



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12234

TO: The Honorable the Members of the Board of Regents
Members of the Regents Task Force on Teacher and Principal Effectiveness

FROM: David Steiner, Commissioner

SUBJECT: Draft Regulations to Implement New York's Teacher and Principal Evaluation System

DATE: April 14, 2011

The Department is pleased to share our proposed draft regulations to implement New York's teacher and principal evaluation law.

How are the draft regulations organized?

The draft begins by making a few revisions to Section 100.2 of the Commissioner's regulations, the existing Annual Professional Performance Review (APPR) regulations. These changes are made to clarify that the existing APPR remains in effect for classroom teachers and principals who are not subject to the provisions of the new law in the 2011-2012 school year.

A new Subpart 30-2 is added to the Rules of the Board of Regents to establish the requirements for the new evaluation system, which will become effective when adopted by the Board of Regents. Section 30-2.1 explains that during the 2011-12 school year, teachers who are not covered by the new law must still be evaluated under the existing APPR regulations and districts and BOCES must comply with the requirements in Subpart 30-2 for classroom teachers and building principals covered by the new law. It also reiterates the language from the statute that says the regulations do not override any conflicting provisions of any collective bargaining agreement in effect on July 1, 2010 until the agreement expires and a successor agreement is entered into; at that point, however, the new evaluation regulations apply.

Section 30-2.2 defines the terms used throughout the regulations. Section 30-2.3 lists the information that every district or Board of Cooperative Educational Services (BOCES) must include in its APPR plan.

Section 30-2.4 lays out all the requirements for evaluating classroom teachers in common branch subjects, English language arts (ELA), and math in grades 4-8 and their building principals for the 2011-12 school year. This section provides that 20 points of the evaluation will be based on student growth on State assessments and 20 points will be based on locally selected measures; explains what types of locally selected measures of student achievement may be used (first for teachers, then for principals); and describes what types of other

measures of effectiveness may be used for the remaining 60 points, including observations, surveys, etc. (first for teachers, then for principals).

Section 30-2.5 lays out the requirements for evaluating all classroom teachers and building principals for the 2012-13 school year and thereafter, following the same order as the preceding section. This section explains how the requirements for the State assessment and locally selected measures subcomponents will differ, including the points assigned for each subcomponent, depending on whether the Board of Regents has approved a value-added growth model for particular grades/courses and subjects. The remaining 60 points will be assigned based on the same criteria as the preceding section.

Section 30-2.6 explains how evaluations will be scored and rated. Sections 30-2.7 and 30-2.8 outline the processes by which the Department will review and approve teacher and principal practice rubrics and student assessments, respectively, for use in districts' and BOCES' teacher and principal evaluation systems. Section 30-2.9 describes the requirements for evaluator training; Section 30-2.10 covers teacher and principal improvement plans; and Section 30-2.11 covers appeal procedures.

How have differing views on particular issues been addressed?

There are several issues on which differing views have been advanced by members of the Regents Task Force and constituency groups. Below is a summary of how the draft regulations seek to resolve these issues in ways that reflect the preliminary discussions of the Board of Regents.

Comparable measures of student growth for grades/subjects in which there is no State assessment approved to measure growth (2012-13 and beyond)

The Task Force report reflected a split opinion on the issue of how student growth should be measured in grades/subjects in which there is no State assessment approved to measure growth in 2012-13 and beyond. Some Task Force members felt that the State should prescribe exactly how to assess growth in all grades and subjects, while others felt that districts and BOCES should be free to use a district-wide growth goal-setting process and/or to choose from various types of assessments (including commercially available assessments or district- or BOCES-developed assessments). In addition, some Task Force members argued strongly for the use of teacher-created assessments (though primarily in the context of locally selected measures).

The draft regulations strike a balance between prescriptiveness and choice:

- For classroom teachers who teach core subjects (English language arts, mathematics, science, and social studies) in grades 6-11 where there is no State assessment used as part of a growth or value-added growth model, the school district or BOCES must use as the comparable measure a State-determined, district-wide growth goal-setting process with standardized student assessments chosen from a list of such assessments that the State will approve for measuring student growth.

