



SAANYS APPR: §3012-d NEGOTIATION RESOURCE PACKET

July 2015 | 1st Edition



NOTE: There may be revisions of this document if law or regulation change and as new information becomes available. Check the SAANYS website frequently. SAANYS will also have a companion document, a sample agreement, which should help units structure an approach to negotiating APPR provisions.



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§3012-d

PRINCIPAL APPR

NEGOTIATIONS

SECTION:

WHAT IS NEGOTIABLE AND THINGS TO CONSIDER

It is our strong recommendation that units negotiate evaluation provisions under §3012-d do so slowly and cautiously. While you may be approached to begin APPR negotiations over the summer of 2015, neither the district nor unit should be in a rush to finalize APPR provisions before all necessary information is available and considered. The Board of Regents is in the middle of a 45 day period for feedback on the emergency APPR regulations passed in June. It is entirely possible there will be some revisions in September which will impact negotiation choices and decisions. It is also likely that there will not be approved assessments for use in the optional portion of the Student Performance Category rating until September at the earliest. We see no reason to negotiate a final APPR agreement absent necessary information regarding this critical option identified in law and regulation for the calculation of the Student Performance Category – controlling essentially half of the overall evaluation. There are still too many issues with state testing and the related state generated student growth score for principals to not consider the possibility of another measurement of student achievement.

Districts apply for a “hardship waiver” in October because they have not been able to finalize a new APPR plan consistent with §3012-d and do not have the resources to implement it quickly, fully and faithfully prior to October. To have such a waiver granted by NYSED, districts will have to provide documentation of “good faith” efforts to negotiate APPR provisions with teacher and principal bargaining units as well as to provide training related to the new law. Bargaining units will have to do their part to participate in such “good faith” efforts but should not feel pressured to agree to provisions prematurely with incomplete information from the State Education Department. All parties in a district should document all meetings for the purpose of planning, training or negotiations related to APPR under §3012-d.

We also recommend that any new evaluation procedure consistent with §3012-d be negotiated only for principals as required by law. There is no reason to go beyond that if pressured to do so, even though this will continue a multi layered approach to administrative evaluations in your unit. There are still too many unanswered questions about the generation and application of state and local student achievement data for principals much less other administrators.

The negotiated evaluation system should be done separately as an addendum to the full contract and have a short identified “life” or duration to allow for the inevitable modifications that will be needed in many districts as experience is gained. In fact, it is entirely possible that the APPR system will be revised by the legislature again for 2016-17. SAANYS will continue to lobby for significant modifications to the law and regulations related to principal and teacher evaluation procedures.

If you are pressured to immediately negotiate any aspect of the evaluation procedure, in totality or partially, please contact SAANYS for advice.

**§3012-d NEGOTIABLE ITEMS
INITIAL INTERPRETATIONS and CONSIDERATIONS**

A. “Student Performance” Category:

1. Whether to use an optional sub-component. If so:
 1. Which sub-component: another state provided growth score (NOT recommended) or a locally determined growth target measure using NYSED developed or approved assessments. (Note: These are not likely to be available until late summer or early fall 2015. This makes it virtually impossible to negotiate this section of APPR before then.)
 2. What percent of this category rating will be based on this optional score (you can negotiate up to 50%)?
 3. What approved measures will be used (when available)?
 4. Process for determining growth targets (annually?); who decides?
 5. How long should a student be enrolled in the building before their score is attributed to the principal?
 6. How will you calculate the score/rating for this option, if multiple targets are used?
2. If SLOs are necessary for principals in your unit, what expectations are there for submission and approval? (Districts may claim this is not negotiable. However, as an evaluation procedure, that is an open question. Also, if already in your APPR agreement, our position is that it has become a mandatory topic of bargaining, regardless of any decision about whether it is initially negotiable or not.)

