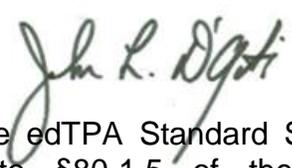


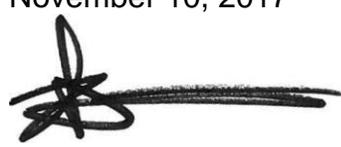


TO: The Honorable the Members of the Board of Regents

FROM: John D'Agati 

SUBJECT: Update on the edTPA Standard Setting Committee and Amendment to §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: November 10, 2017

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend §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 Full Board for adoption as a second emergency measure at the November 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 was 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) 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) 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) 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 in January 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 §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>

September 2017: <https://www.regents.nysed.gov/common/regents/files/917hea1.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 December 11, 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 November meeting, the proposed amendment will become effective as an emergency rule on December 11, 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. If adopted at the December Regents meeting, the proposed amendment 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 January 2018, 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.

The proposed amendment was adopted as an emergency measure at the September 2017 Regents meeting. 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, the emergency rule adopted at the September Regents meeting will expire on December 10, 2017. Therefore, 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 and to ensure that the emergency rule adopted at the September 2017 Regents meeting remains in effect until it can be adopted as a permanent rule.

ASSESSMENT OF PUBLIC COMMENT

Since publication of Emergency Adoption and Proposed Rule Making in the State Register on September 27, 2017, the State Education Department (SED) received several comments:

1. COMMENT:

One commenter raised a concern related to the certification exams because he/she is pursuing a teaching certificate but cannot pass the exams.

DEPARTMENT RESPONSE:

The intent behind the regulatory changes related to the edTPA is to make implementation of the exam in New York more effective and to address significant concerns raised by test takers and the field. The concerns included feedback from candidates related to the difficulty of the exams. The recommendations of the Task Force also included actions such as eliminating the Academic Literacy Skills Test (ALST), extending the safety net for those who cannot pass the edTPA until June 30, 2018, reviewing the edTPA passing score, and creating a Multiple Measures Review Process for those candidates who fall within 2 points of the new edTPA passing score but meet certain other requirements demonstrating that they have the knowledge, skills, and abilities to step into the classroom. The new passing score for the edTPA, beginning on January 1, 2018, will be 38, which is lower than the current passing score of 41.

Ultimately, under the recommended phase-in period, the new passing score will be a 40 beginning on January 1, 2022. In addition, the safety nets for the EAS and the more recently released and/or revised content specialty tests have been extended.

2. COMMENT:

Several commenters ask that the Board of Regents reconsider the decision to lessen the requirements for teacher certification. The concerns raised include the negative impact this would have on students and that teachers leave the profession due to deplorable teaching conditions, not because of the exams.

DEPARTMENT RESPONSE:

The intent behind the regulatory changes related to the edTPA was not to lower the standards for teacher certification in New York, but to make the implementation of the exam in New York more effective, and to address significant concerns raised by the field. The decision to lower the edTPA cut score (as well as the process to phase in a higher cut score) was a result of the edTPA standard setting panel convened in June 2017. This panel included both P-20 and higher education stakeholders, and was geographically and demographically representative of New York State. This panel of experts ultimately recommended the new edTPA cut score, phase-in process, and cut-off for the Multiple-Measures Review Process which they decided will still ensure that a teacher certification candidate possess the requisite knowledge, skills, and abilities to become a teacher of record.

3. COMMENT:

One commenter expressed frustration that the safety net exams are no longer available, that the exams are too costly, that the edTPA safety net (the ALST) is too costly, that too much time is spent studying for the exams, and that New York is facing a teacher shortage.

DEPARTMENT RESPONSE:

At this time, the safety net for the edTPA (which is the Assessment of Teaching Skills-Written [ATS-W]) is available until June 30, 2018. The safety net exams for most of the recently developed content specialty tests are still available as well, and for a detailed breakdown of the safety net dates for all content specialty tests, please see:

<http://www.highered.nysed.gov/tcert/certificate/certexamsafetychart.html>.

