



**TO:** The Honorable the Members of the Board of Regents

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

**SUBJECT:** Proposed Amendments to Sections 80-3.3, 80-3.4 and 80-5.13 of the Regulations of the Commissioner of Education to Extend the Deadline for a Teaching Candidate to Apply for and Meet the Requirements for Certification if he/she Wishes to Take Advantage of the "edTPA Safety Net"

**DATE:** April 6, 2015

**AUTHORIZATION(s):** *Richard A. Trachtenberg* *Elizabeth P. Berlin*

## SUMMARY

### Issue for Decision (Consent Agenda)

Should the Board of Regents amend Sections 80-3.3, 80-3.4 and 80-5.13 of the Commissioner's Regulations to extend the deadline for a teaching candidate to apply for and meet the requirements for certification if he/she wishes to take advantage of the edTPA safety net?

### Reason(s) for Consideration

Review of policy.

### Proposed Handling

The proposed amendment is being presented to the Full Board for adoption as an emergency action at the April 2015 Regents meeting. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

## Procedural History

The proposed amendment was discussed by the Higher Education Committee at the February 2015 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on February 1, 2015. Supporting materials are available upon request from the Secretary to the Board of Regents.

## 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. The Board of Regents discussion included the development of new examinations, creation of performance assessments for teachers and school building leaders, and the revision of the current Content Specialty Tests (CSTs). The teacher performance assessment was intended to measure candidates' readiness for the classroom consistent with the New York State Teaching Standards, which were adopted with extensive stakeholder input.

In May 2010, the Board reaffirmed the direction for the new examinations, which includes the Academic Literacy Skills Test (ALST), the Educating All Students test (EAS), the edTPA, and the School Building Leader performance assessment (SBL), as well as revisions to the Content Specialty Tests (CSTs). The new certification examinations were described in New York's Race to the Top (RTTT) application in 2010, are part of New York's RTTT scope of work, and were scheduled to be implemented in May 2013.

In 2013, the Department provided a one- year extension for the new certification requirements and provided \$11.5 million to CUNY, SUNY, and clcu to support the provision of faculty professional development on topics such as the Common Core and the new certification examinations.

Candidates could start taking the new examinations beginning in September 2013, and on May 1, 2014, candidates were required to take and pass the new certification examinations, including the edTPA, in order to receive an initial certificate.

In response to concerns from the field on the edTPA, in April 2014, the Board of Regents adopted regulations, which were further revised in September 2014, to provide a "safety net" for certain teaching candidates who applied for and met all requirements for a teaching certificate, except the candidate took and failed the edTPA. Currently, these regulations provide that if a **candidate applies for and meets all the requirements for an initial certificate on or before June 30, 2015** (including completing and submitting for scoring the teacher performance assessment), except the candidate does not achieve a satisfactory score on the edTPA, the candidate may meet the requirements for an initial certificate if the candidate either:

- (1) receives a satisfactory score on the ATS-W after receipt of his/her score on the edTPA and prior to June 30, 2015; or

- (2) passes the ATS-W on or before April 30, 2014 (before the new certification examination requirements became effective) and the candidate has taken and failed the edTPA prior to June 30, 2015.

However, the field has expressed concern that some teaching candidates, who have used or will use the “safety net,” may not be able to apply for and meet all the other requirements by June 30, 2015 in order to take advantage of the “safety net” because they need to pass all other exams, complete their education, etc. Under the current regulations, if they do not meet all other requirements, including passing all other exams, completing the DASA and all other workshops before June 30, 2015, their score on the ATS-W would become invalid and they would then need to re-take and pass the edTPA. This would be extremely difficult for many candidates who will no longer be enrolled in their program and would not have access to a classroom. It may also impose a financial burden since the Department’s ability to make fee vouchers available will be limited after June 30, 2015. In response to these concerns, the purpose of the proposed amendment is to extend the deadline to apply for, and meet, the certification requirements for one year- from June 30, 2015 to June 30, 2016. By extending the date to apply for and meet the other certification requirements, the proposed amendment provides teaching candidates with the time they need to meet the other certification requirements without further extending the deadline to take and pass the edTPA.

Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received no comments.

#### Recommendation

VOTED: That clause (b) of subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3; clause (b) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 and clause (b) of subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, as submitted.

#### Timetable for Implementation

If adopted at the April 2015 meeting, the proposed amendment will become effective as a permanent rule on April 29, 2015.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3006 and 3009 of the Education Law.

1. Clause (b) of subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner is amended, effective April 29, 2015, to read as follows:

(b) Except as otherwise provided in this section, for candidates applying for certification on or after May 1, 2014 or candidates who applied for certification on or before April 30, 2014 but did not meet all the requirements for an initial certificate on or before April 30, 2014, such candidates shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment, the educating all students test, the academic literacy skills test and the content specialty test(s) in the area of the certificate, except that a candidate seeking an initial certificate in the title of Speech and Language Disabilities (all grades) shall not be required to achieve a satisfactory level of performance on the content specialty test or the teacher performance assessment and a candidate seeking an initial certificate in the title of Educational Technology Specialist (all grades) shall not be required to achieve a satisfactory level of performance on the teacher performance assessment. Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before [June 30, 2015 (including completing and submitting for scoring the teacher performance assessment)] June 30, 2016, except the candidate does not [receive] achieve a satisfactory [score] level of performance on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2015; or

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

2. Clause (b) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, as follows:

(b) Candidates who hold a transitional C certificate for career changers and others holding a graduate academic or graduate professional degree, pursuant to the requirements of section 80-5.14 this Part, and who apply for certification on or after May 1, 2014 or candidates who apply for professional certification on or before April 30, 2014 but do not meet all the requirements for a professional certificate on or before April 30, 2014 shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment. Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before [June 30, 2015 (including completing and submitting for scoring the teacher performance assessment)] June 30, 2016, except the candidate does not [receive] achieve a satisfactory [score] level of performance on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2015; or

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

3. Clause (b) of subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, to read as follows:

(b) A candidate who applies for an initial certificate on or after May 1, 2014 or who applies for an initial certificate on or before April 30, 2014 but does not meet all the requirements for an initial certificate on April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the teacher performance assessment, if applicable for that certificate title, and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable. Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before [June 30, 2015 (including completing and submitting for scoring the teacher performance assessment)] June 30, 2016, except the candidate does not [receive] achieve a satisfactory [score] level of performance on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2015; or

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