B. “Observation” Category (Professional Performance)

1. Principal rubric to be used (Are you satisfied with the one you currently use? If not, which one would you propose?)
2. Does your current rubric scoring process match the expectations of the new law/regulation? If so, are you happy with it? If it doesn't fit new expectations, what will you use? (The suggested process in previous SAANYS SAMPLE APPR AGREEMENTS based on §3012-c will work. See NOTE below regarding a soon to be released SAMPLE AGREEMENT based on §3012-d.)
3. Will you weight any elements of the rubric as more (or less) important? If so, how will you differentiate?
4. Definition of school visits: when, length, number (2 required – one unannounced), expectations of what will be observed and how. Will there be different expectations for tenured vs. probationary principals?
5. How will school records and documents be utilized as part of the visit/observation process?
6. Will organizational goals be part of the process? If so, how?
7. Will the superintendent be the lead evaluator for the principal (typically recommended)?
8. Who will be the “independent observer”? (Can be the same supervisor who does the “regular” visit.) What percent will be given to the independent observer? (10 to 20%; Lead evaluator must have at least 80%).
9. Will you use a peer observer? If so, who and what percent will be given to that person? (Some portion of no more than 20% total for independent and peer observers; the mix is negotiable)
10. Which type of observation(s) will be unannounced?
11. Do you want to maximize the weight of the announced observational visit(s), especially if a true independent observer is used (not your supervisor doing both)?
12. Assure that ratings from unannounced observational visits are based only on directly observed performance during the visit.
13. Assure that announced visits allow for review of evidence other than what is directly observed professional activity during the visit.

14. What will be the “cut points” and scoring ranges for determining HEDI levels of performance? (NOTE: regulation allows a range; units should insist on the 1.5, 2.5, and 3.5 cut points as the most advantageous and logically consistent with normal rounding procedures; anything else disadvantages principals).

C. Improvement Plan

(NOTE: NYSED has taken the position that improvement plans are within the authority of school districts to develop and implement. Some law firms representing school districts have already advised their clients to remove all language regarding improvement plans. SAANYS does not agree with this recommendation and believes that improvement plans are a mandatory topic of bargaining once they have been included in a negotiated agreement. Please continue to propose language that addresses the improvement plan process. If the district refuses, contact SAANYS immediately for assistance in addressing this issue.)

1. Structure of process (e.g., opportunity to confer with person issuing the plan)
2. Required documentation required from principal
3. Required resources needed to accomplish plan
4. Completion date
5. Formative review process, with written documentation, to protect principals from “surprises”
6. Requirement for a written, documented summary of the PIP completion and accomplishments should be required from the supervisor.

D. Appeals process

(Strongly consider improvements to any current appeals process that has severe limitations.)

1. Who should hear the appeal?
2. What ratings may be appealed (Should be “I”, “D”, and any rating tied to compensation)
3. What may be appealed? (Use all identified in §3012-c) and the anomaly of an overall ineffective rating when the student performance rating is “I” but the observation category rating is “HE” (highly effective).
4. Manner in which the meeting/hearing will be conducted
5. Time period within which the principal may file an appeal (Be careful to include separate time frames for appeal of the issuance or implementation of a PIP)
6. Timeline for district response to an appeal
7. Definition of “substance”
8. Selection of hearing panel or individual
9. Nature of appeal (place, time, ability to provide documentation or witnesses, opportunity to be represented)
10. Who should bear the costs?
11. Timeline for acting on appeal
12. Who conducts the evaluation following an appeal

E. Additional considerations

1. Write §3012-c provisions for principal only
2. Write APPR agreement as an separate document, an addendum to the CBA with reference to the CBA in the APPR agreement
3. Write APPR addendum for a short, limited time frame (1 or 2 years maximum) with a sunset clause
4. Build in language that requires renegotiation should law, regulation, or NYSED guidance reopen from what is in place at the time of an APPR agreement.

SAANYS will have a companion document, a **SAMPLE APPR AGREEMENT**, available by late July, 2015. We will continue to develop supporting materials and make them available to members as further guidance and, possibly, revised regulations are released and as we learn more through negotiations. Continue to check the member section of the SAANYS website, www.saanys.org or contact Don Nickson, Deputy Executive Director at 518-782-0600 or by email at dnickson@saanys.org.



