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To: Superintendents of Public Schools
District Superintendents of BOCES

From: Alexander Trikalinos, Executive Director 

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Subject: Update on the Board of Regents' amendments to Subparts 30-2 and 30-3 of the Rules of the Board of Regents and the release of new resources to assist school districts and BOCES in implementing Annual Professional Performance Reviews (APPR) of Teachers and Principals under Education Law §§3012-c and 3012-d

Recent Amendments to Subparts 30-2 and 30-3 of the Rules of the Board of Regents:

On May 16, 2016, the Board of Regents amended regulations in response to feedback and input from various stakeholder groups regarding the implementation of APPR during the transition period (i.e., the 2015-16 through 2018-19 school years) and the implementation of the requirements of Subparts 30-2 and 30-3 of the Rules of the Board of Regents generally. The adopted emergency regulatory amendments, as described below, are intended to provide districts and BOCES with greater flexibility in implementing the provisions of Education Law §§3012-c and 3012-d, and Subparts 30-2 and 30-3 of the Rules of the Board of Regents.¹

- **The September 1 Deadline for Providing Final APPR scores and ratings** – Effective June 14, 2016, *transition scores and ratings*, calculated pursuant to Sections 30-2.14 and 30-3.17 of the Rules of the Board of Regents, must be provided to teachers and principals no later than September 1st of the school year immediately following the school year for which the teacher or principal's performance is evaluated during the transition period. *Original final ratings* for such teachers and principals must be provided *by September 1st or as soon as practicable thereafter* during this time period. Please note that this flexibility applies equally to districts implementing §3012-c and §3012-d APPR plans during the 2015-16 school year.

Educators whose APPRs are *not* based on the grades 3-8 ELA and/or math State assessments or State-provided growth scores and who do not receive transition scores and ratings *shall continue to receive their final APPR ratings no later than September 1st*.

- **Student Performance Category Measures (Education Law §3012-d)** – Effective June 14, 2016, for APPRs implemented pursuant to Education Law §3012-d for the 2016-17 school year and thereafter, the following regulatory amendments provide districts and BOCES with greater flexibility with respect to the available measures in both subcomponents of the Student Performance Category:

- ***Required subcomponent*** – For educators who do not receive their own State-provided growth scores and whose courses do not end in State or Regents assessments, SLOs may use ***district- or BOCES-wide results*** (the results of assessments that are administered outside of the educator’s building or program). Additionally, both school- or program-wide and district- or BOCES-wide measures may be based on State-created or administered assessments, ***or other State-approved assessments***. The SED Monitoring APPR portal has been updated to accommodate entry of these measures.

Please note that in determining which SLOs to set for which educators, the Department’s existing SLO rules remain in effect (e.g., districts/BOCES must still apply the 50% rule to determine the order in which SLOs are developed and the number of SLOs that are required for each educator, common branch teachers must have measures that cover at least ELA and math, etc.).

Additionally, Subpart 30-3 of the Rules of the Board of Regents has been amended to clarify that ***principals who receive State-provided growth scores must also have back-up SLOs*** consistent with the Department’s long-standing guidance. The back-up SLOs set for such principals are based on the same State or Regents assessments that are used to generate the principal’s State-provided growth scores. Please note that, consistent with the Department’s [APPR Transition Guidance](#), except for principals of buildings that include all of grades 9-12, the requirement that educators who receive State-provided growth scores must set back-up SLOs is only applicable during the 2015-16 school year and beginning again in the 2019-20 school year.

- ***Optional subcomponent*** –Optional subcomponent measures that are based on a second State-provided growth score may include locally computed ***district- or BOCES-wide results***. Additionally, Optional subcomponent measures that are based on a State-designed Supplemental Assessment ***may include district- or BOCES-wide results*** where these results can be generated by the State-approved growth model for such assessments.
- **Teacher Observation & Principal School Visit Category (Education Law §3012-d)** – Effective June 14, 2016, the adopted amendments clarify the methodology for calculating a final teacher observation or principal school visit category score. Specifically, that each observation or school visit must be evaluated based on a State-approved rubric and an overall score between 1-4 for each teacher observation category or principal school visit category ***subcomponent*** (i.e., principal/supervisor or other trained administrator, impartial independent trained evaluator(s), and trained peer observer) must be generated. ***The overall scores for each teacher observation category or principal school visit category subcomponent must incorporate all evidence collected and observed over the course of the school year.*** The subcomponent scores must then be combined using a weighted average within the ranges set by Subpart 30-3 of the Rules of the Board of Regents, producing an overall observation or school visit category score of 1-4.

