



TO: The Honorable the Members of the Board of Regents

FROM: William P. Murphy *William P. Murphy*

SUBJECT: Proposed Amendment of Sections 52.21, 80-1.5, 80-3.3, 80-3.4, 80-5.8, and 80-5.17 of the Regulations of the Commissioner of Education Relating to the Teacher Performance Assessment Requirement for Certification and Establishing a Teacher Performance Assessment Requirement for Registered Teacher Preparation Programs

DATE: March 31, 2022

AUTHORIZATION(S): *Donna* *Bell*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of sections 52.21, 80-1.5, 80-3.3, 80-3.4, 80-5.8, and 80-5.17 of the Regulations of the Commissioner of Education relating to the teacher performance assessment requirement for certification and establishing a teacher performance assessment requirement for registered teacher preparation programs?

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 its April 2022 meeting. A copy of the proposed amendment is included (Attachment A).

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at its December 2021 meeting. A Notice of Proposed Rule Making was published in the State Register on December 29, 2021, for a 60-day public comment period. Following publication in the State Register, the Department received comments

from nearly 200 commenters on the proposed amendment. An Assessment of Public Comment is included (Attachment B). No changes to the proposed amendment are recommended at this time. A Notice of Adoption will be published in the State Register on April 27, 2022. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Beginning May 1, 2014, teacher candidates have been required to complete a teacher performance assessment, in addition to other certification exams, to obtain most teacher certificates in New York State. They must pass the edTPA to satisfy this requirement. The edTPA is a national teacher performance assessment where candidates demonstrate their readiness to teach.

For the edTPA, candidates plan for instruction and assessment, videotape themselves teaching and engaging students in learning, assess and analyze students' learning, and reflect on their practice. Candidates typically complete the edTPA during their student teaching or practicum experience. The edTPA costs \$300 and is administered and scored by the Evaluation Systems group of Pearson.

For out-of-state candidates, the one-year Conditional Initial certificate in the classroom teaching service is available for those who hold a valid teacher certificate in another U.S. state that is equivalent to the New York State certificate sought, completed an acceptable teacher preparation program in another U.S. state, and met all other requirements for certification other than the teacher performance assessment requirement. This certificate enables out-of-state candidates to teach in New York State public schools for one year while completing the edTPA.

The State Education Department has offered edTPA "safety nets" for candidates since the inception of the teacher performance assessment requirement, allowing eligible candidates to take and pass the Assessment of Teaching Skills - Written (ATS-W) in lieu of the edTPA. In addition, the edTPA Multiple Measures Review Process (MMRP) is available for candidates who do not pass the edTPA but score within two points of the passing score and meet additional eligibility requirements. Candidates who successfully complete the MMRP process are deemed to have satisfied the teacher performance assessment requirement.

During the COVID-19 pandemic, teacher preparation program faculty reported that the edTPA safety nets have been helpful; this experience also informed their recommendation that the edTPA be eliminated as a requirement for certification. They indicated that the edTPA often becomes the primary focus for candidates during the student teaching experience, which detracts from other potential learning experiences and responsibilities. In addition, it is difficult for candidates to manage the multiple tasks and related logistics of the assessment (e.g., videorecording) and it represents a significant out-of-pocket expense. Thus, according to these educators, the edTPA serves as a barrier to certification during this period of significant teacher shortages.

The Department is therefore proposing to modify the teacher performance assessment requirement by eliminating the requirement of the edTPA for certification and, instead, requiring that New York State registered teacher preparation programs integrate a teacher performance assessment into the candidates' student teaching, practicum, or similar clinical experience (e.g., residency, mentored in-service component). This assessment would be designed to promote the professional growth of candidates seeking their first initial teaching certificate and thus serve as both a formative and summative assessment for candidates.

The Department proposes the following definition that teacher preparation programs would use to develop or choose their teacher performance assessment.

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.

As such, candidates would be explicitly assessed on the knowledge and skills expected of New York State teachers. The teaching standards, elements, and performance indicators for each element are described in the [New York State Teaching Standards](#). Those standards are aligned with the four principles of the [New York State Culturally Responsive-Sustaining Education Framework](#).

This requirement will allow programs to develop a teacher performance assessment that is user-friendly and meets the needs of their candidates. Additionally, the teacher performance assessment could be completed with no additional costs to students, depending on each program's determination of its teacher performance assessment requirements.

Programs would have until September 1, 2023 to integrate a teacher performance assessment into candidates' student teaching, practicum, or similar clinical experience. This timing gives programs a transition period of over a year to develop or choose a teacher performance assessment and update their curriculum accordingly. Between the effective date of the proposed amendment and September 1, 2023, field experiences, student teaching, and practica must continue to comply with the program's philosophy, purposes, and objectives, with learning outcomes specified and their achievement regularly evaluated, as described in section 52.21.

Since the teacher performance assessment would move from a certification requirement to a program requirement, the Department is also proposing several attendant changes to Part 80 of the Commissioner's regulations related to certification. The edTPA safety net, edTPA MMRP, and Conditional Initial certificate in the classroom teaching service would be removed from the regulations along with references to the

teacher performance assessment requirement for certification. Candidates who apply for certification would no longer need to complete the edTPA on the date the proposed amendment becomes effective, including out-of-state candidates and candidates who apply for certification through the individual evaluation pathway.