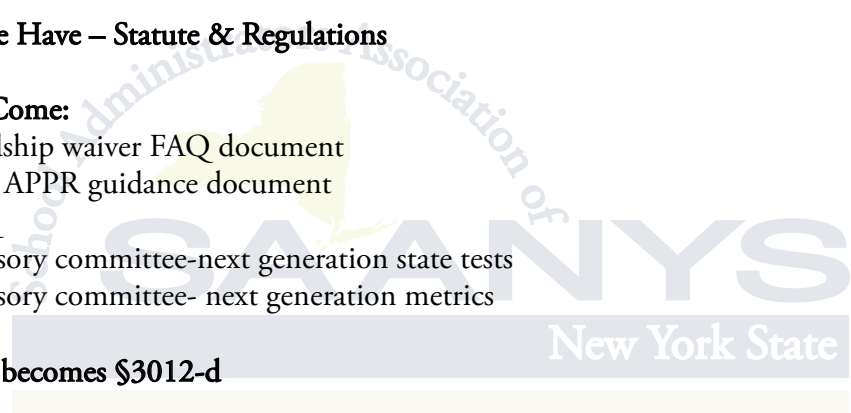
STATUTORY AND REGULATORY UPDATE

July 2, 2015 | Presentation Outline

THE GOVERNOR'S NEW APPR SYSTEM

GENERAL CONSIDERATIONS

- **What We Have – Statute & Regulations**
- **Still To Come:**
 - Hardship waiver FAQ document
 - New APPR guidance document
 - RFQ
 - Advisory committee-next generation state tests
 - Advisory committee- next generation metrics
- **§3012-c becomes §3012-d**
- **§3012-d applies to teachers and principals**
- **Shall be a “significant factor in employment decisions” including promotion, retention, tenure, etc.**



CONSIDERATIONS FOR HARDSHIP WAIVER

- **A waiver request may be approved for a four month period. The initial waiver would extend to March 2016 and require implementation of the new APPR system in 2016-17.**
 - APPR plan must be received by October 1, to be approved by November 15, 2015
 - Hardship waiver submission: October 1-30, 2015
 - **Waivers should be based on good faith attempts to collectively bargain and train for the new system**
 - Document all CBA meetings and all discussions
 - Any policies or CBA current provisions precluding or restricting bargaining over the summer
 - Any impediments to providing training to teachers, evaluators and lead evaluators for the new system
 - **Substantive Content Revisions – Are you considering the adoption of a new rubric for teachers and/or principals?**
 - What are the ramifications in terms of costs and scheduling of training?
 - **Fiscal considerations/unfunded mandates that were not included in 2015-16 budget.**
 - **Optional student performance instruments**
 - Anticipated RFQs from districts, BOCES, others – §30-3.2(b)
 - If the CBA does not include an optional student performance subcomponent, the student performance category rating will be based 100% on state-developed growth scores and SLOs
 - **Pursuant to §30-3.6(c), district must ensure the process of weights and scoring ranges for subcomponents and categories is transparent and available to those being rated before the beginning of the school year.**
 - **Prerequisite for hardship waiver – must close out APPR for 2014-15**
 - 2014-15 APPR implementation certification form (Due August 28)
 - 2014-15 staff evaluation rating data
 - Confirmation of 2014-15 staff evaluation rating verification rpts.
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APPR NEGOTIATIONS

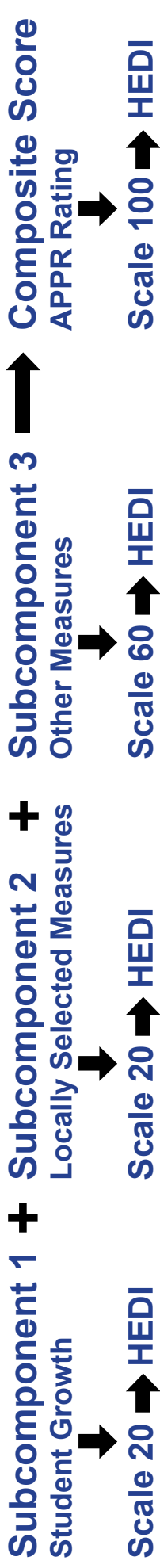
- Note 1: School districts are required to complete re-negotiation of teacher and administrator CBAs and to submit and receive SED approval of revised APPR plan and to ensure implementation of the new APPR plan by November 15, 2015, to receive state aid increase. APPR plans must be submitted to SED by September 1 in order to ensure review/approval by November 15.
- Note 2: At this time information may be incomplete to entirely re-negotiate the APPR section of CBAs for teachers and/or principals. A hardship waiver may be considered if complete information is not made available in a timely manner.
- Note 3: Any collective bargaining agreements entered into after April 1, 2015 must be consistent with the new requirements.
- Note 4: §3012-d shall not abrogate any conflicting provisions in any CBA in effect on April 1, 2015 during the term of the agreement and until entry into a successor agreement.
- Note 5: If a district's system does not result in meaningful feedback for teachers and principals, the department may impose a corrective action plan that may require changes to a collective bargaining agreement.
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SUGGESTED CBA RE-OPENER LANGUAGE

