



TO: The Honorable the Members of the Board of Regents

FROM: William P. Murphy *William Murphy*

SUBJECT: 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

DATE: July 1, 2021

AUTHORIZATION(S):

Don McGreevey *Betty K. Clark*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the 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?

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 July 2021 meeting. A copy of the proposed rule is included (Attachment A).

Procedural History

The proposed amendment was presented to the Higher Education Committee for recommendation to the Full Board for adoption as an emergency rule at its April 2021 meeting, effective April 13, 2021. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on April 28, 2021 for a 60-day public comment period. Because the April emergency action was set to expire on July 11, 2021, a second emergency action was necessary to ensure the emergency rule remained continuously in effect until it could be permanently adopted and take effect as a permanent rule. Following the 60-day comment period under the State Administrative

Procedure Act, the Department received several comments on the proposed amendments. An Assessment of Public Comment is included (Attachment B).

Background Information

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. In response, the Department presented, and the Board of Regents voted to adopt, numerous emergency regulations to address issues resulting from interruptions caused by the COVID-19 crisis and to provide regulatory flexibility during the crisis.

At its February 2021 meeting, the Board of Regents permanently adopted amendments creating an edTPA safety net for candidates who: (i) complete a student teaching or similar clinical experience during the Spring or Summer 2020 terms while enrolled in a New York State registered teacher preparation program and could not complete their teacher performance assessment as a result of the COVID-19 crisis, as determined by the Dean or their designee overseeing the candidates' program; (ii) complete a student teaching or similar clinical experience during the 2020-2021 academic year while enrolled in a New York State registered teacher preparation program; (iii) complete a student teaching experience during the 2020-2021 academic year while enrolled in a comparable out-of-state teacher preparation program; or (iv) complete the teaching experience requirement for certification through the Individual Evaluation pathway during the 2020-2021 academic year, holding those harmless who cannot complete the edTPA as a result of the COVID-19 crisis. These candidates are able to take and pass either the Assessment of Teaching Skills-Written (ATS-W) or edTPA to satisfy the teacher performance assessment requirement for certification. Eligible candidates who choose to take the edTPA, but do not pass it, could take and pass the ATS-W or pursue the edTPA Multiple Measures Review Process (MMRP), if they qualify.

To provide additional flexibility related to the teacher performance assessment requirement, the Department is proposing to extend the edTPA safety net to candidates who complete a student teaching or similar clinical experience during the 2021-2022 academic year while enrolled in a New York State registered teacher preparation program or a comparable out-of-state teacher preparation program, or complete the teaching experience requirement for certification through the Individual Evaluation pathway during the 2021-2022 academic year. During the 2021-2022 academic year, candidates who are in the last year of their teacher preparation program will likely not have a typical student teaching experience as schools respond to the effects of the COVID-19 crisis, which may adversely impact their ability to complete the edTPA.

Related Regents Items

April 2020: [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 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/420bra6.pdf>)

May 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/520bra9-REVISED.pdf>)

May 2020: [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 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/520bra10.pdf>)

June 2020: [Proposed Amendments to Sections 60.10, 80-1.2, 80-4.3, 80-4.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4, 145-2.15 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/620bra10.pdf>)

June 2020: [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 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/620bra11.pdf>)

June 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/620bra12.pdf>)

July 2020: [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 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/720bra7.pdf>)

July 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27](#)

[to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/720bra5.pdf)

(<https://www.regents.nysed.gov/common/regents/files/720bra5.pdf>)

July 2020: [Proposed Amendments to Sections 60.10, 80-1.2, 80-4.3, 80-4.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4, and 145-2.15 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/720brca13.pdf)

(<https://www.regents.nysed.gov/common/regents/files/720brca13.pdf>)

July 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/720bra8revised.pdf)

(<https://www.regents.nysed.gov/common/regents/files/720bra8revised.pdf>)

September 2020: [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, 801.13, 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, 1542.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/920bra6.pdf)

(<https://www.regents.nysed.gov/common/regents/files/920bra6.pdf>)

September 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis](https://www.regents.nysed.gov/common/regents/files/920bra3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/920bra3.pdf>)

September 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/920bra8.pdf)

(<https://www.regents.nysed.gov/common/regents/files/920bra8.pdf>)

September 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/920bra7revised.pdf)

(<https://www.regents.nysed.gov/common/regents/files/920bra7revised.pdf>)

September 2020: [Proposed Amendments to Sections 60.10, 80-1.2, 80-4.3, 804.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4, 145-2.15 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/920brca3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/920brca3.pdf>)

October 2020: [Proposed Amendments to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the](#)

[Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1020bra3.pdf>)

October 2020: [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 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/1020bra5revised.pdf>)

October 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/1020bra4.pdf>)

October 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1020brca5.pdf>)

November 2020: [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/1120bra3.pdf>)

November 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1120brca2.pdf>)

December 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1220brca7.pdf>)

December 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1220brca6.pdf>)

December 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/1220bra4.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1220bra4.pdf>)

December 2020: [Proposed Amendments to Sections 155.17\(f\) and 100.5\(a\) of the Regulations of the Commissioner of Education and Section 30-3.16 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/1220bra3.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1220bra3.pdf>)

January 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, 801.13, 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, 1542.3, 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/121brca3.pdf)
(<https://www.regents.nysed.gov/common/regents/files/121brca3.pdf>)

