacher preparation program faculty members and their candidates who will need to learn the details of the edTPA. Conversation and information-sharing also needs to take place with P-12 educators and administrators. It is unlikely that preparation programs will be able to do this in a thoughtful and systematic way under the current implementation timeline.

RESPONSE: The regulation was amended to provide prospective candidates seeking certification in New York, who may or may not be employees of the district, to be able to videotape their students so they can complete their performance assessment for certification.

Attachment C

Candidates who apply for their first certificate on or before April 30, 2014 and who will have completed all of their requirements by April 30, 2014 will be required to pass the current set of exams required for certification

Candidates who apply on or before April 30, 2014 and who will have completed all of their requirements by April 30, 2014 and have completed the new set of exams required for certification required on or after May 1, 2012

Candidates who apply on or before April 30, 2014 and who will not have completed all of their requirements by April 30, 2014 will be required to pass the new set of exams required for certification

	Current Exams for Transitional Certificate	New Exams for Transitional Certificate	Current Exams for Initial Certificate	New Exams for Initial Certificate	Current Exams for Professional Certificate	New Exams for Professional Certificate
<b>Classroom Teacher - Other than CTE</b>			Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio) Educating All Students Test	Same as Initial	Same as Initial Same as Initial
			Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test	Same as Initial	Same as Initial
			Content Specialty Test in the area of the Certificate (CST)	Revised Content Specialty Test in the Area of the Certificate (CST)	Same as Initial	Same as Initial
<b>Classroom Teacher – CTE</b>			<b>Option A</b>	<b>Option A</b>	<b>Option A</b>	<b>Option A</b>
			Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio) Educating All Students Test	Same as Initial	Same as Initial Same as Initial

	Current Exams for Transitional Certificate	New Exams for Transitional Certificate
<b>Continued: Classroom Teacher - CTE</b>		

Current Exams for Initial Certificate	New Exams for Initial Certificate
Content Specialty Test - Not Available (N/A)	
<b>Option B</b>	<b>Option B</b>
Communication and Quantitative Skill Test - CQST	Communication and Quantitative Skill Test - CQST
Content Specialty Test - N/A	
Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio) Educating All Students Test

Current Exams for Professional Certificate	New Exams for Professional Certificate
Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test
<b>Option B</b>	<b>Option B</b>
Same as Initial	Same as Initial
Same as Initial	Same as Initial Same as Initial
Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test

<b>Transitional B Students - For all certificates other than those listed below</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test
	Content Specialty Test- in the area of the certificate	Content Specialty Test- in the area of the certificate
		Educating All Students Test

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	<b>Current Exams for Transitional Certificate</b>	<b>New Exams for Transitional Certificate</b>

<b>Current Exams for Initial Certificate</b>	<b>New Exams for Initial Certificate</b>
Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)

<b>Current Exams for Professional Certificate</b>	<b>New Exams for Professional Certificate</b>
Same as Initial	Same as Initial

<b>Transitional C Students</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test
	Content Specialty Test- in the area of the certificate	Content Specialty Test- in the area of the certificate
		Educating All Students Test

Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)

Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)

<b>Transitional B Specific Titles</b>		
<b>English to Speakers of Other Languages</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test
	Any Content Specialty Test	Content Specialty Test as Prescribed by the Commissioner
		Educating All Students Test

Content Specialty Test- in the area of the certificate	Content Specialty Test- in the area of the certificate

Same as Initial	Same as Initial

	Current Exams for Transitional Certificate	New Exams for Transitional Certificate	Current Exams for Initial Certificate	New Exams for Initial Certificate	Current Exams for Professional Certificate	New Exams for Professional Certificate
			Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)	Same as Initial	Same as Initial
<b>Students with Disabilities</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test				
	Any Content Specialty Test	Content Specialty Test as Prescribed by the Commissioner	Content Specialty Test- in the area of the certificate	Content Specialty Test- in the area of the certificate	Same as Initial	Same as Initial
	Content Specialty test for Content Area of Certification - Not SWD	Content Specialty test for Content Area of Certification - Not SWD				
		Educating All Students Test				
			Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)	Same as Initial	Same as Initial
<b>Deaf and Hard of Hearing</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test				
	Any Content Specialty Test	Content Specialty Test as Prescribed by the Commissioner	Content Specialty Test- in the area of the certificate	Content Specialty Test- in the area of the certificate	Same as Initial	Same as Initial
		Educating All Students Test				

	Current Exams for Transitional Certificate	New Exams for Transitional Certificate
<b>Blind and Visually Impaired</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test
	Any Content Specialty Test	Content Specialty Test as Prescribed by the Commissioner
		Educating All Students Test
<b>Speech and Language Disabilities</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test
	Any Content Specialty Test	
		Educating All Students Test
<b>Bilingual Education Extension</b>	Any Content Specialty Test	Content Specialty Test for Base Certificate

