

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009 of the Education Law.

1. Subparagraph (xviii) through (xxi) of paragraph (1) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education are renumbered subparagraphs (xix) through (xxii) and a new subparagraph (xviii) is added to read as follows:

(xviii) *Teacher performance assessment* means a multi-measure assessment where candidates demonstrate the pedagogical knowledge and skills identified in the New York State Teaching Standards, which align with the four principles of the New York State Culturally Responsive-Sustaining Education Framework, and their content knowledge and skill in teaching to the State learning standards in the grade band and subject area of a certificate sought. The New York State Teaching Standards were adopted by the Board of Regents and published by the State Education Department on September 12, 2011, and are available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234. The four principles of the New York State Culturally Responsive-Sustaining Education Framework are: welcoming and affirming environment, high expectations and rigorous instruction, inclusive curriculum and assessment, and ongoing professional learning.

2. Item (iii) of subclause (2) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(iii) The field experiences, student teaching and practica shall:

(A) ...

(B) ...

(C) provide candidates with experiences in a variety of communities and across the range of student developmental levels of the certificate, experiences practicing skills for interacting with parents or caregivers, experiences in high need schools, and experiences with each of the following student populations: socioeconomically disadvantaged students, students who are English language learners, and students with disabilities; [and]

(D) for programs preparing candidates for more than one certificate, ensure that candidates have field experiences and/or student-teaching or practica experiences related to each certificate, as prescribed in paragraph (3) of this subdivision[.]; and

(E) effective September 1, 2023, include a teacher performance assessment for candidates seeking their first initial teaching certificate that shall be integrated into the candidates' student teaching, practicum, or similar clinical experience and designed to promote candidates' professional growth.

3. Section 80-1.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

Section 80-1.5. Examinations for certification

(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.

(b) [A school or school system shall not prohibit an individual who is a current or prospective applicant for 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 to 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.

(c)]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 [new certification examinations the teacher performance assessment or the revised content specialty] 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 [new and/or revised] certification examinations:

(1) [Teacher performance assessment.

(i) Except as otherwise provided in clause (c) of this subparagraph, a candidate who takes and fails to achieve a satisfactory level of performance on the teacher

performance assessment (after completing and submitting for scoring the teacher performance assessment), may, in lieu of retaking the teacher performance assessment:

(a) receive 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, 2018; or

(b) pass the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective), provided the candidate has taken and failed the teacher performance assessment prior to June 30, 2018;

(c) a candidate who takes and fails to achieve a satisfactory level of performance on the library specialist teacher performance assessment (after completing and submitting for scoring the library specialist teacher performance assessment), may, in lieu of retaking the library specialist teacher performance assessment:

(1) receive a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the library specialist teacher performance assessment and prior to December 31, 2021; or

(2) pass the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective), provided the candidate has taken and failed the library specialist teacher performance assessment prior to December 31, 2021.

(ii) A candidate who:

(a) completes a student teaching or similar clinical experience during the Spring 2020 or Summer 2020 terms while enrolled in a program registered pursuant to section 52.21 of this Title and could not complete their teacher performance assessment as a result of the COVID-19 crisis, as determined by the dean or his/her designee overseeing the candidate's program;

(b) completes a student teaching or similar clinical experience during the 2020-2021 academic year while enrolled in a program registered pursuant to section 52.21 of this Title;

(c) completes a student teaching experience during the 2020-2021 academic year while enrolled in a substantially equivalent teacher education program at a regionally accredited institution of higher education, or a higher education institution that the commissioner deems substantially equivalent, from another state or territory of the United States or the District of Columbia that leads to certification in the title and type of certificate sought in the jurisdiction where the higher education institution is located; or

(d) completes the teaching experience requirement for certification through the individual evaluation pathway during the 2020-2021 academic year, may either:

(1) take and receive a satisfactory level of performance on the teacher performance assessment;

(2) take the written assessment of teaching skills by September 1, 2023 and receive a satisfactory score on such assessment; or

(3) for a candidate who takes and fails to achieve a satisfactory level of performance on the teacher performance assessment, may, in lieu of retaking such assessment:

(i) take the written assessment of teaching skills by September 1, 2023 and receive a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment; or

(ii) apply for a waiver of the edTPA requirement through the multiple-measures review process pursuant to subdivision (d) of this section, if he/she meets the eligibility requirements.

(2)] Content specialty test.

(i) Except as otherwise provided in subparagraphs (ii), (iii) and (iv) of this paragraph, a candidate who takes and fails to achieve a satisfactory level of performance on any of the revised content specialty examinations from May 1, 2015 through October 17, 2016, may, in lieu of retaking such revised content specialty test:

(a) receive a satisfactory score on the predecessor content specialty examination after receipt of his/her failing score on the revised content specialty test; or

(b) pass the predecessor content specialty examination on or before the new certification examination requirements become operational.

(ii) A candidate who applies for certification on or after October 18, 2016 and/or who has a pending application for certification on file with the Office of Teaching Initiatives on October 18, 2016, as determined by the department, may receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty exam (even if the candidate took and passed the predecessor examination on or before October 18, 2016) until June 30, 2017.

(iii) For revised content specialty tests that became operational on or after October 18, 2016 or for the revised educational technology specialist content specialty

test, a candidate may take and receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty test until six months after the revised educational technology specialist content specialty test is redeveloped and operational.