February 2021: [Proposed Amendments to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents Relating to Providing Flexibility Relating to Student Teaching, Individual Evaluation Pathway to Certification, Accreditation, and the Computer Science Tenure Area and Statement of Continued Eligibility in Response to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/221hea1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/221hea1.pdf>)

February 2021: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/221brca5.pdf)
(<https://www.regents.nysed.gov/common/regents/files/221brca5.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, 801.13, 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, 1542.3, 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>)

March 2021: [Proposed Amendment of Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/321bra5_0.pdf)
(https://www.regents.nysed.gov/common/regents/files/321bra5_0.pdf)

March 2021: [Proposed Amendment of Sections 100.4, 100.10 and 175.5 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(https://www.regents.nysed.gov/common/regents/files/321p12a7revised_0.pdf)

March 2021: [Proposed Amendment to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30- 3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/321brca8.pdf>)

April 2021: [Proposed Amendment to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents Relating to Providing Flexibility Relating to Student Teaching, Individual Evaluation Pathway to Certification, Accreditation, and the Computer Science Tenure Area and Statement of Continued Eligibility in Response to the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/4211brca5.pdf>)

April 2021: [Proposed Amendment to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/4211brca8.pdf>)

April 2021: [Proposed Amendments to Sections 155.17\(f\) and 100.5\(a\) of the Regulations of the Commissioner of Education and Section 30-3.16 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/4211brca9.pdf>)

May 2021: [Proposed Amendment to Sections 100.2\(c\), 100.5\(h\), and 136.3 of the Regulations of the Commissioner of Education Relating to Providing Flexibility for Hands-only CPR Instruction, the New York State Seal of Biliteracy, and Health Examinations and Certificates in Response to the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/521p12a5.pdf>)

May 2021: [Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/521bra5.pdf>)

June 2021: [Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/621bra4revised.pdf>)

June 2021: [Proposed Amendment to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents Relating to Providing Flexibility Relating to Student Teaching, Individual Evaluation Pathway to Certification, Accreditation, and the Computer Science Tenure Area and Statement of Continued Eligibility in Response to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/621brca8.pdf)
(<https://www.regents.nysed.gov/common/regents/files/621brca8.pdf>)

June 2021: [Proposed Amendment to Sections 100.4, 100.10 and 175.5 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/621brca13.pdf)
(<https://www.regents.nysed.gov/common/regents/files/621brca13.pdf>)

Recommendation

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

VOTED: That section 80-1.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 28, 2021.

Timetable for Implementation

If adopted at the July 2021 Regents meeting, the proposed rule will become effective on July 28, 2021.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 210, 215, 3001, 3004, and 3009 of the Education Law.

1. Subparagraph (ii) of paragraph (1) of subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(ii) A candidate who: (i) 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; (ii) completes a student teaching or similar clinical experience during the 2020-2021 or 2021-2022 academic [year] years while enrolled in a program registered pursuant to section 52.21 of this Title; (iii) completes a student teaching experience during the 2020-2021 or 2021-2022 academic [year] years 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 (iv) completes the teaching experience requirement for certification through the individual evaluation pathway during the 2020-2021 or 2021-2022 academic [year] years, may either:

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

(b) take the written assessment of teaching skills by September 1, ~~2023~~2024 and receive a satisfactory score on such assessment; or

(c) 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:

(1) take the written assessment of teaching skills by September 1, ~~2023~~2024 and receive a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment; or

(2) 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.

Attachment B

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rulemaking in the State Register on April 28, 2021, the State Education Department (the “Department”) received the following comments on the proposed amendments.

1. COMMENT: Commenter describes that the pandemic may be lifting, but schools and faculty will still be playing many roles to support learners in the coming years. As such, commenter states that the edTPA must not be a mandate at this time and does not make sense, and the edTPA safety net must be upheld.

DEPARTMENT RESPONSE: Because the comment is supportive of the extension of the edTPA safety net through the 2021-2022 academic year, no response is necessary.

2. COMMENT: Commenter supports the extension of the edTPA safety net through the 2021-2022 academic year and advocates for the eventual sunset of the consequential use of edTPA as a teacher certification requirement. Commenter states that although the Assessment of Teaching Skills-Written (ATS-W) is not truly a performance-based assessment, it serves to hold the place as such until a suitable, valid, reliable and equitable performance-based assessment becomes available in New York State and that the ATS-W is significantly less dubious and harmful than edTPA.

Commenter indicates that candidates who completed their teacher preparation programs during the 2013-2014 academic year and later were subjected to the new edTPA certification requirement and that the state average of candidates who passed certification exams over the three academic years from 2010-2013 compared with 2013-

2016 fell by 10 percentage points to 83% using Title II records. Commenter also explains that researchers have found that edTPA remains dubious regarding its validity and reliability, and New York researchers have long documented it has been harmful to teacher candidates.

DEPARTMENT RESPONSE: The comment is supportive of the extension of the edTPA safety net through the 2021-2022 academic year. The Commenter did not describe how they calculated the state average certification exam pass rates for candidates during each three-year timeframe referenced. The Department therefore cannot confirm if the pass rates are accurate. In addition, many factors impacted average certification exam pass rates during the timeframes referenced, including that there were different sets of certification exams required during the 2010-2013 and 2013-2016 time periods. Nevertheless, this portion of the comment, as well as the portion of the comment relating to the teacher performance assessment requirement for certification are outside the scope of the proposed regulation. Therefore, no changes to the proposed rule are needed.