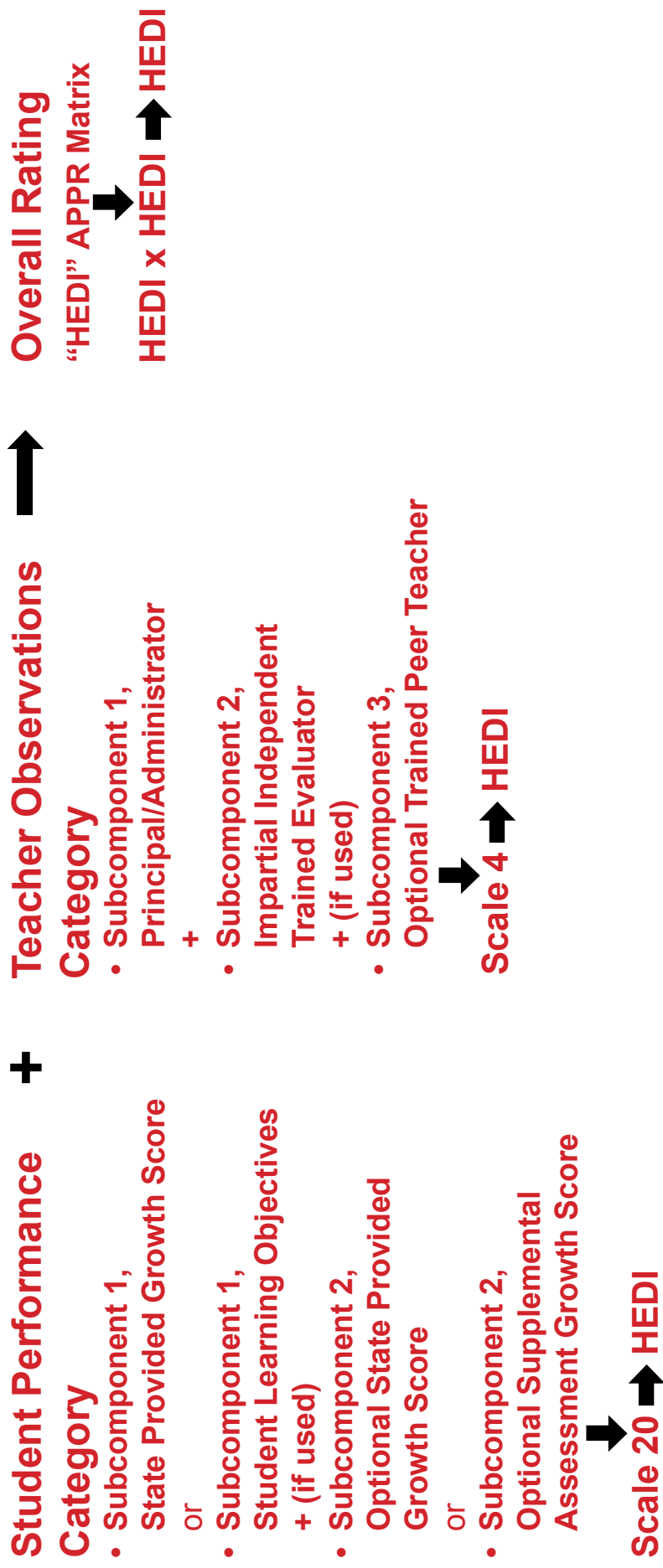
The parties agree that they will commence negotiations concerning the Annual Professional Performance Review (APPR) plan for the 2015-16 school year as soon as practicable after adoption of regulations of the commissioner of education required by the 2015-15 budget bill. Any agreement resulting from such negotiations shall be subject to ratification by the board of education and the membership of the association. The parties hereby express their intent to conduct such negotiations in an expeditious manner so that an appr plan can be submitted to the commissioner of education in time for approval of the plan by November 15, 2015.