Related Regents Items

December 2021: [Proposed Amendment to Sections 52.21, 80-1.5, 80-3.3, 80- 3.4, 80-5.8, and 80-5.17 of the Regulations of the Commissioner of Education Relating to the Teacher Performance Assessment Requirement for Certification and Establishing a Teacher Performance Assessment Requirement for Registered Teacher Preparation Programs](https://www.regents.nysed.gov/common/regents/files/1221hed3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1221hed3.pdf>)

July 2021: [Proposed Amendment of Section 80-1.5 of the Regulations of the Commissioner of Education Relating to Extending the edTPA Safety Net in Response to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/721brca2.pdf)

(<https://www.regents.nysed.gov/common/regents/files/721brca2.pdf>)

February 2021: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80- 1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154- 2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and Addition of Section 279.15 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/221brca6.pdf)

(<https://www.regents.nysed.gov/common/regents/files/221brca6.pdf>)

July 2019: [Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Relating to the Extension of the edTPA Safety Net for Candidates Who Receive a Failing Score on the Library Specialist edTPA](https://www.regents.nysed.gov/common/regents/files/719brca3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/719brca3.pdf>)

September 2018: [Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Relating to the Extension of the edTPA Safety Net for Candidates Who Receive a Failing Score on the Library Specialist edTPA](http://www.regents.nysed.gov/common/regents/files/918brca6.pdf)

(<http://www.regents.nysed.gov/common/regents/files/918brca6.pdf>)

December 2017: [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](https://www.regents.nysed.gov/common/regents/files/1217brca15.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1217brca15.pdf>)

June 2017: [Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Relating to the Establishment of a Multiple Measures Review Process for the edTPA](https://www.regents.nysed.gov/common/regents/files/617brca14.pdf)

(<https://www.regents.nysed.gov/common/regents/files/617brca14.pdf>)

March 2017: [Proposed Amendments to Part 80 of the Commissioner's Regulations Related to the Elimination of the Academic Literacy Skills Test \(ALST\) for Teacher Certification and to Remove Unnecessary References to the Liberal Arts and Sciences Test](https://www.regents.nysed.gov/common/regents/files/317hea1revised.pdf)

(<https://www.regents.nysed.gov/common/regents/files/317hea1revised.pdf>)

April 2016: [Extension of Existing Safety Nets for Candidates Who Take the New Teacher Certification Examinations \(ALST, edTPA, EAS and the Redeveloped CSTs\)](http://www.regents.nysed.gov/common/regents/files/416hea2.pdf)

(<http://www.regents.nysed.gov/common/regents/files/416hea2.pdf>)

January 2016: [Overview of edTPA](https://www.regents.nysed.gov/common/regents/files/116hed1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/116hed1.pdf>)

April 2014: [Emergency Adoption of Amendments to Section 52.21 and Part 80 of the Regulations of the Commissioner of Education to Provide Teacher Candidates, who Apply for Teacher Certification Prior to June 30, 2015 and Who Take and Fail the Teacher Performance Assessment \(edTPA\), with the Option of Obtaining an Initial Certificate if the Candidate Passes the ATS-W Prior to June 30, 2015 and Subsequent to Receiving His/Her Score on the edTPA](https://www.regents.nysed.gov/common/regents/files/413hea4Revision2.pdf)

(<https://www.regents.nysed.gov/common/regents/files/413hea4Revision2.pdf>)

September 2013: [Proposed Amendments to Part 80 of the Regulations of the Commissioner of Education Relating to the New Teacher and School Building Leader Certification Examination Requirements](https://www.regents.nysed.gov/common/regents/files/913brca6.pdf)

(<https://www.regents.nysed.gov/common/regents/files/913brca6.pdf>)

December 2012: [Proposed Amendment to Part 80 of the Regulations of the Commissioner of Education Relating to the New Teacher and School Building Leader Certification Examination Requirements](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/December2012/1212hea1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/December2012/1212hea1.pdf>)

Recommendation

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

VOTED: That sections 52.21, 80-1.5, 80-3.3, 80-3.4, 80-5.8, and 80-5.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 27, 2022.

Timetable for Implementation

If adopted at the April meeting, the proposed amendment will become effective on April 27, 2022.

Attachment A

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:

(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) ...

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on December 29, 2021, the State Education Department (Department) received comments from nearly 200 commenters on the proposed amendment:

1. COMMENT: More than 170 commenters support the proposed regulatory amendment to eliminate the edTPA certification requirement and/or require that New York State registered teacher preparation programs integrate a teacher performance assessment into the candidates' student teaching, practicum, or similar clinical experience. The commenters include candidates who have not passed the edTPA, including candidates who failed one or more times; candidates who are currently enrolled in a teacher preparation program; paraprofessionals; teachers, including teachers who work with student teachers; district administrators; a BOCES regional certification officer; institution of higher education administrators, faculty, and adjunct instructors in teacher preparation programs; and parents of prospective or current teachers. The reasons for their support can be grouped into the following categories:

- **Unnecessary.** Comments include: The edTPA is unnecessary. Through the many courses that candidates take, they are gaining the necessary skills to become qualified teachers. Candidates are already required to perform many tasks to become a teacher, including student teaching and content exams. There is nothing about the edTPA that is not already covered during the course of completing a teaching program, taking all other required exams, and obtaining tenure. College degrees, college credits in education, classroom experience, and

other career experiences should be sufficient to assess teacher performance.

The performance base is already assessed during student teaching. Many of those experiences in reflection, data collection, and lesson planning sequences should be embedded in classwork and fieldwork. Teachers are teaching excellently without it.

