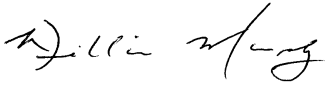




TO: The Honorable Members of the Board of Regents

FROM: William P. Murphy 

SUBJECT: Proposed Amendment of Sections 52.21, 80-1.1, 80-1.5, 80-3.3, 80-3.4, 80-3.5, 80-3.10, 80-3.11, 80-4.3, 80-5.6, 80-5.13, 80-5.14, 80-5.15, 80-5.18, and 80-5.28 of the Regulations of the Commissioner of Education Relating to Certification Examination Requirements and Waiver Options

DATE: January 30, 2025

AUTHORIZATION(S):



SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of sections 52.21, 80-1.1, 80-1.5, 80-3.3, 80-3.4, 80-3.5, 80-3.10, 80-3.11, 80-4.3, 80-5.6, 80-5.13, 80-5.14, 80-5.15, 80-5.18, and 80-5.28 of the Regulations of the Commissioner of Education relating to certification examination requirements and waiver options?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the February 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at the October 2024 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on October 23, 2024, for a 60-day public comment period.

Following publication in the State Register, the Department received one comment on the proposed amendment. An Assessment of Public Comment (Attachment B) is attached.

No changes to the proposed amendment are recommended at this time.¹ If adopted at the February 2025 Regents meeting, a Notice of Adoption will be published in the State Register on February 26, 2025. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

At the direction of the Board of Regents, the Department is working to make educator certification more accessible and expand the pool of well-qualified individuals available to teach in New York State.

The New York State Teacher Certification Examinations (NYSTCE) are the set of examinations required for educator certification. Generally, the certification examinations are developed collaboratively by a testing vendor and the Department and then administered by the testing vendor. During the development process, the examinations are aligned with the State learning standards or professional education organization standards, as appropriate, and developed in accordance with national industry and professional standards for educational testing.

The examination requirements vary by certificate title. Specifically:

- **Classroom Teaching Service.** Candidates must pass the NYSTCE Educating All Students (EAS) test and, when available, the content specialty test(s) (CST(s)) in the area of the certificate with some exceptions.²
- **Educational Leadership Service.** School building leader (SBL) and school district leader (SDL) candidates must pass the EAS test and the New York State assessment in the area of their certificates. School district business leader (SDBL) candidates must pass the New York State assessment in SDBL.
- **School Counselor.** School counselor candidates must pass the New York State assessment for school counselors.
- **Teaching Assistant.** Teaching assistant candidates must pass the New York State assessment of teaching assistant skills.
- **Extensions.** Candidates must pass the NYSTCE Bilingual Education Assessment (BEA) for the Bilingual Education extension. Candidates must

¹ The Department corrected a typographical error in the prior item's numbering for section 80-1.5.

² Candidates who seek an Initial certificate in the title of Indigenous Culture and Language Studies (All Grades), seek an Initial certificate in a specific career and technical subject, or have a baccalaureate degree and/or a graduate degree and two years of post-secondary teaching experience in the certificate area or in a closely related subject area acceptable to the Department and seek an Initial certificate through individual evaluation pursuant to section 80-3.7(a)(3)(xiii), are not required to achieve a satisfactory level of performance on the NYSTCE content specialty test. For the CST requirement, candidates who pursue the Professional Speech and Language Disabilities certificate must pass the Praxis Speech-Language Pathology examination, which is offered by a testing vendor different from the NYSTCE testing vendor.

pass the NYSTCE CST in the area of the extension for extensions to teach a subject in grades 7-9, to teach certain subjects in grades 7-12, for gifted education, and in American Sign Language, and for a limited extension to teach a subject in grades 7-8.

Other states have their own set of certification examinations, or more commonly, require certification examinations developed by a testing vendor and recognized by multiple states. Candidates who pass certification examinations that are recognized by multiple states can seek educator certification in all of those states. In New York State, however, these candidates must still pass the applicable NYSTCE examinations to seek educator certification. This can impose a barrier as it requires additional time and money.

