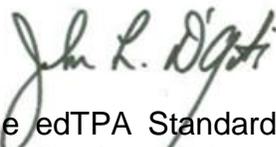




TO: Higher Education Committee
FROM: John D'Agati 
SUBJECT: Update on the edTPA Standard Setting Committee and Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education to Extend the edTPA Safety Net and Revise the Eligibility Criteria for the Multiple Measures Review Process
DATE: August 31, 2017

AUTHORIZATION(S):  

SUMMARY

Issue for Decision

Should the Board of Regents amend Section 80-1.5 of the Regulations of the Commissioner of Education to extend the edTPA Safety Net and revise the eligibility criteria for the Multiple Measures Review Process?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

This item will come before the Higher Education Committee for adoption as an emergency measure at the September 2017 Board of Regents meeting. A copy of the proposed amendment is included as Attachment A.

Procedural History

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on September 27, 2017. A Statement of Facts and Circumstances Justifying the Emergency Action is included as Attachment B. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

New and revised certification exams were released to the field in May 2014, including the edTPA. The edTPA, a subject-specific multi-measure performance assessment, is comprised of three tasks: (i) planning instruction and examination; (ii) instructing and engaging students in learning; and (iii) assessing student learning. The passing score, as recommended by a standard setting panel of experts in the field, was set at 41 for New York.

Commencing in May 2014, a safety net for the edTPA was established—those candidates who did not pass the edTPA could take and pass the Assessment of Teaching Skills—Written (ATS-W). Also in 2014, the “original” edTPA Task Force was established, including representatives from CUNY, SUNY, clcu, the Teacher Education Advisory Group, the United University Professions, the Professional Staff Congress and P-12.

The edTPA Task Force was reconvened by request of members of the Board of Regents in January 2016. The Task Force was led by Dr. David Cantaffa (Assistant Provost for Educator Preparation, SUNY) and Dr. Jamie Dangler (Vice President for Academics, UUP). This work was also informed by the gathering of information across the State of New York by the Higher Education Committee chairs, Regents Cashin and Collins. Several other members of the NYS Board of Regents and the NYS Commissioner of Education participated in public forums over the past year to discuss the teacher certification exams. After several months of extensive work, the Task Force presented their final recommendations to the Board of Regents in January 2017. As related to the edTPA, the Task Force recommended the following:

- (1) The Task Force recommended that the Department establish a standard setting committee to determine if the passing score for the edTPA should be revised and gradually phased in over several years.
- (2) The Task Force recommended that the Department develop and implement a Multiple Measures Review Process (MMRP) in cases where there is compelling evidence that the candidate is ready to teach but did not achieve a passing score on the edTPA.
- (3) The Task Force recommended that the Department work with the field, SCALE, and the testing vendor to develop and implement a process to review specific edTPA handbooks. The process would entail a review of the claims brought forth by education professionals in a specific certification area, with possible outcomes of this process as follows:
 - i. NYSED and representatives of the certification area will work with SCALE to substantively revise the applicable edTPA handbook.
 - ii. If handbook revision is not feasible for the certification area under evaluation, the Commissioner of Education may approve an alternative performance assessment for this certification area.

In addition, the Safety Net for the edTPA (originally designed to expire on June 30, 2017) was extended until the date a new passing score for the edTPA is approved by the Commissioner after a recommendation is made by a new standard setting panel or June 30, 2018, whichever is earlier.

Update on Task Force Recommendations

Since the time that the Task Force presented their recommendations, the Department convened a 31-member standard setting panel in June 2017 that reviewed the edTPA passing score. This panel was comprised of higher education faculty with experience in teacher preparation as well as P-12 educators. The panel was demographically and geographically diverse.

The Standard Setting Panel recommended a passing score of 40 that would be implemented after a four-year phase-in period. The recommended phase-in process is described in the table below (where the passing score would begin 2 points below 40 and would eventually reach 40 after four years):

	January 1, 2018 to December 31, 2019	January 1, 2020 to December 31, 2021	January 1, 2022→
Passing Score	38	39	40
MMRP Range	36-37	37-38	38-39

Under the recommended phase-in period beginning January 1, 2018, the new passing score for the edTPA would be 38. When the Multiple Measures Review Process in §80-1.5 of the Commissioner’s Regulations (which was adopted by the Board of Regents as a permanent rule at its June 2017 meeting) is fully developed and implemented, candidates who fail the edTPA with a score of 36 or 37 may take advantage of this process for a review of their score to determine if they have demonstrated to their faculty and their teacher/mentor that they have the knowledge, skills, and abilities to become a teacher of record. The Department is proposing to extend the edTPA safety net to June 30, 2018 to provide the transition from the current safety net to the establishment of the new passing score and the launch of the Multiple Measures Review Process.

The Department has also been working with representatives from clcu, CUNY, and SUNY and the edTPA Task Force co-chairs to develop policies and procedures for the Multiple Measures Review Process established by the Board of Regents (<http://www.regents.nysed.gov/common/regents/files/617brca14.pdf>). The policies and procedures will include a description of the panelists who will review the candidates’ cases (e.g., how the panelists are selected, length of terms), the format and frequency of panel meetings, and the parameters for the candidates’ letters of recommendation.