- **Not Appropriate.** Comments include: The edTPA bears little resemblance to the skills and knowledge necessary to excel in the profession and offers little insight into a candidate's professional capacity. The edTPA does not gauge the effectiveness of a teacher and is an unreliable test that has never been shown to accurately measure the qualities of a good teacher or correlate with better preparation for new teachers. There is no evidence that the edTPA improved the quality of teacher candidates more than a local assessment could; in fact, in some cases, it produced the opposite result as some candidates who were not particularly strong teachers earned mastery scores. One candidate was an excellent student and writer who did not pass the writing portion by one point. Skills cannot be measured by a short video clip and repetitive educational jargon. A commenter completed an analysis of edTPA “missteps” in their teacher preparation program that hindered candidates’ success on the edTPA and found that most of the issues did not reflect what candidates actually knew and were able to do. According to a commenter, a teacher's ability should not be based on how well they can write a lesson plan; it should be based on how they interact with their students, how they make them feel comfortable and safe in their

classroom, how they inspire them to love learning and to try their best at everything to which they put their mind.

- **Expensive.** Comments include: The cost of the edTPA, \$300, is unduly expensive, especially considering other costs of certification including additional exams and college tuition. Cost is especially a barrier for candidates from lower socio-economic backgrounds. An integrated performance assessment would not require additional expense on the part of teacher candidates.
- **Time-consuming and Complex.** Comments include: The edTPA is time-consuming, which has been exacerbated by COVID-19. It is complicated and the tasks are rigorous, tedious, and repetitive. If a candidate completes the edTPA after student teaching, the edTPA takes away from their time spent working as a teacher. It is an unreasonable expectation.
- **Stressful.** Comments include: Candidates expressed that the edTPA is stressful, with some candidates attributing anxiety, poor health, and decreased self-esteem to the examination. A candidate described the stress of trying to finish the assessment on time while completing their student teaching. A commenter stated that teachers they have spoken to disliked the process.
- **Barrier to Certification.** Comments include: The edTPA has deterred or stopped candidates from obtaining certification or a degree, which further contributes to teacher shortages. There are many candidates who completed their programs, but had to delay their career and graduate programs to prepare for, take, or re-take the edTPA. This slows down the hiring process and prevents candidates

from moving into the public school system. The edTPA also served as a barrier for out-of-state candidates.

- **Diversity.** Comments include: The edTPA may be an impediment to efforts to diversify the teaching force. Students who come from communities where they have not had the privilege of SAT prep courses and training in writing 5-paragraph essays, often struggle with the dense writing required for the assessment. The edTPA ultimately functions as a classic gate-keeping component and, as such, typifies structural and institutionalized racism. The staggering disproportionality of white to BIPOC teachers is directly linked to programs like the edTPA that systematically screen out teachers that are destined to be in the class and change lives.
- **Candidates Whose Primary Language is Not English.** Comments include: Teacher candidates whose primary language is not English claim that they often spend undue amounts of time translating the language contained in the edTPA. Research has indicated that non-native English speakers are significantly less likely to pass the edTPA than native English speakers. This has had particularly deleterious consequences for World Language teacher education programs, where a large proportion of candidates are native speakers of a language other than English.
- **Lack of Overall Support.** Comments include: It is near impossible to complete the edTPA without any guidance, which is not provided for teachers coming from another state. It is difficult to complete this requirement after graduation as a full-time teacher or school employee. It is extremely difficult for candidates to get into

a classroom and complete the edTPA if they are not currently teaching in a classroom. A commenter has fielded many inquiries from people who have no idea how to complete the edTPA when they are not in a teacher certification program. A candidate stated that their program did not prepare them enough to complete the edTPA.

- **Student Teaching Support.** Comments include: Current edTPA guidelines allow the cooperating teacher and college supervisor to give only minimal support. Thus, the project that would benefit from the most active dialogue between the candidate, cooperating teacher, and college supervisor becomes removed from that process. It should be the biggest teachable moment in their clinical experience and, instead, under the current guidelines, it becomes a moment of stress and abandonment. A teacher performance assessment or portfolio is incredibly valuable. But it should ideally occur within a mentoring framework; formative feedback is critical. Throughout the student teaching process, candidates receive regular feedback and notes for improvement through informal conversations and official rubrics. Programs will have a greater opportunity to work with candidates on their strengths and areas for growth.
- **Specific Subject Areas.** Comments include: The edTPA does not align with professional standards and practices in all fields and has impeded student teachers' learning experience in many K-12 classroom settings. Faculty in the following areas consistently shared with a professional organization that they were troubled by the poor match between the edTPA and standards and practices in the following fields: World Languages, Library Media Specialist,

Music, Special Education, and Visual Arts. With specific respect to Library Media Specialist candidates, the *edTPA Library Specialist Handbook* does not realistically address the professional roles and educational responsibilities of school librarians, nor does it reflect best practices in the field of school librarianship. A candidate stated that there was no edTPA for their niche of teaching ESL in a school that exclusively serves students with severe disabilities. Some candidates teach specialized subjects to which the language of the edTPA is not conducive.

- **edTPA Scoring.** Comments include: Scoring for the edTPA is made by a person who is not familiar with the candidates' student teaching working conditions. The evaluation of a candidate is wholly impersonal and done by a faceless person, likely in another state, who knows neither the candidate nor the population they are working to educate. A commenter said that it is not clear as to who was grading the edTPA. A commenter said that they believed that the scorers were hired on Craigslist. The edTPA is evaluated by people who may not themselves be certified in the areas of teaching they are judging. The scoring of the edTPA has always been inconsistent, with many new teachers who have failed the edTPA being fabulous in the classroom.
- **edTPA Format.** Comments include: From the strictness to the rubrics, to the difficulty with planning a three segment assessment, to the strictness and tedious requirements within the lesson plans, the commenters submit that the edTPA is a poor attempt to assess the quality of good teaching. The planning, adherence to the strict language and peculiar vocabulary of the edTPA, and the copious

amounts of required writing is not only tedious, but does not relate directly to the reality of what happens in a classroom. The edTPA's extensive writing demands also siphoned energy from other important facets of student teaching like collaboration, lesson planning, and reflective practice. It constricts a creative and expansive profession into a series of highly regulated and quantifiable metrics. The edTPA assesses a murky and arcane set of criteria. A commenter never completely understood what some of the questions were asking. Much of the work done while preparing to submit an edTPA portfolio is not actually teaching-related, but an exercise in exact technical specifications. The edTPA is a standardized assessment with subjective scoring and is not clear as to how candidates received specific scores. The feedback was vague and unhelpful.