Both in-state and out-of-state candidates may be more inclined to obtain New York State certification if the examination requirements are more flexible. This flexibility could be achieved by recognizing certification examinations other than the NYSTCE examinations that are deemed acceptable by the Department. Another strategy for increasing access to the profession would be to offer waiver options for candidates who did not pass an acceptable certification examination but were very close to passing. The Department proposes using both of these strategies to make certification more accessible and expand the pool of well-qualified individuals available to teach in New York State.

Proposed Amendments

The Department proposes to allow candidates to meet the examination requirement for educator certification by passing one of the NYSTCE examinations, or another examination under certain conditions, and to establish waiver options for the content knowledge certificate examination requirement for certain certificates.

Other Certification Examinations

The proposed amendment creates definitions for the following terms in section 80-1.1 of the Commissioner's regulations:

- **Certification examination** is defined as an examination that is one of the New York State Teacher Certification Examinations or another examination, as determined by the Department, that is developed for the purpose of educator certification. Such examination must be aligned with State learning standards or professional education organization standards, as appropriate, and developed in accordance with national industry and professional standards for educational testing.
- **Content knowledge certification examination** is defined as a certification examination that assesses candidates' knowledge of the area of the certificate for certificates in the classroom teaching service, educational leadership service, or title school counselor, or for applicable extensions pursuant to section 80-4.3 of this Part.

The proposed term “content knowledge certification examination” replaces specific references to the NYSTCE CSTs and examinations for certificates in the educational leadership service and for school counselors in Part 80 of the Commissioner’s regulations. Furthermore, the proposed term “certification examination” replaces other references to the NYSTCE examinations in section 52.21 and Part 80 of the Commissioner’s regulations. In both cases, candidates could satisfy certification examination requirements by passing a certification examination other than a NYSTCE examination that is approved by the Department and meets the criteria in the above definition. The Department will maintain information concerning which examinations other than the NYSTCE are determined to be appropriate by the Department on its certification requirements webpages.

Waiver Options

The Department proposes to amend section 80-1.5 of the Commissioner’s regulations to establish a process where candidates may apply for a waiver of the content knowledge certification examination requirement for a certificate in the classroom teaching service, educational leadership service, or title school counselor, or for an applicable extension pursuant to section 80-4.3 of this Part, provided that they receive a score within a 0.5 standard error of measurement of the passing score on a content knowledge certification examination required for the certificate or extension sought and complete one of the following waiver options:

- **Option 1:** Achieve a satisfactory level of performance on a NYSTCE portfolio assessment to demonstrate their depth of subject matter knowledge on the NYSTCE content knowledge certification examination for which they did not pass, when available; or
- **Option 2:** Achieve at least a 3.5 cumulative grade point average or its equivalent in the program leading to a baccalaureate, or a graduate degree culminating in at least 30 semester hours, at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or a higher education institution that the Commissioner deems substantially equivalent.

Technical Amendments

The proposed amendment includes several technical amendments. First, the institutional accountability requirements in section 52.21 of the Commissioner’s regulations suggests that institutions of higher education may be able to condition program completion on candidates’ passing of each required certification examination. The Department has held a long-standing position that passing certification examinations should not be a requirement for program completion. Therefore, references to this type of institutional requirement are removed.

Second, at its March 2022 meeting, the Board of Regents relieved SDL and SDBL candidates from the requirement that they pass the New York State assessment in the area of the certificate for program completion and the institutional recommendation for Professional certification. The Department is proposing technical

amendments to conform to this permanent rule, including the removal of references to the former requirement in section 80-3.10 of the Commissioner's regulations and companion programs in section 52.21 of the Commissioner's regulations.

The regulation also contains non-substantial technical amendments that update Part 80 to make the regulations current and consistent.