- In other grades/subjects where there is no State assessment used as part of a growth or value-added growth model, districts or BOCES must use as the comparable measure a State-determined, district-wide growth goal-setting process with assessments selected by the district from a range of choices (including State-approved commercially available assessments; district- or BOCES-developed assessments; school-wide, group, or team results based on State assessments; or teacher-created assessments).

Use of State assessments in locally selected measures

The Task Force report recommended that State assessments not be an option for use as a locally selected measure, for two reasons:

- Task Force members interpreted the statutory phrase “other locally selected measures” to mean that the same *assessments* could not be used as the basis for both the statewide growth measure and the locally selected measures.
- Task Force members expressed a concern that no single standardized-test-based measure should constitute 40% of an educator’s evaluation. Indeed, some believe strongly that locally selected measures should not include standardized tests at all.

On the other side of this issue, the Big 5 city school districts have requested the flexibility to base locally selected measures on State assessments. The Big 5 envision using a different measure based on either the same or a different State assessment to evaluate an educator under the locally selected measures subcomponent. This may be especially important for principals, who should arguably be held accountable for maximizing student proficiency rates on State assessments. In addition, the Big 5 wants the option to use the same assessment—even the same measure—for an educator, if doing so would eliminate the need to administer a second set of accountability tests (and the associated costs).

The draft regulations would allow the flexibility to base local measures on State assessments without basing all 40% of an educator’s student achievement measures on the same *measure* of student growth on the same State assessment. Consistent with the Regents’ preliminary discussions, if State assessments are used, they must be used in a different way—for example, the locally selected measures subcomponent could include proficiency rates or subgroup measures on State assessments.

Requirement that at least half of the 60 points be based on classroom observations (teachers) or supervisor’s broad assessment (principals)

The Task Force report recommended that districts and BOCES be afforded complete flexibility in allocating the “other 60” points across required and optional multiple measures; Task Force members emphasized, however, that the evaluation system should be designed to foster a culture of continuous professional growth, and that practice rubrics should thus be the “linchpin” of the system. In preliminary discussions, members of the Board expressed the view that teachers should be observed at least 2 or 3 times per year by their supervisors and that principals’ supervisors should make site visits to the school.

The draft regulations would require that:

- For teachers, at least half of the 60 points must be based on classroom observations, including at least one observation by a principal or other trained administrator.
- For principals, at least half of the 60 points must be based on a broad assessment of principal leadership and management actions by the supervisor or a trained, independent evaluator. Consistent with the Regents' preliminary discussions, this assessment must incorporate one or more school visits by a supervisor.

In keeping with the Task Force's call for local flexibility, the regulations do not set scoring ranges for performance levels within the 60 points subcomponent.

Scoring bands

Members of the Task Force have pointed out that the draft scoring bands considered in the Regents' preliminary discussions did not adequately differentiate educators across the Highly Effective and Effective categories. Using those bands, a teacher or principal who achieved the minimum Highly Effective score in both the statewide growth and locally selected measures subcomponents would have had to score 59 or 60 on the 60 points subcomponent in order to be rated Highly Effective overall.

Differentiation across the four rating categories is an important objective of the new system. The draft regulations reflect an adjustment to the scoring bands for the statewide growth and locally selected measures subcomponents to reflect the principle that the awarding of points in all three sections shall be fair, rigorous, focused on maximizing student outcomes, useful to effective professional development, and transparent.

What are the Task Force's next steps?

The agenda for the May 17th Task Force meeting will include a discussion of plans for the future of the Task Force and its role in assisting the Department with implementation of the teacher and principal evaluation system.

Members of the Task Force are invited to submit written comments on the draft regulations—whether individually, collectively, or on behalf of their constituencies—by Friday, April 29. The Department will post the draft regulations for general public comment on Friday, April 15. All comments from the Task Force and the general public should be submitted to RegComments@mail.nysed.gov or mailed to:

New York State Education Department
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Attachments:

- Draft Regulation pursuant to section 3012-c of the Education Law
- Summary of Provisions in Draft Regulations