- **Technology.** Comments include: The process of submitting the exam to the vendor was very difficult. The video equipment was not always easy to use, it was difficult to get parents to sign the consent forms, technology access was a problem, there were video and audio issues, and the technological issues associated with creating the required video took hours to master. Candidates were intimidated by the camera and therefore did not want to speak.
- **National Board Certification.** Comments include: Asking preservice teacher candidates to complete the same tasks required by the National Board Certification process in a few months while they are also learning how to address all aspects of classroom instruction, is not a valid measure of candidates' readiness for Initial teacher certification. With their limited experience, it is a premature and unnecessary hurdle.

- **Takes Away from Student Teaching.** Comments include: The edTPA takes away from the student teaching experience. The student teacher's focus on edTPA during their placement is overwhelming. Candidates focus on the assessment rather than on honing teaching skills and being in the classroom. The edTPA diverts their attention from supporting learning of K-12 candidates and stifles candidates' abilities to make connections with the children they teach. Candidates often found themselves "teaching to the test" rather than focusing on their students' learning. The time spent on preparing for the edTPA could have been better used planning new lessons and reflecting on previously taught lessons. The rigors of the edTPA lead to a reduction in the value of the student teaching experience, which is reduced getting a "good video" as the primary focus. Likewise, the supervising teacher often places a greater focus on having the student teacher complete the requirements of the edTPA. A commenter believed that they gave up precious student teaching seminar time to discuss the edTPA. Another commenter did not feel confident that candidates completing the edTPA would have the breadth of experiences to manage their classroom as effectively; they could plan strong lessons and analyze data, but these skills were developed at the expense of learning the nuts and bolts of day-to-day management and communication with parents. The pre-requisite tasks (e.g., video, lesson plans) for the edTPA are completed when candidates are in their student teaching placement, placing additional pressure on candidates that can cause their inability to successfully complete the edTPA.

- **Cooperating Teachers.** Comments include: Candidates expressed that they had to explain the edTPA to their cooperating teachers who had had no knowledge of this assessment and had not taken it themselves. Cooperating teachers felt stressed by the edTPA and ultimately opposed their candidates in the videorecording. A candidate stated that they are annoyed by the process, which is not helpful. Because the classroom belongs to the cooperating teacher, it was sometimes hard to implement the ideas and activities required by the edTPA. The edTPA caused some cooperating teachers to stop signing up for student teachers. Cooperating teachers spend hundreds of hours with these young people and their evaluations; it is they, along with their supervisors, whose judgment has more merit than the edTPA.
- **Performance Assessments.** Comments include: A performance assessment is more valid and reliable than the current requirements, more authentic, and more relevant. It allows for a much more nuanced and comprehensive evaluation of a prospective teacher's skills and a better measure of these skills in an actual teaching setting, especially if observed over a period of time. Providing a performance assessment tied to student teaching makes this experience more critical, which it is. Most programs have a student teaching assessment tied to student teaching; it would make sense to use this for certification. Candidates are required to complete a portfolio similar to the edTPA called a "Capstone" during their course work. A comprehensive portfolio assessment that incorporates curriculum plans, assessments, reflections on the clinical experience, and responses to feedback from supervisors can be used to satisfy the same

purposes of the edTPA. A performance assessment bears greater resemblance to what teachers actually do. With an assessment built within the student teaching experience, candidates for teaching jobs will know that they are certified sooner and school districts that have just experienced an excellent young teacher during their student teaching may be able to quickly and seamlessly offer an open teaching position. A performance assessment would be a more appropriate indicator than a score on a standardized test. Standardized tests are sometimes barriers for those who can show proficiency through other, more holistic ways.

- **Teacher Preparation Programs.** Comments include: The proposed change in regulations can be effectively implemented by New York State registered teacher preparation programs. They will draw from their specialized knowledge base, experience, and an extensive body of research that identifies the key elements needed for an authentic, high quality performance assessment. Programs know how best to support and assess their candidates as they progress through their program, have the means to gauge candidate readiness for teaching through in-house assessments, and benefit from the ability to use a performance assessment that is suited to their own professional standards and best practices. Programs can guide candidates to become more self-directed, active participants in their own learning and measure candidates' preparedness closely and individually. Eliminating the edTPA requirement will restore local control and agency to our college programs and candidates.