4. COMMENT:

One commenter asked that the Department review and revise the pathways to obtain a teaching certificate in an additional science subject, noting that there should be an easier way for a teacher of one of the sciences to obtain an additional certificate in another science.

DEPARTMENT RESPONSE:

While this is outside the scope of the regulation change related to the edTPA, the Department is currently reviewing all certification pathways including the sciences.

5. COMMENT:

One commenter expressed concern that the Board of Regents is lowering standards and making it easier to become a teacher, but also noted that it appears that the intent is to create multiple pathways for teacher certification. The commenter was concerned that these multiple pathways do not necessarily help and that all pathways may not lead to the same quality of teacher. Last, the commenter is concerned that this

could be a cause of the teacher shortage by discouraging candidates from entering the profession.

DEPARTMENT RESPONSE:

See Response to Comment #2. The intent behind the regulatory changes related to the edTPA was not to lower the standards for teacher certification in New York, but to make the implementation of the exam in New York more effective, and to address significant concerns raised by the field. In response to the “multiple pathways” concern, the Department acknowledges that there are multiple pathways that one may pursue to obtain a teaching certificate (for example, individual evaluation pathways, pathways for those with postsecondary teaching experience, and transitional program pathways). However, this flexibility was intentional because the Department recognizes that one single pathway does not fit all candidates pursuing a certificate. The Department works to ensure that each pathway leading to a certificate in the classroom teaching service leads to a certified teacher who possesses the minimum knowledge, skills, and abilities to effectively teach students in their certificate area.

6. COMMENT:

Several commenters disagree with lowering standards for teacher certification as a solution to the teacher shortage and suggests that the Department solve this problem by making it more desirable to become a teacher, increasing teacher salaries, and creating better working conditions for teachers.

DEPARTMENT RESPONSE:

Please see response to COMMENT #2 above. While outside the scope of this regulation, the Department also recognizes that there are shortages in certain certification titles and is exploring ways to address these shortages.

7. COMMENT:

Several commenters disagree with the decision of the Board of Regents to lower the standards for teacher certification.

DEPARTMENT RESPONSE:

Please see response to COMMENT #2 above.

8. COMMENT:

One commenter disagrees with the decision of the Board of Regents to lower standards for teacher certification and suggests the creation of a pathway to allow a “visiting professional” status for accomplished and retired professionals to become teachers.

DEPARTMENT RESPONSE:

In response to the comment related to lowering the standards, please see response to COMMENT #2 above. In response to the suggestion of a pathway for professionals to pursue a teaching certificate, there is a Transitional G pathway available for individuals who hold a graduate degree in any subject who have had teaching experience at the college level in such subject. This pathway was formerly only open to those holding a graduate degree in a STEM subject, but the Department is proposing a regulation change at the November 2017 Board of Regents meeting to open this option up to all subjects.

9. COMMENT:

One commenter asked that the Board of Regents consider making it easier for teachers who have lost their license to regain their license, allowing good teachers to re-enter the workforce.

DEPARTMENT RESPONSE:

While this comment is outside the scope of the regulation changes related to the edTPA, please see the following website for information related to the reissuance of an expired teaching certificate: <http://www.highered.nysed.gov/tcert/certificate/reissue.html>.

10. COMMENT:

Several commenters expressed concern related to the process of state-to-state reciprocity of teaching certificates. The commenter argues that rather than lowering the standards for candidates entering the profession, the Department should make it easier for those with a teaching certificate and experience from another state to become a certified teacher in New York. The commenter also suggests that the Department look to other states that have exceptional standards for educators.

DEPARTMENT RESPONSE:

The Department has recently examined the endorsement pathways for individuals who hold a teaching certificate from another state who are pursuing certification in New York. If an individual has a certificate from another state and three years of teaching under such certificate in a public school (within the last five years) along with ratings of effective or highly effective, along with a bachelor's degree and at least a 2.5 GPA, he/she may pursue endorsement of his/her teaching certificate without having to take and pass the New York State teaching exams.

11. COMMENT:

One commenter acknowledged that there may be a teacher shortage in some areas, but that there is a surplus of teachers in some certification areas. The commenter suggests that the Department address this issue as well as the perceived shortage.