Current Exams for Initial Certificate	New Exams for Initial Certificate
Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)
Content Specialty Test- in the area of the certificate	Content Specialty Test- in the area of the certificate
Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)
Assessment of Teaching Skills – Written (ATS-W)	Teacher Performance Assessment (Portfolio)
BEA - Language	BEA - Language

Current Exams for Professional Certificate	New Exams for Professional Certificate
Same as Initial	Same as Initial
Same as Initial	Same as Initial
Same as Initial	Same as Initial
Praxis exam - Speech	Praxis exam - Speech
Same as Initial	Same as Initial
Same as Initial	Same as Initial

	Current Exams for Transitional Certificate	New Exams for Transitional Certificate	Current Exams for Initial Certificate	New Exams for Initial Certificate	Current Exams for Professional Certificate	New Exams for Professional Certificate
<b>Transitional G</b>	Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test				
				Educating All Students Test		Same as Initial
<b>STEM</b>			Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test	Same as Initial	Same as Initial
				Educating All Students Test		Same as Initial
<b>School Building Leader</b>			School Building Leader Exam (Written)	School Building Leader Exam (Including Performance Assessment)	Same as Initial	Same as Initial
				Educating All Students Test		Same as Initial
<b>Speech - Licensure Pathway</b>					Liberal Arts And Science Test (LAST)	Academic Literacy Skills Test

**Conditional Initial** Since no exams are required for the Conditional, we have identified the exams under the Initial and Professional above

## **Background information on the new certification examinations and test development**

### **Test Development Process**

The New York State Teacher Certification Examinations (NYSTCE) program is custom-developed with the extensive involvement of New York State educators. NYSTCE test development is a collaborative process involving the combined expertise of New York State classroom educators and administrators, educator preparation faculty, psychometric experts, researchers engaged in the study of teaching and learning, and State Education Department policy and program personnel. Public school educators and preparation program faculty play critical roles in the test development process. This document outlines the major test development milestones and the role of educators in the process.

### **Committees**

For each NYSTCE exam, two committees comprised of approximately two thirds New York public school educators and one third educator preparation faculty are involved in the early stages of test development.

### **Bias Review Committee**

The primary purpose of the Bias Review Committee is to address bias issues in test development. Prevention of bias in the NYSTCE is a matter of equity and fairness, as well as a central aspect of test validity. Guarding against bias involves the collaboration of many educators and reviewers, all focused on two aspects of preventing potential bias: excluding language, content, or perspectives that might disadvantage candidates; and including content, language, and perspectives that reflect the diversity of the New York State population.

### **Content Advisory Committee**

For each NYSTCE exam, there is a Content Advisory Committee whose members are permanently certified New York State public school educators and teacher/school leader educators in the appropriate field. They are recruited to reflect the gender, ethnic, and geographic diversity of the State.

### **Framework Review**

The test framework for each field serves as an explicit foundation for test content by organizing fields into areas of content described by competencies. The frameworks guide test development and assist candidates in their preparation for examinations.

- The draft frameworks are reviewed and revised by New York State educators on the Bias Review Committee and the Content Advisory Committee.
- The proposed frameworks, as revised, need to be approved by the New York State Education Department.

## **Content Validation Survey**

To verify that the framework competencies reflect actual educational practices in New York State, a content validation survey is conducted.

- The competencies from each content framework are formatted into two content validation surveys per field: one for New York State public school educators and the other for college faculty at New York State's preparation programs.
- Surveys for public school educators are distributed throughout New York State. The college educator surveys are distributed through New York State institutions that prepare educators.
- Results from the Content Validation Survey are analyzed, and the frameworks may be revised based on those results.

## **Item Review**

Draft items are developed to measure the competencies indicated by the test frameworks.

- Draft items are reviewed by New York State educators on the Bias Review Committee and the Content Advisory Committee.
- Draft items are open for revision, replacement, or deletion according to the consensus judgments of the committee members.

## **Field Testing**

Test items that were reviewed by the Bias Review Committee and the Content Advisory Committee and approved by the State Education Department are field-tested among students in New York State educator preparation programs and among volunteer examinees at operational administrations of the NYSTCE. The field tests are designed to gather information about the performance of test items.

- Volunteers to take field tests are recruited from the student populations of New York State educator preparation institutions and from examinees who register for operational administrations of the NYSTCE. Special attention is given to representing the geographic and ethnic diversity of New York State among field test participants.
- After the field test, test items are scored and results analyzed to provide statistical information on the test questions. Analysis permits consideration of the technical qualities of test items.
- Tests items warranting further review based on the field test are re-examined by the Bias Review Committee and the Content Advisory Committee. The committees consider the test items in light of the results and recommend revisions accordingly.