- **Accreditation.** Comments include: Quality assurance of the proposed teacher performance assessment may be monitored by way of national accreditation of programs. Internal performance assessments are part of a program's accreditation review. An external assessment like the edTPA does not allow the program to make appropriate revisions to the exam and relies on absolute scores on an externally graded exam.
- **Faculty.** Comments include: The edTPA forces teacher education faculty to teach to a test based on standardized assessments and rubrics. As a result, teacher education faculty expertise has been ignored, violating their academic freedom, and marginalizing the expertise of teacher education faculty. It makes sense for experts in the field who teach, for example, school librarianship (information literacy skills and competencies) and are intimately familiar with the professional responsibilities of school librarians to design a school librarian performance-based assessment to evaluate teacher candidates. This will ensure that barriers do not exist to discourage candidates from entering the profession.
- **edTPA Safety Net.** Comments include: Considering that there is already an edTPA safety net in place for certain candidates who do not pass the edTPA, the teacher preparation programs are already demonstrating that they are capable of preparing future teachers and all candidates should be granted that same grace. The edTPA safety net is evidence that the edTPA is not a necessary hurdle for potential teachers. A commenter stated that friends who did not have to complete the edTPA had a better and more positive experience in their master's programs.

- **Testing Vendor.** Comments include: The edTPA is only used to satisfy checkboxes for the state and provide revenue to its vendor, a business that is primarily concerned with profits over quality education.
- **Research.** Comments include: The article “Buyer Beware: Lessons Learned from edTPA Implementation in New York State” by Deborah Greenblatt and Kate O'Hara includes data and interviews from private and public institutions throughout New York State. The authors articulate the deficits of the edTPA and how it prevents good educators from achieving certification. In 2019, a landmark study published by the American Educational Research Association (AERA) challenged claims made by the edTPA’s developers about its scoring process, reliability, and the impact of using a summative, high stakes assessment with teacher candidates. Other studies have suggested that the edTPA may prevent diverse candidates from gaining certification. A literature review on the edTPA demonstrates more negative than positive impacts.
- **Other States.** Comments include: Since 2019, five states have dropped edTPA as a licensure requirement. There are currently only 11 states, including New York, that require an off the shelf performance assessment for licensure, and six of those states allow options other than edTPA. This puts New York in the minority, with most states trusting college and school-based educators to evaluate and recommend their own culminating experience for certification. This is an opportunity for the State of New York to leverage its influence for change in a progressive and crucial way as well as a responsibility to lay down a more equitable solution to effective and holistic teacher preparation.

- **Positive edTPA Comments.** While they supported the proposal to modify the teacher performance assessment requirement, some commenters expressed support for aspects of the edTPA. For example, one commenter expressed support for the edTPA as a high-quality experience for beginning practitioners. The original intent of the edTPA was useful and has helped us in terms of assessing student performance, including evidence for continuous program improvement and the accreditation process. Another commenter recalled that a colleague thought it was good, but that it should be utilized at the graduate level for teachers seeking permanent certification, not their provisional certification.
- **Other Comments.** Comments include: Eliminating the edTPA will not diminish the quality of future candidates and replacing it with a teacher performance assessment in clinical courses will allow greater equity for candidates to earn their certification. Teachers are required to take more exams than other professions such as lawyers and nurses. A commenter shared that they told the edTPA scorers what they wanted to hear in order to score a passing grade, opining that any teacher can “finagle” their way through the edTPA. Another commenter hoped that approving the proposal and eliminating the edTPA will allow them to achieve professional certification and contribute to the profession of teaching.

DEPARTMENT RESPONSE: These comments are supportive of the proposed rule; therefore, no changes are necessary. The Department notes that qualifications for edTPA scorers are identified on the [Pearson website](#).

2. COMMENT: Several commenters request that particular groups of candidates not be required to complete the edTPA requirement for certification. The groups include candidates who: hold an out-of-state certificate, a Conditional Initial certificate, or the Emergency COVID-19 certificate; completed a New York State registered teacher preparation program, including those who are not eligible for the edTPA safety net or are not employed; and applied for certification through the individual evaluation pathway. One commenter requested that the edTPA safety nets be extended until the new process is in place in September 2023.

DEPARTMENT RESPONSE: If the proposal is approved, there would no longer be an edTPA requirement for candidates on the effective date of the proposal, including candidates who completed a teacher preparation program in the past, did not pass the edTPA in the past, are currently enrolled in a teacher preparation program, currently have an application on file, are out-of-state, or currently hold an Emergency COVID-19 certificate.

New York State-registered teacher preparation programs would have until September 1, 2023 to integrate a teacher performance assessment into candidates' student teaching, practicum, or similar clinical experience. Candidates would not need to avail themselves of the edTPA safety net once the proposal is in effect because they would no longer be required to complete the edTPA for certification. There will be a transition period where candidates are not required to complete the edTPA while programs develop or choose their teacher performance assessment; therefore, no changes to the proposed rule are necessary.

3. COMMENT: Several commenters support the proposed regulatory amendment and offered recommendations related to the proposal, including:

- Having a senior teacher or administrator fill out the teacher performance assessment during a designated period of time;
- Establishing safeguards to prevent a supervising teacher from having too much input into the assessment process;
- Having the prospective teacher assessed using an observation format that resembles what they will see in the field: an administrator observing them and scoring their performance with the Danielson rubric. The individuals who score the rubrics should be students' college advisors and cooperating teachers;
- Asking that candidates not be made to work extra hours with kids because it will spread COVID-19;
- Requiring that the observation is conducted in person by two people, an advisor from the teacher candidate's state approved teacher preparation program and a representative from the New York State Education Department. Additionally, a formal observation from an administrator at the school where future educators are currently doing their student teaching could suit a future educator better than a paper exam;
- Bringing back a state assessment rather than the edTPA;
- Requiring a basic exam on teaching material that will help for teaching;
- Eliminating the edTPA and allow individuals pursuing a career in education to take the Assessment of Teaching Skills – Written (ATS-W);

- Replacing the edTPA with something that holds New York teachers to high standards, but that is less complex for new teachers to complete and keeps in mind how many teachers come to New York with certification, experience, and teacher degrees from other states, or who come to teaching as a second or third career, and who will not be enrolled in a New York teacher certification program;
- Replacing the edTPA with a course that will be enjoyable, more reasonable, and not serve as the cause of undue stress;
- For college students pursuing an education degree wanting to teach, the state should look at the university's courses and students' transcripts. If a student has a 3.5 GPA in their education courses or higher, they should be able to receive a NYS teaching license. At the very least, the exams should be limited to one assessment per degree—a requirement from which neurodiverse students should be exempt. At the very least, if this is not a feasible option, the edTPA should be eliminated.

