



**TO:** Higher Education Committee

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

**SUBJECT:** Proposed Amendments to Section 80-1.6 of the Regulations of the Commissioner of Education to Extend the Time Validity of an Expired Initial, Transitional and/or Conditional Initial Certificate for Up to One Additional Year If a Candidate Took One of the Revised Content Specialty Tests (CST's) Required for His/Her Certificate Title and Did Not Receive a Score During a Timeframe Prescribed by the Commissioner

**DATE:** February 2, 2015

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## SUMMARY

### Issue for Decision

Should the Board of Regents amend Section 80-1.6 of the Commissioner's Regulations to extend the time validity of an expired initial, transitional and/or conditional initial certificate for one additional year if a candidate took a revised Content Specialty Test (CST) required for his/her certificate title and did not receive a score during a timeframe prescribed by the Commissioner.

### Reason(s) for Consideration

Review of policy.

### Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for emergency adoption at its February 2015 meeting (see Attachment A - Amendment to the Regulations). A Statement of Facts and Circumstances Which Necessitate Emergency Action is attached as Attachment B.

## **Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on February 25, 2015. Supporting materials are available upon request to 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, including the creation of performance assessments for teachers and school building leaders, and the revision of the current Content Specialty Tests (CSTs).

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.

Over the last several months, the Department has been working to revise the CSTs consistent with the Regents Reform Agenda and the New York State teaching standards (see Attachment C for the CST revision schedule). Although the first group of revised CSTs became operational in September 2014, the results of the revised CSTs cannot be determined or released to teacher candidates until the standard setting process is completed.

Since the CST results have not yet been released, there are certificate holders who may lose their certification if their certificates are not extended. This could result a teachers being terminated from employment for lack of a valid certificate.

The proposed amendment provides for a time extension of up to one year for an expired initial certificate, transitional certificate and/or conditional initial certificate to provide time for the exam results to be released without penalizing the teacher.

### **Examples:**

Teachers who were issued a conditional initial teaching certificate prior to May 1, 2014 need a passing score on the appropriate CST in order to have their initial certificate issued before the conditional initial certificate expires. Without the passing score on the appropriate CST, the conditional initial certificate will expire and the teacher will no longer be certified. If these teachers do not receive an initial certificate, they may be terminated from employment.

Teachers who hold an initial certificate and are not able to gain the required three years of experience for the professional certificate may apply for a reissuance of their initial certificate. To have their initial certificate reissued, the teacher is required to retake and pass the appropriate CST within one year of the application for the reissuance. Without a passing score on the appropriate CST, the initial certificate cannot be issued. The initial certificate will expire and the teacher will no longer be certified if we do not provide for an additional time extension on these certificates, which may result in termination from employment.

Teachers who were issued certain Transitional B certificates (i.e. Students with Disabilities, Deaf and Hard of Hearing, English to Speakers of Other Languages) that required a CST for the Transitional B certificate are required to pass the appropriate CST in order to be issued the initial certificate. For these candidates, the Transitional B certificate will expire and the initial certificate cannot be issued until the teacher receives a passing score on the appropriate CST. Teachers that hold a Transitional B certificate will not be issued the initial certificate unless we provide for an additional time extension on these certificates, and they may be terminated from employment.

### Recommendation

VOTED: That subdivision (c) of section 80-1.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 10, 2015, for the preservation of the general welfare in order to ensure that teachers who have taken one of the revised CST administered on or after September 2014 that is required for their certificate title but have not received a score from the Department on their revised CST, receive a time extension of up to one year on their expired certificate to ensure that they do not lose their certification and/or employment.

### Timetable for Implementation

If the proposed amendment is adopted as an emergency rule at the February 2015 meeting, the proposed amendment will be effective on February 10, 2015. It is anticipated that the proposed amendment will be adopted by the Board of Regents as a permanent rule at its April 2015 meeting. If adopted at the April 2015 meeting, the proposed amendment will become effective April 29, 2015.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3004 and 3006 of the Education Law.

Subdivision (c) of section 80-1.6 of the Regulations of the Commissioner of Education is amended, effective February 10, 2015, to read as follows:

(c) [The] Except as otherwise provided in this subdivision, the commissioner may extend the time validity of an expired provisional, excluding an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, initial or transitional certificate beyond the two-year extension provided for in subdivision (a) of this section, for a period not to exceed one additional year, if in the six-months preceding the end of the two-year extension, the candidate is faced with extreme hardship or other circumstances beyond the control of the individual and is unable to complete the requirements for the professional certificate in a timely manner. The commissioner may further extend the time validity of an expired initial or transitional certificate for an additional period of not to exceed one additional year; and may extend the validity of a conditional initial certificate for a period of up to one year if a candidate took one of the revised content specialty examinations administered on or after September 2014, and is required for his/her certificate title and he/she did not receive his/her score on such examination from the department on such examination within a timeframe prescribed by the commissioner and he/she has met all the other certification requirements for the next certificate (i.e., the initial or professional certificate, as applicable).

**Attachment B**

**8 NYCRR §80-1.6**

STATEMENT OF FACTS AND CIRCUMSTANCES

WHICH NECESSITATE EMERGENCY ACTION

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, including revision of the current Content Specialty Tests (CSTs).

The CST's are currently being revised. The first group of revised CST's became operational in September 2014. However, the results/scores on the revised CST's will not be released to teacher candidates until the standard setting process is complete.

Since the CST results have not being released to candidates, there are certificate holders that may lose their certification as of January 31, 2015 if their certificates are not extended by the Department. This will result in some teachers being terminated from employment as they will no longer hold a valid certificate.

In an effort to resolve this issue, the proposed amendment provides for a time extension of up to one-year for an expired initial certificate, transitional certificate and/or a conditional initial certificate to provide time for the exam results to be released by the Department without penalizing teacher.

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 the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the April 2015 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of

the proposed rule, if adopted at the April meeting, would be April 29, 2015, the date a Notice of Adoption would be published in the State Register. However, the Department's records reveal that some certificate holders may lose their certification if their certificates are not extended, through no fault of their own because they have not received their result/score on the content specialty examinations.

Therefore, emergency action is necessary at the February 2015 Regents meeting for the preservation of the general welfare in order to ensure that teachers who have met all other requirements for their next teaching certificate, except they have not received a score on their revised content specialty examination, receive a time extension on their expired certificate to ensure that they do not lose their certification.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the April 2015 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act for State agency rule makings.

## Attachment C

### Test Development Schedule

Test Field	Test Operational	Date New Test Is Required
<b>CST Group 1:</b> English Language Arts Health Education Library Media Specialist Literacy Mathematics Multi-Subject Physical Education	September 2014	As they are available in Fall 2014**
<b>CST Group 2:</b> Agriculture Business and Marketing Deaf and Hard of Hearing Educational Technology Specialist Family and Consumer Sciences Gifted Education Students with Disabilities	September 2014	As they are available in Fall 2014**
<b>CST Group 3a:</b> Blind and Visually Impaired Technology Education	Fall 2015	As they are available in Fall 2015**
<b>CST Group 3b:</b> American Sign Language Cantonese French German Greek Hebrew Italian Japanese Latin Mandarin Russian Spanish	Winter 2015–2016	As they are available in Winter 2015–2016**
<b>CST Group 4:</b> English to Speakers of Other Languages (ESOL) Social Studies	Fall 2016	As they are available in Fall 2016**
<b>CST Group 5:</b> Biology Chemistry Dance Earth Science Music Physics Theater Visual Arts	Fall 2017	As they are available in Fall 2017**