¹ Please see the following link for the Board of Regents item containing these regulatory amendments: [“Amendment to sections 30-2.3, 30-3.3, 30-3.4, 30-3.5, 30-3.11 and 30-3.13 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews for Classroom Teachers and Building Principals.”](#)

- **Clarification of Collective Bargaining Requirements Around Teacher & Principal Improvement Plans and Corrective Action Plans** – Effective June 14, 2016, the regulations are amended to clarify that Teacher and Principal Improvement Plans must be developed by a district’s superintendent or their designee, *and are subject to collective bargaining to the extent required by Article 14 of the Civil Service Law*. The regulatory amendments further clarify that corrective action plans ordered by the Department may require changes to a collective bargaining agreement, *and that such changes are subject to collective bargaining to the extent required by Article 14 of the Civil Service Law*.

Newly Updated Resources Relating to Annual Professional Performance Reviews (APPR) of Teachers and Principals

The following resources have been updated consistent with the regulatory amendments described above:

- [Guidance on Education Law §3012-c and §100.2\(o\) and Subpart 30-2 of the Commissioner’s Regulations](#): The purpose of this guidance is to answer questions that educators, administrators, and community stakeholders may have about Education Law §3012-c and Subpart 30-2 of the Commissioner’s regulations.
- [Guidance on Education Law §3012-d and Subpart 30-3 of the Commissioner’s Regulations](#): The purpose of this guidance is to answer questions that educators, administrators, and community stakeholders may have about Education Law §3012-d and Subpart 30-3 of the Commissioner’s regulations.
- [Student Learning Objectives Guidance Document \(Education Law §§3012-c and 3012-d\)](#): The Student Learning Objectives (SLO) Guidance Document explains how New York State will assess the student learning growth of students in classrooms where there is no State assessments that can be used for a State-provided growth measure. This resource will assist district leaders as they implement the SLO process, a required component of the teacher evaluation system.
- [Summary of Revised APPR Provisions 2015-16 – “The Blue Memo”](#): The “Blue Memo” provides a summary of the regulations adopted by the Board of Regents to implement Education Law 3012-d.
- [Sample APPR Plans Aligned with Education Law §3012-d](#): Two sample APPR plans that are in compliance with Education Law §3012-d have been developed to support districts and BOCES in the design and development of their own APPR plans.
- [APPR Training Modules](#): The goal of these modules is to guide users through the twelve tasks in the updated SED Monitoring APPR portal and in their understanding of the APPR process under Education Law §3012-d, including:
 - The component pieces of the APPR plan for teachers and principals (requirements and options);

- How to structure APPRs to support academic priorities and needs;
 - How to submit an APPR plan that meets requirements of law and regulations; and
 - How to use resources from NYSED to support the APPR process.
- [Task by Task SED Monitoring APPR Portal Guidance Document \(Education Law §3012-d\)](#): The Task by Task SED Monitoring APPR Portal Guidance Document (APPR §3012-d) was created to be used as a guide for the field, specifically tailored and organized for completing an APPR plan under Education Law §3012-d in the SED Monitoring APPR portal.
 - [SED Monitoring APPR Portal](#): The SED Monitoring APPR portal has been updated to include the entry of:
 - APPR Transition Period Supplemental Forms - Districts/BOCES whose Education Law §3012-d Annual Professional Performance Review (APPR) plans were approved by the Department for use beginning in the 2015-16 school year must complete this supplemental form in order to specify the alternate SLOs that will be used for applicable teachers and principals during the 2016-17 through 2018-19 school years in the event that excluding the results of the grades 3-8 ELA and math State assessments and any State-provided growth scores results in no remaining student performance measures for the purposes of calculating transition scores and ratings. The supplemental form must now be completed and submitted through the SED Monitoring APPR portal no later than March 1, 2017.
 - Teacher-specific and Principal-specific APPR surveys **for planning purposes only** – Please note that the Department does not consider the teacher- and principal-specific surveys, on their own, to be an official submission of a complete APPR plan. Accordingly, the Department will not formally review such submissions, and will only formally review and approve a district's/BOCES' APPR plan once the content of all sections of such plan has been collectively bargained and submitted to the Department using either the teacher-specific online form in conjunction with the principal-specific online form or the complete form available in the SED Monitoring APPR portal. If you would like to access these separate surveys in the portal, please email EducatorEval@nysed.gov.

Please also note that additional information regarding the submission of staff evaluation data for APPRs completed during the 2015-16 school year is forthcoming in a separate memorandum.

As always, the Office of Teacher/Principal Quality and Professional Development looks forward to supporting you as we continue to work together to ensure that all students have equitable access to the most effective educators. If you have further policy-related questions about New York State's teacher and principal evaluation system, please contact educatoreval@nysed.gov. For assistance in logging into the [SED Monitoring APPR Portal](#), please contact seddas@nysed.gov.