APPR SYSTEM TRANSITION

Current System: §3012-c



New System: §3012-d



Evaluation Matrix

The statute mandates the use of the “matrix” below to determine a teacher’s composite score based on the two categories of the evaluation (see §3012-d (5)(b)):

Student Performance	Observation			
	Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Highly Effective (H)	H	H	E	D
Effective (E)	H	E	E	D
Developing (D)	E	E	D	I
Ineffective (I)	D*	D*	I	I

* If a teacher is rated Ineffective on the Student Performance category, and a State-designed supplemental assessment was included as an optional subcomponent of the Student Performance category, the teacher can be rated no higher than Ineffective overall (see §3012-d (5)(a) and (7)).

APPR – STUDENT PERFORMANCE CATEGORY

FOR TEACHERS AND PRINCIPALS: Subcomponent 1

For courses ending with a state created/administered test that yields a state-provided growth score and

For courses not ending with a state created/administered test and therefore have a student learning objective (SLO) – superintendents/designees have full discretion in determining slo targets, reflecting “a year of expected growth.”

- SLOs may incorporate group measures (teacher’s roster) and schoolwide measures for teachers – not for principals.
- Scores based on degree to which goals are attained.
- Backup slos will continue to be used in lieu of state provided growth scores if there are fewer than 16 scores.

AND OPTIONALLY

FOR TEACHERS AND PRINCIPALS: Optional Subcomponent 2

A second state-provided growth score on a state created/administered test

OR

Growth score based on state-designed supplemental assessment calculated using a state-provided or state-approved growth model

The optional second measure must:

- Apply in a consistent manner, to the extent practicable, across the district
- Provide options for multiple assessment measures aligned to existing classroom and school best practices

WEIGHTING:

- 100 Subcomponent 1 Without An Optional Subcomponent
- 50min / 50max with Optional Second Subcomponent

SCALE: 0 → 20 → HEDI

NYSED REGULATION: DETAILED SCORING RANGES FOR GROWTH SCORES

SLO targets will be determined locally based on a year of expected student growth, which can vary by a student’s academic preparedness (e.g., prior achievement) and learning needs (e.g., economic disadvantage, disability, English language learner status).

The Department will issue guidance for SLO flexibility to address small group situations.

SLOs		Scoring Range	State-Provided Growth Scores	
Rating	Percent of Students Meeting Target		MGP Range	Rating
I	0-4%	0	3-23	I
I	5-8%	1	24	I
I	9-12%	2	25	I
I	13-16%	3	26	I
I	17-20%	4	27	I
I	21-24%	5	28	I
I	25-28%	6	29	I
I	29-33%	7	30	I
I	34-38%	8	31	I
I	39-43%	9	32	I
I	44-48%	10	33	I
I	49-54%	11	34	I
I	55-59%	12	35	I
D	60-66%	13	29-37	D
D	67-74%	14	38-40	D
E	75-79%	15	36-48	E
E	80-84%	16	49-55	E
E	85-89%	17	56-68	E
H	90-92%	18	67-68	H
H	93-96%	19	69-72	H
H	97-100%	20	73-94	H

*MGP ranges are based on 13-14 school year results and may differ slightly in future years based on the distribution of teachers’ MGPs.

STUDENT PERFORMANCE CATEGORY CONSIDERATIONS FOR PRINCIPAL NEGOTIATIONS

1. Should the Collective Bargaining Agreement Include an Optional Student Performance Subcomponent?

Consideration 1: If an Optional Subcomponent is NOT Included, the State-Developed Growth Score / SLO Will be Weighted 100% for the Category HEDI Score.

Consideration 2: If an Optional Second Subcomponent IS Included, the Mandatory Subcomponent Shall be Weighted a Minimum of 50% and the Optional Second Score Shall be Weighted No More than 50%.

Consideration 3: A Second State-Provided Growth Score is NOT Expected to Produce a Rating Different than the Mandatory Subcomponent and May Exacerbate Public Perception of Over-Testing and Opt-Out. The State Approved Growth Model Assessment is Intended to be Instruction-Based.

Consideration 4: If an Optional Subcomponent is Included, what should be the Weighting?

Consideration 5: If an Optional Subcomponent is Used, the Name of the Instrument Must be Included in the CBA and in the New APPR Plan.