In addition, the Department has been working with representatives from clcu, CUNY, SUNY, the edTPA Task Force co-chairs, the Stanford Center for Assessment, Learning, and Equity (SCALE), and the testing vendor to develop the edTPA handbook review process. SCALE designed the edTPA handbooks and updates them annually in response to candidate performance data and feedback from educator preparation programs.

The edTPA handbook review process will include surveying faculty, staff, and administrators in New York State educator preparation programs to collect recommendations for specific changes to the edTPA handbooks with which they have significant experience. Following the collection of these recommendations, a panel of higher education representatives will review the results, determine if there is consensus regarding particular recommendations for changes to specific handbooks, and forward such recommendations to the Department. The Department will then send the recommendations to SCALE. SCALE will review the recommendations and consider whether possible updates to the edTPA handbooks are needed. If handbook revisions are not feasible for the certification area under evaluation, the Commissioner may approve an alternative performance assessment for this certification area.

Proposed Amendments

Currently, the regulations authorize candidates to take advantage of the edTPA safety net until either the date a new passing score for the edTPA is approved by the Commissioner after a recommendation is made by a new standard setting panel or until June 30, 2018, whichever is earlier. In order to help candidates transition to the Multiple Measures Review Process, the Department recommends extending the existing safety net to June 30, 2018 even though a new passing score will be effective before this date. Beginning on July 1, 2018, the ATS-W (the current edTPA Safety Net) will no longer be available and candidates will no longer be able to register for or take that exam. Candidates who may want to take advantage of the edTPA Safety Net must plan to take the edTPA and receive their edTPA scores in time to register and sit for the ATS-W. The Department will communicate the edTPA Safety Net extension to the field continuously through June 30, 2018. During this period, the Department will begin to implement the new Multiple Measures Review Process and make such process available to students who meet the criteria.

Section 80-1.5(d) lists one of the eligibility criteria for the Multiple Measures Review Process as having an edTPA score within one standard deviation below the passing score. A standard deviation is a variable measure that is based on candidate performance. When the edTPA standard setting panel considered the range of scores to be eligible for the Multiple Measures Review Process, the consensus of the group was to have a constant range of two points below the passing score rather than using one standard deviation, which is more variable. To ensure consistency for candidates and to make it easier for candidates to know when they can use the Multiple Measures Review Process, the Department recommends revising the current regulation to be aligned with

the recommendation of the edTPA standard setting panel. Therefore, the proposed amendment amends Section 80-1.5 of the Commissioner's Regulations to change the eligibility criteria for the Multiple Measure Review Process from "one standard deviation below the passing score" to "two points below the passing score."

Related Regents Items

April 2016: <http://www.regents.nysed.gov/common/regents/files/416hea2.pdf>

January 2017: <https://www.regents.nysed.gov/common/regents/files/117hed2.pdf>

March 2017: <https://www.regents.nysed.gov/common/regents/files/317hed1.pdf>

June 2017: <http://www.regents.nysed.gov/common/regents/files/617brca14.pdf>

Recommendation

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

VOTED: That 80-1.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 12, 2017, as an emergency action to preserve the general welfare by ensuring that teacher candidates who will be taking the edTPA from the time the new passing score is implemented until the implementation of the Multiple Measures Review Process are able to take advantage of the Safety Net and are not at a disadvantage.

Timetable for Implementation

If adopted by the Board of Regents at its September meeting, the proposed amendment will become effective as an emergency measure on September 12, 2017. Following the 45-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its December 2017 meeting and would become effective as a permanent rule on December 27, 2017.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 2017, 215, 3001, 3003 and 3009 of the Education Law.

1. Subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended, effective September 12, 2017, to be read as follows:

(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 on or before June 30, 2018, 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. 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:

(i) 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 [either the

date a new passing score for the edTPA is approved by the commissioner after a recommendation is made by a new standard setting panel or] June 30, 2018[, whichever is earlier]; or

(ii) 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 [either the date a new passing score for the edTPA is approved by the commissioner after a recommendation is made by a new standard setting panel or] June 30, 2018[, whichever is earlier].

2. Subdivision (d) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended, effective September 12, 2017, to be read as follows:

(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 [one standard deviation] two points below the new passing score set by the standard setting panel, as determined by the Commissioner;

(ii) . . .

(iii) . . .

(iv) . . .

(3) . . .

Attachment B

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING THE EMERGENCY ACTION

As a result of recommendations from the edTPA Task Force, the Department is currently in the process of implementing a new edTPA passing score, an edTPA handbook review process, and a Multiple Measures Review Process for candidates who do not pass the edTPA. The existing Safety Net for the edTPA (take and pass the Assessment of Teaching Skills—Written (ATS-W) after receiving a failing edTPA score) is set to expire on June 30, 2018, or when the Commissioner approves a new passing score as recommended by a new standard setting panel, whichever is earlier. This new passing score will be implemented in Fall of 2017, at which time the ATS-W Safety Net for the edTPA would expire under current regulations. The Department has presented emergency regulations to extend the existing safety net until June 30, 2018 even though the new passing score will be in effect, so that candidates will still be able to take advantage of this before the Department has fully implemented the Multiple Measures Review Process.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 202(1) and (5),

is the December 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the December Regents meeting, is December 27, 2017 the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare in order to ensure that teacher candidates who will be taking the edTPA from the time the new passing score is implemented until the implementation of the Multiple Measures Review Process are able to take advantage of the Safety Net and are not at a disadvantage.