Related Regents Items

[October 2024: Proposed Amendment of Sections 52.21, 80-1.1, 80-1.5, 80- 3.3, 80-3.4, 80-3.5, 80-3.10, 80-3.11, 80-4.3, 80-5.6, 80- 5.13, 80-5.14, 80-5.15, 80-5.18, and 80-5.28 of the Regulations of the Commissioner of Education Relating to Certification Examination Requirements and Waiver Options](https://www.regents.nysed.gov/sites/regents/files/1024hed1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/1024hed1.pdf>)

[March 2022: Proposed Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to the Assessment Requirements for School District Leader \(SDL\) and School District Business Leader \(SDBL\) Program Completion, the Institutional Recommendation for Professional SDL and SDBL Certification, and the Institutional Recommendation Transitional D Certification](https://www.regents.nysed.gov/sites/regents/files/322brca3.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/322brca3.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That sections 52.21, 80-1.1, 80-1.5, 80-3.3, 80-3.4, 80-3.5, 80-3.10, 80-3.11, 80-4.3, 80-5.6, 80-5.13, 80-5.14, 80-5.15, 80-5.18, and 80-5.28 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 26, 2025.

Timetable for Implementation

If adopted at the February meeting, the proposed amendment will become effective as a permanent rule on February 26, 2025.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, 3001, 3004, and 3009 of the Education Law.

1. Subitem (B) of item (ii) of subclause (2) of clause (h) of subparagraph (i) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(B) Exception. Institutions that meet the standard for student performance on the [New York State teacher certification examination] certification examinations set forth in clause (iv)(b) of this paragraph and are accredited in accordance with clause (iv)(c) of this paragraph shall not be required to meet the staffing requirements prescribed in item (i) of this subclause.

2. Clause (b) of subparagraph (iv) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Candidate performance on [New York State teacher] certification examinations as defined in section 80-1.1 of this Title.

(1) For the 2016-2017 academic year, in the event that fewer than 80 percent of students, who have satisfactorily completed an institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination they have completed, such program shall submit to the department a professional development plan that describes how the program plans to improve the readiness of faculty and the pass rate for candidates on the examinations required for a teaching certificate. Further, for the 2015-2016 academic year, the department shall conduct a registration review in the event that

fewer than 70 percent of students, who have satisfactorily completed the institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination that they have completed. For the 2017-2018 academic year and thereafter, the department shall conduct a registration review in the event that fewer than 80 percent of students, who have satisfactorily completed the institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination that they have completed. For purposes of this clause, students who have satisfactorily completed the institution's program shall mean students who have met each educational requirement of the program[, excluding any institutional requirement that the student pass each required examination of the New York State teacher certification examinations for a teaching certificate in order to complete the program]. Students satisfactorily meeting each educational requirement may include students who earn a degree or students who complete each educational requirement without earning a degree. For determining this percentage, the department shall consider the performance on each certification examination of those students completing an examination not more than five years before the end of the academic year in which the program is completed or not later than the September 30th following the end of such academic year, academic year defined as July 1st through June 30th, and shall consider only the highest score of individuals taking a test more than once.

(2) ...

(3) ...

(i) ...

(A) For purposes of this subclause, students who have satisfactorily completed the graduate program shall mean students who have met each educational requirement

of the program, without regard to whether such students have been awarded a degree[, and excluding any requirement that the student pass each required certification examination for such student's first initial certificate, or each required certification examination for such student's school building leader certificate in order to complete the program].

(B) ...

3. Subparagraph (vii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is REPEALED.

4. Subparagraph (vii) of paragraph (5) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is REPEALED.

5. Subparagraph (ii) of paragraph (6) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Candidate performance on [New York State teacher] certification examinations as defined in section 80-1.1 of this Title.

(a) The department shall conduct a registration review in the event that fewer than 80 percent of the students who have satisfactorily completed the institution's program preparing school building leaders during a given academic year and have also completed the examination required for a school building leadership certificate pass such examination. For purposes of this clause, students who have satisfactorily completed the institution's program shall mean students who have met each educational requirement of the program[, excluding any institutional requirements that the students pass the required examination for a school building leader certificate in order to complete the program]. Students satisfactorily meeting each educational requirement may include students who earn a degree or students who complete each educational requirement without earning a degree. For determining this percentage, the department

shall consider the performance on each certification examination of those students completing an examination not more than five years before the end of the academic year in which the program is completed or not later than the September 30th following the end of such academic year, academic year defined as July 1st through June 30th, and shall consider only the highest score of individuals taking a test more than once.