DEPARTMENT RESPONSE: The comments are supportive of the proposed rule.

Some comments provide suggestions for the proposed teacher performance assessment in New York State registered teacher preparation programs; these which are beyond the scope of the proposed regulatory amendment. Other suggestions indicate that commenters may not recognize that the proposed regulatory amendment would replace the edTPA certification requirement with a teacher performance assessment in registered New York State registered teacher preparation programs, as

evidenced by providing alternatives to the edTPA. Therefore, no changes to the proposed rule are necessary.

4. COMMENT: Several commenters support the proposed regulatory amendment and made recommendations or other comments unrelated to the proposal, including:

- Increasing teacher pay to combat the teacher shortage,
- Reevaluating the current Tiers for students entering the work force,
- Eliminating the COVID-19 vaccination requirement,
- Making student teaching a year-long internship,
- No longer expecting brand new teachers to be great from day one;
- Extending the Emergency COVID-19 certificate for three years; allowing in long-term substitute teachers who have been teaching for more than 12 years;
- Eliminating any standardized testing as a means to evaluate teacher candidates, including the Content Specialty Tests (CSTs) exams; either they should be eliminated completely, or candidates should receive an exemption for completing courses (college level) that cover the content of a CST;
- Looking at the safety nets for the Educating All Students (EAS) and multi-subject test requirements;
- Replacing any paper pencil or written exams for certification within the field/student teaching evaluations;
- Requiring a single certification exam, depending on the subject and age group the teacher will teach;

- Re-evaluating the entire process of granting certification; it does not need to be this hard and confusing, especially for people who go to school outside of New York State, are licensed in other states, and are employed by parochial and private schools; Eliminating the Graduate Record Examination (GRE) for entrance into a graduate program;
- Recognizing that requirements for field placements are a barrier and offering flexibility for field placement hours; there needs to be trust that schools are maintaining rigor because there are many ways to demonstrate skills.

DEPARTMENT RESPONSE: The comment is supportive of the proposed rule.

However, the recommendations and other comments are outside the scope of the proposed regulation; therefore, no changes to the proposed rule are necessary.

5. COMMENT: Fifteen commenters do not support the proposed regulatory amendment to eliminate the edTPA certification requirement and/or require that New York State registered teacher preparation programs integrate a teacher performance assessment into the candidates' student teaching, practicum, or similar clinical experience. The commenters include teachers and an edTPA coordinator, student teaching coordinator, adjunct lecturer, and professor from institutions of higher education. The reasons that they do not support the proposal are sorted into the following categories:

- **edTPA Assessment.** Comments include: The edTPA is an assessment that measures the skills that a good teacher needs. The edTPA puts candidates through the process of planning, implementing, assessing, and reflecting; ties their work to the standards and the current ideas of the best pedagogy; is written based on the Danielson

framework, upon which most of these students will be evaluated; and is objective. One commenter stated that the edTPA is of great benefit to those who take the time and put in the effort to complete it; the commenter further opined that the edTPA provides student teaching candidates with opportunities to hone their knowledge and teaching skills in areas that might be overlooked without the edTPA. On many occasions, candidates have shared with the commenter that several areas of focus within the portfolio have forced them to look more deeply at their level of knowledge as they prepare their responses to various components. Although the commenter notes that it takes a significant amount of time to successfully complete the portfolio and impacts other areas of a candidate's life, including their finances, they believe the edTPA is a worthwhile assessment, both as an assessment and a learning tool.

Another commenter reported that their institution has a very high pass rate on the edTPA and that its students have testified to the educative value of completing the edTPA as well as their pride at earning their state credential through an assessment that is recognized profession-wide. The commenter credits the quality of their program in providing sufficient support to candidates in this respect. Their experience with the edTPA is that it is a fair and equitable assessment. Candidates have consistently stated that they find the edTPA's collection of evidence of what they actually know and of how they teach to be preferable to multiple-choice, fill-in-the-blank questions on other state certification standardized tests. One commenter stated that having to complete the structured format of the edTPA lesson plans, create rubrics, and analyze/respond to student data made them a better teacher because they developed the habits of thinking about the standard to which they were teaching, the connection to the rubric, and

remaining committed to analyzing student work. The commenter further explains that they will have more confidence in new teachers who complete the edTPA because those teachers who completed it exhibit greater capability and efficacy. Those who did not generally fail to see the direct connection to standards along with assessment and struggle with responsiveness to data. Finally, the commenter argues that the edTPA enhances teacher practice and is not a barrier. A commenter noted that it is important for teachers to see themselves as their students will and use this self-assessment tool to improve how they are perceived. Another commenter has discerned improvement in the quality of instruction, as well as the attitudes of prospective teachers, since the edTPA was adopted. This performance assessment ensures that candidates focus on all important aspects of teaching, and that their work is judged by objective, experienced educators. It has been alleged that the edTPA is not fairly graded, yet evaluators are carefully vetted. Additionally, if there are questions, another evaluator steps in; there are no identifications of the portfolios, which prevents subjective decisions. While it is concerning that candidates whose native language is not English may be adversely affected, teachers must nevertheless be able to pronounce words in English and understand grammar and punctuation.