DEPARTMENT RESPONSE:

See Response to Comment #6.

12. COMMENT:

One commenter suggested that the Board of Regents eliminate the edTPA and replace this requirement with more time spent in the classroom.

DEPARTMENT RESPONSE:

See Response to Comment #1. In addition, by request of the Board of Regents, the Department convened a Clinical Practice Workgroup that has been tasked with reviewing all requirements related to the field experience and student teaching requirements applicable to all educator preparation programs to determine if additional time is needed in the classroom. This workgroup contains both P-12 and higher education experts, faculty, teachers, and administration. The workgroup plans to have recommendations to present to the Board of Regents in early 2018.

13. COMMENT:

One commenter expressed concern that standards for teacher certification are being lowered, and that this is a continuation of bad concepts being implemented by the New York State Education Department.

DEPARTMENT RESPONSE: See Response to #2.

14. COMMENT:

One commenter does not support lessening the requirements for teacher certification and in fact supports an initiative to strengthen teacher certification requirements. The commenter explains that it is the paperwork, meetings, and “bureaucracy” that is stifling the teaching profession and pushing current teachers out of the profession.

DEPARTMENT RESPONSE:

In response to the concern that the Department is lowering standards for teacher certification, please see response to Comment #2 above. In addition, the Department has made efforts to strengthen teacher certification requirements through initiatives such as the Clinical Practice Workgroup. See Response to Comment #13.

15. COMMENT:

One commenter disagrees with lowering the standards for teacher certification. The commenter explained that teachers face poor public perception and a lack of respect which influences the number of individuals pursuing the profession. The commenter suggests increasing the demands for teacher certification to send the message that only the most qualified candidates can become teachers in New York.

DEPARTMENT RESPONSE:

Please see response to COMMENT #2 and COMMENT #14 above.

16. COMMENT:

One commenter explained that her daughter wishes to be a teacher, but has test anxiety and wishes there were no tests.

DEPARTMENT RESPONSE:

Please see response to COMMENT #1 above. In addition, NYSTCE offers alternative testing arrangements for those test takers with disabilities who would not be able to take the test under standard conditions. Please see:

http://www.nystce.nesinc.com/TestView.aspx?f=NYCBT_RequestingAlternativeTestingArrangements.html&t=NY028 for additional information about requesting alternative testing arrangements.

17. COMMENT:

One commenter suggests that the Board of Regents eliminate the edTPA because it is not practical and because too much time is spent in the classroom preparing for it.

DEPARTMENT RESPONSE:

Please see response to COMMENT #1 above. In addition, this was one of the concerns brought to the edTPA Task Force and considered by the Task Force, which ultimately presented final recommendations to the Board of Regents which included the regulation changes related to the edTPA cut score and implementation of the multiple measures review process.

18. COMMENT:

One commenter expressed concern that the regulation change is unfair to those who have already paid to take the tests.

DEPARTMENT RESPONSE:

See Response to Comment #1. These changes were made based on recommendations from the edTPA Task Force, which includes representatives from CUNY, SUNY, clcu, the Teacher Education Advisory Group, the United University Professions, the Professional Staff Congress and P-12.

19. COMMENT:

One commenter expressed concern that “dumbing down” the profession is not the way to encourage new teachers to enter the profession and encourage growth in the teaching profession. The commenter suggests that the Board of Regents and the Department determine why there is a teacher shortage and why young teachers leave the profession. The commenter suggests that the public perception of the teaching perception may be the cause.

DEPARTMENT RESPONSE:

Please see Responses to COMMENTS #2 and #6 above.

20. COMMENT:

One commenter expressed his/her desire to move back to New York but explains that the requirement to obtain a Master's degree to become a certified teacher along with the cost of living in New York is prohibitive.

DEPARTMENT RESPONSE:

While outside the scope of the proposed amendment, after obtaining an Initial Certificate in the classroom teaching service, a candidate has five years to obtain a Master's degree. In addition, candidates may get an extension on their Initial Certificate for an additional five years, ultimately giving them ten years within which to complete the Master's degree requirement. The Department believes this is a sufficient amount of time to obtain a master's degree.