(b) ...

(c) ...

6. Paragraph (10) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education is renumbered as paragraph (12), paragraph (11) of such subdivision is renumbered as paragraph (13), paragraphs (13) through (48) of such subdivision are renumbered as paragraphs (15) through (50), paragraph (12) of such subdivision is amended, and new paragraphs (10) and (14) are added to such subdivision to read as follows:

(10) Certification examination means an examination that is one of the New York State Teacher Certification Examinations or another examination, as determined by the Department, that is developed for the purpose of educator certification. Such examination must be aligned with State learning standards or professional education organization standards, as appropriate, and developed in accordance with national industry and professional standards for educational testing.

[(12)](11) Classroom teaching service means teaching service in the public schools of New York State, which requires certification pursuant to this Part, excluding pupil personnel service or [administrative and supervisory service] educational leadership service.

(14) Content knowledge certification examination is a certification examination that assesses candidates' knowledge of the area of the certificate for certificates in the

classroom teaching service, educational leadership service, or title school counselor, or for applicable extensions pursuant to section 80-4.3 of this Part.

7. Section 80-1.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) All candidates for a certificate in the classroom teaching service shall submit evidence of having achieved satisfactory levels of performance on the New York State Teacher Certification Examinations (NYSTCE) educating all students test and, when available, the content knowledge certification examination(s) in the area of the certificate, except as otherwise provided in this Part.

(1) Notwithstanding any other provision of this Part, candidates seeking a certificate in the title of students with disabilities (all grades) shall be required to achieve a satisfactory level of performance in the NYSTCE multi-subject, multi-subject: teachers of childhood (grade 1 - grade 6), multi-subject: teachers of middle childhood (grade 5 - grade 9), or multi-subject: secondary teachers (grade 7 - grade 12) content specialty tests until a multi-subject content specialty test for such certificate title is operational, or other content knowledge certification examination in students with disabilities.

(b) Except as otherwise prescribed in this subdivision, notwithstanding any applicable provisions of Subparts 80-1, 80-3, 80-4 and 80-5 of this Part or any other provision of rule or regulation to the contrary, a candidate who applies for and meets all the requirements for a certificate, except that such candidate does not achieve a satisfactory level of performance on one or more of the NYSTCE examination(s), [as prescribed by the commissioner, that is/are required for the certificate title sought,] may instead use one or more of the following safety net options, in lieu of [taking,] retaking one or more of such certification examinations:

(1) ...

(i)

(a)

(b)

(c) Candidates may apply for a waiver of the content knowledge certification examination requirement for a certificate in the classroom teaching service, educational leadership service, or title school counselor, or for an applicable extension pursuant to section 80-4.3 of this Part, provided that they receive a score within a 0.5 standard error of measurement of the passing score on a content knowledge certification examination required for the certificate or extension sought and complete one of the following waiver options:

(1) Achieve a satisfactory level of performance on a NYSTCE portfolio assessment to demonstrate their depth of subject matter knowledge on the NYSTCE content knowledge certification examination for which they did not pass, when available;
or

(2) Achieve at least a 3.5 cumulative grade point average or its equivalent in the program leading to a baccalaureate, or a graduate degree culminating in at least 30 semester hours, at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or a higher education institution that the Commissioner deems substantially equivalent.

(ii) ...

(iii) ...

(iv) ...

(a) ...

(b) ...

(1) ...

(2) ...

(v) ...

(vi) ...

(vii) ...

(viii) ...

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

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

(i) Except as otherwise provided in this section, candidates shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination educating all students test and the [content specialty test(s)] content knowledge certification examination(s) in the area of the certificate, when available, provided that a candidate seeking an initial certificate in the titles of indigenous culture and language studies (all grades) and speech and language disabilities (all grades), or a candidate seeking an initial certificate through individual evaluation under section 80-3.7(a)(3)(xiii) of this subpart, shall not be required to achieve a satisfactory level of performance on [the content specialty test] a content knowledge certification examination.