(iv) A candidate who takes and fails to achieve a satisfactory level of performance on part two of the new multi-subject: secondary teachers grade 7 - grade 12 content specialty test, if required for the certificate area sought and he/she received a satisfactory level of performance on parts one and three of such test on or after September 1, 2014 until the date a revised part two is operational, may, in lieu of retaking part two of such examination:

(a) present the department with sufficient evidence of satisfactory completion of the mathematics tutorial approved by the department until the date a revised part two is operational; and

(b) submit an attestation on or before the date a revised part two is operational, on a form prescribed by the commissioner, attesting that the candidate has:

(1) demonstrated comparable mathematical skills to what is required by part two of the multi-subject (7-12) content specialty examination through course completion by completing a minimum of three semester hours in mathematics coursework satisfactory to the commissioner; and

(2) received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework.

(v) When the revised content specialty examination(s) in biology, chemistry, earth science and physics become available, a candidate may take either the applicable

revised content specialty examination or the applicable predecessor content specialty examination in biology, chemistry, earth science or physics, for one year after the applicable revised content specialty examination(s) become operational.

[(d) Multiple measures review process for the edTPA.

(1) A candidate may apply for a waiver of the edTPA requirement on or after the effective date of this section through a multiple-measures review process. Provided however, that this process will only apply if and when a new standard setting panel has been convened and makes a recommendation to the commissioner for a new passing score for the edTPA and such score has been approved by the commissioner for use with the edTPA. and the candidate meets the requirements set forth in paragraph (2) of this subdivision.

(2) To be eligible for a waiver of the requirement for the edTPA through the multiple-measures review process, a candidate shall:

(i) receive a score within two points below the new passing score set by the standard setting panel, as determined by the commissioner;

(ii) have a cumulative grade point average of a 3.0 in his/her program area or its equivalent. as determined by the commissioner;

(iii) receive a satisfactory passing score on all other examinations (or available safety nets) required for the teaching certificate sought; and

(iv) provide recommendations from faculty and cooperating teachers or other qualified individuals, as determined by the department, that the teacher has the minimum knowledge, skills and abilities in pedagogy to enter the classroom.

(3) The department will convene a multiple measures review panel to review waiver applications submitted pursuant to this section. Such panel shall be comprised of two P-12 teachers, two principals, two superintendents, two higher education faculty and one staff member from the department. The decision of the majority of the members shall determine whether a candidate will receive a waiver under this subdivision and such decision shall be final.]

4. Item (iii) of subclause (2) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) 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[,] and the content specialty test(s) in the area of the certificate, when available, 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 [speciality]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].

5. Subparagraph (iv) of paragraph (1) of subdivision (d) of section 80-3.3 of the Regulations of the Commissioner of Education shall be 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 when available[, and the teacher performance assessment, when available] in the computer science area.

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

(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 of 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.

(ii)] 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 in the area of the certificate.

7. Subparagraph (iv) of paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(iv) The candidate shall [either]:

(a)

[(1) have completed a teacher education program from a regionally accredited institution of higher education or a higher education institution that the commissioner deems substantially equivalent, provided that such program leads to an initial certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located; and

(2) meet the examination requirements for the title and type of certificate sought in this State; except if a candidate meets all the examination requirements except the teacher performance assessment, if required for the certificate type and title sought, the candidate shall be issued a one-year nonrenewable conditional initial certificate, provided that the candidate meets the requirements of section 80-5.17 of this Subpart; or

(b)

(1)] have at least three years of satisfactory experience in a public school (grades birth-12) in other state(s) or territory(ies) of the United States or the District of Columbia in a position that would have required the equivalent of an initial or professional certificate in the certificate title sought as a teacher in the classroom teaching service for employment in New York State and while under a certificate issued by such other state authorizing such service, such experience must have been completed within seven years immediately preceding the application for endorsement of the out-of-state

certificate; or the candidate shall have equivalent experience as determined by the commissioner; and

[(2)](b) submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in at least three years of experience in a public school in other state(s) or territory(ies) of the United States or the District of Columbia in the certificate title sought as a teacher in the classroom teaching service for employment in New York State.

8. Section 80-5.17 of the Commissioner's regulations of the Regulations of the Commissioner of Education shall be amended to read as follows:

Section 80-5.17. Conditional initial certificate

[(a) Conditional initial certificate in the classroom teaching service.

For out-of-state candidates applying for initial certification (in a certificate title in the classroom teaching service for which this Part requires completion of a teacher performance assessment), the commissioner may issue to a candidate who has received a satisfactory passing score on all other required examination requirements, as required for the title and type of certificate sought in this State, a one-year nonrenewable conditional initial certificate, notwithstanding that the candidate has not received a satisfactory passing score on the teacher performance assessment, and deem that all other requirements for the initial certificate in the certificate title sought have been met, provided that the candidate holds a valid regular teacher's certificate or an authorization to practice that the commissioner deems equivalent in the same or an equivalent title by another state or territory of the United States and otherwise meets the requirements for endorsement as set forth in section 80-5.8(a) of this Title, except the

teacher performance assessment, if required, and the candidate has not already taken and received an unsatisfactory score on the teacher performance assessment.

(b)] Conditional initial certificate in the title school building leader.

The commissioner may issue a two-year nonrenewable conditional initial certificate in the title school building leader to a candidate who applies for the certificate after September 1, 2006 and meets the following requirements:

(1) ...

(2) ...