## **Description of New Certification Exams**

### Academic Literacy Skills Test

The framework for the Academic Literacy Skills Test contains two competencies: reading and writing to sources. This exam is designed to ensure that educators have the academic literacy skills necessary to teach effectively in New York State public schools. The expectation is that New York State educators will read complex informational and narrative texts and demonstrate command of key ideas and details in the texts. Candidates should be able to determine what texts say explicitly while also making logical inferences and drawing conclusions using text-based evidence. Teachers must

demonstrate their ability as proficient and critical readers via wide, deep and thoughtful engagement with the material. They also will demonstrate command of evidence found in texts and use well-argued reasoning to analyze and synthesize ideas as demonstrated through nuanced writing that addresses a given task, purpose and audience. These competencies are aligned with Common Core Learning Standards, consistent with the Regents Reform Agenda.

### Educating All Students

The framework for the Educating All Students test addresses five competencies: Diverse Student Populations, English Language Learners, Students with Disabilities and Other Special Learning Needs, Teacher Responsibilities, and School-Home Relationships. This exam is designed to ensure that candidates understand the characteristics, strengths and needs of all learners to promote academic growth and help all students, including but not limited to English language learners and students with disabilities, reach their highest levels of achievement and independence. The exam targets candidates' ability to use knowledge of diversity within the school and community to address the needs of all students, create a sense of community, and promote students' appreciation and respect of all students.

The exam also focuses on ensuring that future educators understand effective strategies for promoting positive home-school relationships which enhance student learning. The ability to effectively engage the families/parents of students is often the determining factor in a student's academic success. As a result, the exam includes an assessment of a candidate's ability to communicate with and engage parents, with the goal of encouraging parents to participate in and contribute to their child's learning. Additionally, candidates should understand the rights and responsibilities in situations involving interactions between teachers and students, parents/guardians, community members, colleagues, school administrators and other school personnel.

### Teacher Performance Assessment

The Department has partnered with the Teacher Assessment Performance Consortium (TPAC) and is utilizing the Teacher Performance Assessment (edTPA) developed by the Stanford Center for Assessment, Learning and Equity (SCALE). The edTPA is designed to measure candidates' ability to differentiate instruction to diverse learners, and provide an evidence-based process that can be used to determine candidates' readiness for the classroom. Representatives from SCALE have given presentations to our higher education stakeholders, providing information on scoring, test validity, inter-rater reliability, and the structure of the new edTPA. Additional support sessions are being planned with SCALE participation to help our institutions with the implementation of the assessment.

Additionally, the Department has negotiated a Memorandum of Understanding (MOU) with SUNY and CUNY, and is in the process of developing one with the Commission on Independent Colleges and Universities (clcu), to support deans, department chairs, faculty and program directors of teacher education and school building leader programs and their respective colleges of arts and sciences in the implementation of the Regents Reform Agenda.

### Content Specialty Tests

The Department administers dozens of different Content Specialty Tests (CSTs) that correspond to various academic subjects, foreign languages, and other teaching specialties. These are being revised in batches, beginning with the Multi-Subject CSTs that are required for Early Childhood and Childhood certification. The Department will stop administering each old CST as soon as its replacement is available. Candidates who pass the old CST in a particular subject will be permitted to count it towards a certificate in that subject, even if the date on which they apply for the certificate is after the date that the new CST is available.

The Department published a timetable in spring 2012 giving the date when each new CST will be available for use. We currently anticipate that many of the exams will be implemented during the 2013-14 academic year, and the remainder will be implemented during the 2014-15 academic year. To ensure that all exams reflect the Regents Reform Agenda and appropriate pedagogical and content knowledge, test frameworks are developed using NYSED-designated content experts as consultants. Once the frameworks are drafted each is reviewed by a Content Advisory Committee consisting of New York State college faculty members and P-12 educators with experience in the given content. As described above, the framework review committee's input can result in additions, deletions and revisions to the original frameworks. The framework for each new CST will be published approximately two years prior to the first administration date. Information detailing the framework posting dates and implementation timeline for each exam is located in the chart below.

Content Specialty Tests	Initial Frameworks Posted	Test Operational
<b>CST Group 1:</b> English Language Arts Health Education Library Media Specialist Literacy Mathematics Multi-Subject Physical Education Students with Disabilities	Spring 2012 (draft)	Spring 2014
<b>CST Group 2:</b> Agriculture Business and Marketing Deaf and Hard of Hearing Educational Technology Specialist Family and Consumer Sciences Gifted Education Technology Education	Fall 2012 (draft)	Fall 2014
<b>CST Group 3:</b> American Sign Language Biology Blind and Visually Impaired Cantonese Chemistry Dance Earth Science English to Speakers of Other Languages (ESOL) French German Greek Hebrew Italian Japanese Latin Mandarin Music Physics Social Studies Russian Spanish Theater Visual Arts	Fall 2013 (draft)	Fall 2015