(ii) Examination requirement for an additional certificate. A candidate who has one or more [provisional certificates,] permanent certificates, initial certificates, or professional certificates in a title in the classroom teaching service other than a title in a specific career and technical subject (grades 7 through 12), may meet the examination requirements for an initial certificate, by having achieved a satisfactory level of

performance on the [New York State Teacher Certification Examination content specialty test(s)] content knowledge certification examination(s) in the area of the certificate for which application is made, if required for that initial certificate pursuant to subparagraph (i) of this paragraph.

9. Subparagraph (iv) of paragraph (1) of subdivision (d) of section 80-3.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) Examination. The candidate shall pass the New York State Teacher Certification Examination educating all students test and [the content specialty test] a content knowledge examination when available in the computer science area.

10. Paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(3) Examination. Candidates who seek a professional certificate in Speech and Language Disabilities (all grades) shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test] a content knowledge certification examination in the area of the certificate.

11. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

12. Subparagraph (ii) of paragraph (2) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a

satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available, and a [test] certification examination of communication and quantitative skills.

13. Subparagraph (ii) of paragraph (3) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

14. Subparagraph (ii) of paragraph (4) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

15. Subparagraph (ii) of paragraph (5) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

16. Subparagraph (ii) of paragraph (6) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a

satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

17. Subparagraph (ii) of paragraph (7) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

18. Subparagraph (ii) of paragraph (8) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test(s)] a content knowledge certification examination in the area of the certificate, when available.

19. 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 to read as follows:

(b) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State assessment] a content knowledge certification examination 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, the candidate shall also achieve a satisfactory level of performance on the educating all students test.

20. Subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) ...

(a) ...

(1) ...

(2) either:

(i) have successfully completed a New York State program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title, or its equivalent as determined by the department. As part of the program completion requirements, the candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed prior to admission to the program[, and achieved a satisfactory level of performance on the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on the New York State assessment for school district leadership shall be waived if the candidate completes the registered program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available and required]; or

(ii) have successfully completed an educational leadership program outside of New York State that is equivalent to a program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title or an educational leadership program at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education outside of New York State, provided that such program leads to a professional certificate as a school district leader,

or a similar certificate title and type, in the jurisdiction in which the higher education institution is located[, including a requirement to pass an assessment equivalent to the New York State assessment for school district leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available]. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(A) ...

(B) for candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on before September 1, 2019, have successfully completed an educational leadership program outside of New York State that is equivalent to a program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State, provided that such program leads to a professional certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located[, including a requirement to pass an

assessment equivalent to the New York State assessment for school district leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available]. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(b) ...

(c) Examination requirement. [Any] The candidate shall submit evidence of having achieved a satisfactory level of performance on a content knowledge certification examination for school district leadership. In addition, any candidate applying for a professional certificate as a school district leader on or after May 1, 2015, shall also achieve a satisfactory level of performance on the educating all students test.

21. Paragraph (2) of subdivision (c) of section 80-3.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(2)...

(i) ...

(ii) either:

(a) have successfully completed a New York State program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5) of this Title, or its equivalent as

determined by the department. As part of the program completion requirements, the candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed prior to admission to the program[, and achieved a satisfactory level of performance on the New York State assessment for school district business leadership. The requirement of achieving a satisfactory level of performance on the New York State assessment for school district business leadership shall be waived if the candidate completes the registered program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available and required]; or

(b) have successfully completed an educational leadership program outside of New York State that is equivalent with a program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5) of this Title or an educational leadership program at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education outside of New York State, provided that such program leads to a professional certificate as a school district business leader, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located[, including a requirement to pass an assessment equivalent to the New York State assessment for school district business leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district business leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district business leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York

State assessment. The department shall determine the date on which such assessment is available]. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(iii) The candidate shall submit evidence of having achieved a satisfactory level of performance on a content knowledge certification examination for school district business leadership.

22. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-3.11 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. Candidates applying for certification on or after February 2, 2023 shall submit evidence of having achieved a satisfactory level of performance on [the New York State] a content knowledge certification examination for school counselors[or other equivalent examination as approved by the Commissioner, if available].

23. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination bilingual extension assessment] a content knowledge certification examination in bilingual education.

24. Paragraph (3) of subdivision (c) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(3) The candidate shall complete [the New York State Teacher Certification Examination content specialty test] a content knowledge certification examination in the subject for which a certificate extension is being sought.

25. Subparagraph (iii) of paragraph (2) of subdivision (d) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(iii) The candidate shall complete [the New York State Teacher Certification Examination content specialty test] a content knowledge certification examination in gifted education.

26. Subparagraph (ii) of paragraph (1) of subdivision (g) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State Teacher Certification Examination content specialty test] a content knowledge certification examination in American sign language.

27. Paragraph (4) of subdivision (j) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(4) Requirements for 7-8 grade level extension in a subject. Notwithstanding the provisions of this section, an extension to teach a subject in grades 7-8 shall be issued to a candidate in a specific subject area for grades 7 and 8 provided that the candidate successfully completes [the New York State Teacher Certification Examination content specialty test] a content knowledge certification examination in the subject for which a certificate extension is being sought and six semester hours of coursework in middle childhood education.

28. Subparagraph (ii) of paragraph (3) of subdivision (m) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) the candidate shall complete [the New York State teacher certification examination content specialty test] a content knowledge certification examination in the subject for which a certificate extension is being sought or the candidate shall satisfactorily complete at least 12 semester hours of study or its equivalent in the

subject area of the certificate sought. For social studies, the candidate shall complete the 12 semester hours through a combination of study in United States history, world history, and geography.

29. Item (ii) of subclause (1) of clause (a) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State assessment] a certification examination of teaching assistant skills.

30. Item (ii) of subclause (1) of clause (b) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State assessment] a certification examination of teaching assistant skills.

31. Item (ii) of subclause (1) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State assessment] a certification examination of teaching assistant skills.

32. Item (ii) of subclause (1) of clause (d) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State assessment] a certification examination of teaching assistant skills.

33. Clause (a) of subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-5.13 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) 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 the] educating all students test and the [content specialty test(s)] content knowledge certification examination(s) in the area of the certificate, where such [content specialty test is] content knowledge certification examination(s) is/are required for the certificate title. Successful completion of the [content specialty test] content knowledge certification examination 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] content knowledge certification examination prescribed by the Commissioner or a teaching certificate in the classroom teaching service.

34. Subparagraph (i) of paragraph (2) of subdivision (b) of section 80-5.14 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) 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 educating all students test and the [content specialty test] content knowledge certification examination(s) in the area of the certificate.

35. Subparagraph (v) of paragraph (2) of subdivision (a) of section 80-5.15 of the Regulations of the Commissioner of Education is amended to read as follows:

(v) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on [the New York State assessment] a content knowledge certification examination for school district leadership, provided that such assessment is available at the time the candidate applies and upon application qualifies for the transitional D certificate. The department shall determine the date on which such assessment is available and required].

36. Paragraph (6) of subdivision (c) of section 80-5.18 of the Regulations of the Commissioner of Education is amended to read as follows:

(6) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the [Content Specialty Test] content knowledge certification examination(s) in the area of the certificate title sought, [if] when available.

37. Subdivision (b) of section 80-5.28 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Limitations. The Transitional J certificate in a specific certificate title shall be valid for one year from its effective date and a candidate cannot receive a time

extension pursuant to section 80-1.6 of this Part. The Transitional J certificate may be renewed once for an additional two years, provided that the candidate has submitted evidence of having achieved a satisfactory level of performance on the educating all students test and the [content specialty test(s) required for the certificate title] content knowledge certification examination(s) in the area of the certificate, prior to the expiration date of the first issuance of the Transitional J certificate. The Transitional J certificate shall authorize a candidate to teach only in a school district or BOCES for which a commitment of support and employment has been made.