- **Standards.** Comments include: The proposed regulatory change waters down teaching requirements. Overall, the introduction of higher standards created better teachers. An edTPA score signifies to New York State certification personnel that the individual has successfully met the desired standard. Improving access to strong educators requires professional standards that are both rigorous and meaningful, demonstrated through performance-based certification assessments like the edTPA.

This policy is a blow to yet another generation of kids who will be taught by candidates that were shortchanged by their schooling and do not have the courtesy of a “safety net” that would allow them to identify their shortfalls before they enter the profession. How will teachers feel if their counterparts entered the field with fewer requirements? One commenter states that there should be a single, objective standard for all of teachers; as a parent, they would only want their children to receive instruction by personnel who have clearly passed this standard and, as a teacher, would not want to be the person to decide the fate of a student teacher who is lacking in skills.

- **Teaching Profession.** Comments include: The edTPA is an assessment designed by and for the profession, signaling recognition and reliable/valid verification by an independent entity of a teacher’s attainment of profession-wide standards. Such profession-wide recognition is a signature of all other professions for doctors, lawyers, nurses, electricians, barbers, etc. It would be a loss to the teaching profession, in their view, to step back from this initiative that has the potential to lift up and recognize the profession as being on par with other professions. One commenter rhetorically asks if eliminating the Nursing Boards for Registered Nurses and making a license contingent on “performance” as a student nurse could be expected. Another commenter also analogizes teaching to medicine, asking if patients would agree to have a doctor perform surgery on them if they had not met all the stringent, standardized, objectively evaluated criteria for licensure. They express concern that elimination of the edTPA will lessen uniformity in the profession as well as public confidence in the teaching profession.

- **Teacher Preparation Programs.** Comments include: Why the Department would allow each college to make a decision determining the readiness of their candidates given the potential for variability. If each individual educator preparation program develops and administers their own assessment, there is no way of assuring that the knowledge/skills demonstrated are comparable, reliable, and/or valid. A commenter interviewed candidates in schools of education who they believe were unprepared before the edTPA. This commenter does not feel that schools of education prepare candidates for the real world, does not want to leave it to theorists to devise a test, and does not think professors have a real-life experience with the Danielson framework or any other system approved in New York State. The commenter reports that some candidates struggle to write, yet want to teach children. How, another commenter asks, will limiting assessments or allowing each school to determine readiness meet the high expectations to teach? The commenter indicates that universities lack full faculty in crucial areas due to limited resources.

- **Unfair.** Some commenters stated that eliminating the edTPA certification requirement is unfair to those who were required to take the edTPA and other certification exams prior to the state removing it.

- **Other Comments.** The Department received a number of inapposite comments, including: (1) people are not entering the teaching profession due to inadequate compensation; (2) the edTPA is a vital piece of accomplishment for candidates to add to their resume; and (3) a suggestion that this regulatory change is solely a response to a statewide teaching shortage.

DEPARTMENT RESPONSE: The proposal to replace the edTPA certification requirement with a teacher performance assessment requirement in New York State registered teacher education programs maintains standards for candidates who are seeking certification and the integrity of the teaching profession in the State. The proposed definition of a teacher performance assessment ensures that programs will develop or choose a multi-measure assessment where candidates demonstrate the pedagogical knowledge and skills identified in the New York State Teaching Standards and their content knowledge and skill in teaching to the State learning standards. Although the teacher performance assessment will vary across programs, all must meet this high standard while meeting the needs of local candidates.

Despite a handful of positive comments, the public comments overwhelmingly illustrate many issues with the edTPA as a certification requirement in New York State. The Department has determined that these deficiencies outweigh the potential benefits of the assessment as a statewide certification requirement. Programs that wish to require the edTPA as their teacher performance assessment will not be precluded from doing so when this amendment goes into effect. Therefore, no changes to the proposed rule are necessary.

6. COMMENT: Commenter believes that anyone who took the edTPA needs to be compensated for the \$300 assessment fee if the proposal is approved. One of the commenters also thinks an apology should be issued for forcing teachers to waste their time on an assessment that was clearly implemented to profit the developer of the edTPA.

DEPARTMENT RESPONSE: Candidates who paid the \$300 edTPA assessment fee and submitted their assessment for scoring would not receive a refund because they paid for services rendered by the testing vendor. Candidates who paid the \$300 edTPA assessment fee and have not submitted their assessment for scoring should review the edTPA refund policy that is described on the [edTPA website](#). The website explains how individuals can receive a partial fee refund. Please note that a refund is not available once an assessment is submitted for scoring.

The edTPA became a requirement for certification for legitimate pedagogical and professional reasons, including the promotion of candidates' professional development. The suggestion that the Department implemented the requirement to enrich the testing vendor is frivolous; as indicated above, some commenters strongly believe that the edTPA should remain mandatory. The current proposal eliminates the edTPA requirement for certification in response to feedback from the field and the current challenges facing the teaching profession. Therefore, no changes to the proposed rule are necessary.

7. COMMENT: Several commenters who do not support the proposed regulatory amendment also made recommendations or other comments related to the proposal, including:

- **Fee.** Comments include: If the \$300 fee shows to be a financial burden, reduce, or eliminate the fee; the federal government should eliminate the fee barrier to invest in the future leaders of this country. The cost is an easy fix: lower the price and offer more vouchers. Consider repayments to teachers who had to take the test at the beginning of their careers, when they did not have the funds to pay for

such tests. The cost of each test should be waived during this time or there should be scholarships provided to help student teachers pay for their exams.