ASSESSMENT OF PUBLIC COMMENT

Following publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on October 23, 2024, the Department received the following comment on the proposed amendment:

1. COMMENT: A commenter believes that the proposed rule does not provide sufficient detail to inform public comment and requests that it be postponed until the Department has fully developed the proposed rule and presented the field with responses to the following comments and queries:

- a. When will the Department complete a crosswalk of comparable exams as it stated it would in public meetings?
- b. If the goal is to create more flexibility, why is a waiver necessary and why not allow options for the Content Specialty Tests (CSTs) (ETS Praxis, etc.)?
- c. The commenter believes that the waiver adds a layer of complexity to the test taking process, could create a barrier to certification, and would demand additional administrative capacity at both the Department and college levels.
- d. Would candidates who successfully complete the proposed waiver option count towards the institution of higher education's exam pass rate necessary for program stability?
- e. The commenter indicates that a 3.0 GPA, not a 3.5 GPA, is typically required for admissions and academic program requirements. The commenter opines that it could be more difficult for a candidate to achieve a 3.5 GPA than it would be to pass the CST. The commenter also indicates that the proposed rule does not state whether the GPA would be overall or in the content area.

- f. Should the new amendment be adopted, would a policy be created to support candidates who previously failed a CST?
- g. The waiver also references a portfolio assessment that does not yet exist. In discussions, Department officials also mentioned a “standard rubric” could be applied to evaluation of such a portfolio. How is a portfolio assessment comparable to a content examination? How would such a portfolio be compiled? Who would score it? Will there be a submission fee?

DEPARTMENT RESPONSE: In response to the commenter’s questions and suggestions:

- a. The Department will begin identifying examinations other than the New York State Teacher Certification Examinations that will be acceptable for educator certification after the proposed rule is adopted. The Department will initially review such examinations as candidates approach the Department about particular tests and that staff identify as high incidence (e.g., national examinations for educators in popular certification areas). The process will be continuous and not have an end date since there are many state and national examinations that exist and will be developed over time.
- b. The proposed rule creates multiple options for content knowledge certification examinations as well as a waiver process for candidates who take, but do not pass, one or more of the acceptable certification examination options. This two-pronged approach will create more flexibility for candidates (by creating multiple examination options) while also ensuring that the examination requirement does not create a barrier for otherwise qualified candidates (by creating a waiver process).

- c. The proposed rule provides candidates with flexibility for the certification examination requirement. Although this flexibility may require additional work for the Department and institutions of higher education (IHEs), the Department believes that the multiple options for content knowledge certification examinations as well as a waiver process for candidates will remove barriers to certification for qualified candidates and expand the pool of educators. Additionally, both IHEs and school districts have communicated to the Department that they would like this flexibility for the reasons cited above.
- d. If a candidate utilizes the waiver process and attains an acceptable performance level on the portfolio assessment, the candidate would count as having passed the certification examination for Title II purposes since they passed an additional examination. However, if a candidate utilizes the GPA option in the waiver process, the candidate would not count as having passed the certification examination for Title II purposes.
- e. Section 80-1.5(b)(1)(i)(c)(2) of the proposed rule states that candidates must achieve at least a 3.5 cumulative grade point average or its equivalent in the waiver process. "Cumulative" means overall GPA. Additionally, the two waiver options (portfolio assessment and minimum GPA) are intended to allow candidates who are very close to passing the required certification examination to provide further information about their knowledge and skills demonstrating that they are qualified to become an educator despite not having passed the examination. Therefore, the Department believes that a 3.5 GPA requirement is appropriate for this purpose.
- f. Candidates who did not pass a CST in the past may take advantage of the processes created by the proposed rule on or after the effective date.

- g. The NYSTCE portfolio assessment will be similar to the current NYSTCE content specialty test (CST) in that the portfolio assessment will use the same test framework and enable candidates to provide evidence that demonstrates their knowledge and skills in the content area. In completing the portfolio assessment, the Department anticipates that candidates will submit artifacts to the testing vendor that address content area questions and could be either work they have already produced or newly created work. The portfolio assessment process would be administered and scored by the testing vendor. Like all other NYSTCE examinations, the portfolio assessment would have a fee.

Therefore, no changes to the proposed rule are necessary.