- **Other tests.** Comments include: New York State needs more performance evaluations rather than less. It is “ridiculous” to consider adding another test, especially considering the cost of each certification test and the demand of the student teaching experience; the Education All Students (EAS) test and Content Specialty Test (CST) should be enough to get certified and the edTPA should not be replaced with anything.
- **edTPA 2.0.** Comments include: SCALE is presently developing edTPA 2.0, which is a streamlined culturally/socially responsive assessment that will abbreviate some of the commentaries, simplify the wording to make it more accessible, and lessen the load of completing the assessment. A commenter inquired as to whether SCALE could facilitate the use of the 2.0 version for New York State and recommended that New York State provide local “training” in how to do reliable and valid scoring so that programs can score the assessments themselves - either within their institutions or with a neighboring institution.
- **edTPA Support.** Comments include: The Department work with the edTPA faculty to improve the edTPA. With supports in place for candidates seeking Initial certification, the edTPA experience should not only be manageable, but also provide opportunities for collective examination, critique, and reflection on teaching. Surely, if this were emphasized as a critical component of administering the assessment, edTPA would not get in the way of attracting and retaining teachers to the profession

- **Coursework.** A commenter suggested that teacher education needs to be “modified,” particularly required coursework; those seeking a second career in education, especially elementary education, need courses like earth science and Level II Algebra classes.
- **Recruitment and Retention.** A commenter suggested that, in lieu of discontinuing the edTPA, New York State leaders should expand effective programs that lead to the recruitment and the retention of high-quality educators, such as the Teacher Opportunity Corps grant program and the continued expansion career pathways through targeted strategies and innovative alternative certification pilots; ensure the Fiscal Year 2023 adopted budget includes a state teacher residency program; collect and use data to examine school district recruitment, interview, and hiring practices; recruit strong school leaders; expand mental health support for all school staff; support districts by creating affinity groups for teachers, assistant principals, and principals, especially those of color; and invest in mentorship and career ladders for current and aspiring teacher, school, and district leaders.
- **Other Options.** One commenter is against the removal of the edTPA unless a repayment and extension of continuing teacher and leader education (CTLE) credits is offered to those teachers who completed the program. If the edTPA is eliminated, another commenter wants an equally rigorous and detailed process implemented that will prepare educators for the hidden paperwork and documentation that they are obligated to do, and from which cannot “opt out,” unlike the edTPA.

DEPARTMENT RESPONSE: Regarding the \$300 assessment fee, there are a limited number of assessment fee vouchers for candidates with financial need at New York State institutions of higher education. The Department does not control the fee for the edTPA, including if the fee would be eliminated or waived.

The proposal does not add another test for certification. Rather, the proposal replaces the edTPA certification requirement with a teacher performance assessment requirement in New York State registered teacher education programs that would be integrated into the candidates' student teaching, practicum, or similar clinical experience.

As described by a commenter, edTPA 2.0 would not address the many issues identified in the public comments with the edTPA as a certification requirement in New York State. Similarly, increasing efforts to work with candidates and faculty on the edTPA would not address the many issues identified in the public comments.

The Department continually reviews the teacher preparation program requirements to streamline certification while maintaining high standards for candidates. The Department is also investigating ways to improve teacher recruitment and retention and will consider the recommendations in these areas presented by one of the commenters.

The proposed definition of a teacher performance assessment ensures that New York State registered teacher preparation programs will be developing or choosing a multi-measure assessment where candidates demonstrate the pedagogical knowledge and skills identified in the New York State Teaching Standards and their content knowledge and skill in teaching to the State learning standards. For candidates seeking

their first Initial teaching certificate, programs must integrate this assessment into the candidates' student teaching, practicum, or similar clinical experience.

Please also see Department Response #6 regarding repayment for the edTPA assessment fee if the proposal is approved. No changes to the proposed rule are necessary.

8. COMMENT: One commenter who does not support the proposed regulatory amendment also made comments unrelated to the proposal. Specifically, the commenter stated that the Office of Teaching Initiatives (OTI) needs to be evaluated and given feedback to improve their process. The commenter alleges that they called OTI on several occasions and either wasted 45+ minutes in a hold loop only to be cut off or had their call answered by someone who couldn't answer the commenter's question. In addition, the commenter noted that while there are a few certification officers at BOCES who have been helpful in this process, they are limited in their ability to assist teachers who are not part of district schools. There are some BOCES certification officers who won't even answer any of these questions about certification without charging the \$100 review fee, which becomes a serious equity issue.

DEPARTMENT RESPONSE: The comments are outside the scope of the proposed regulation; therefore, no changes to the proposed rule are necessary. However, the Department has committed to improving its customer service, including that offered by OTI, and streamlining the certification process.

9. COMMENT: Commenter requested that the Department provide clear guidance and professional development to teacher preparation programs on the development of an appropriate performance assessment and that such assessment

allow for flexibility so that it can be completed in a remote instruction situation, citing the need to ensure that teacher candidates have the skills to be effective teachers across teaching and learning formats.

DEPARTMENT RESPONSE: The proposed regulatory amendment includes a definition of a teacher performance assessment that New York State registered teacher preparation programs would use to develop or choose their teacher performance assessment. Programs would have the flexibility to develop or choose an assessment that meets the needs of their candidates. The definition does not preclude programs having candidates complete the assessment in a remote instruction situation. If the proposal is approved, the Department will provide next steps to programs regarding any teacher performance assessment information they will need to submit to the Office of College and University Evaluation (OCUE). Therefore, no changes to the proposed rule are necessary.