TEACHER/PRINCIPAL OBSERVATION CATEGORY

OBSERVATIONS MUST be Based on State-Approved Rubric – Same Rubric Across All Observations

- Evaluator may select limited observable rubric components, but ALL OBSERVABLE components must be annually addressed across all observations
- Video Permitted for Teachers; **Not for Principals**
- “Natural Conversations” May Count as Observable Rubric Content **for Principals**
- Scale: 1 → 4 → HEDI

SUBCOMPONENT 1 – OBSERVATIONS BY PRINCIPAL OR ADMINISTRATOR OF TEACHER/
PRINCIPALS SUPERVISOR

- 1 or more Observations (at least 1 unannounced)
- Frequency and Duration Determined Locally
 - Additional Short Walkthroughs and Observations Are Permissible for Non-Evaluation Purposes

Weighting: 80 → 90%

AND

SUBCOMPONENT 2 – Classroom observations by an impartial independent trained evaluator from a different school (I.E., beds code) selected by district.

Weighting: 10 → 20%

AND OPTIONALLY

SUBCOMPONENT 3 – Classroom observations by a trained peer teacher, reated effective or highly effective, from the same or different school.

Weighting: 0 → 10

NYSED REGULATION – JUNE 2015

In response to field feedback, the Department lowered its recommended score ranges and instead recommends a range of permissible cut scores that reflect evidence of standards consistent with the four levels of the observation rubrics. The actual cut scores within the permissible ranges shall be determined locally.

	Permissible Statewide Range (actual cut scores determined locally)	
	<i>Min</i>	<i>Max</i>
H	3.5 to 3.75	4.0
E	2.5 to 2.75	3.49 to 3.74
D	1.5 to 1.75	2.49 to 2.74
I	1	1.49 to 1.74

Note that no technical parameter will ensure that teachers receive meaningful feedback about their relative strengths and weaknesses. Meaningful feedback will occur only if quality training is provided that incorporates an understanding of the technical parameters.

APPR – FOR TEACHERS AND PRINCIPALS ELEMENTS PROHIBITED

- Evidence of student development and performance derived from lesson plans
 - Artifacts of teacher practice
 - Student portfolios (unless measured by state-approved rubric and permitted by SED)
 - Instruments for parent and student feedback
 - Professional goal setting (as evidence of teacher or principal effectiveness)
 - District or regionally developed assessments not approved by SED
 - Any growth/achievement target that does not meet minimum regulatory standards
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- “Evidence” documented during observation cycle may be considered it constitutes evidence of an otherwise observable rubric component. Example, Lesson Plans.
- Points shall NOT be allocated based on artifacts submitted or reviewed to the evaluator outside the observation cycle.

NYSED RECOMMENDED: ADDRESSING ANOMALOUS RESULTS

How it would work:

In instances where the Student Performance and Observation categories produce anomalous results, such as a teacher or principal who is rated Ineffective on the Student Performance category but rated Highly Effective on the Observation category:

1. Appeals processes may be established locally.
 2. As part of its responsibilities to monitor and analyze trends in the evaluation results under §3012-c(9), the Department could take or require corrective action to address a pattern of anomalous results.
 3. The Board of Regents could request legislative changes that provide for independent validators to resolve anomalous results, similar to those required for NYCDOE under §3012-c (5-a), and/or allow flexibility in the use of the evaluation matrix when determining overall ratings.
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**OBSERVATIONS OF PRINCIPALS CATEGORY
CONSIDERATIONS FOR PRINCIPAL NEGOTIATIONS**

1. This is a new CBA for a new APPR Plan. Consider what is working/not working well NOW. CONTINUE with what is working; DISCONTINUE/REVISE aspects that are problematic.
2. Should you continue with the same rubric or consider the adoption of a different rubric?
3. How should weighting be distributed across the 2 or 3 subcomponents?
4. Professional goal setting is prohibited, but “organizational goal setting” is permitted as evidence of an observable rubric component.
5. Subcomponent 1 – How many observations should there be? What should be the duration of each observation? What is your experience under the current APPR system?
6. Subcomponent 2 – Impartial Trained Evaluator – Do you want this conducted by the same individual who conducts Subcomponent 1? Is there an advantage to a Deputy Superintendent or other individual conducting this evaluation? Consider specifying who should conduct this observation.
7. Subcomponent 3 – PEER OBSERVATION: Do you want peer observation? If so, consider specifying who will conduct the observation.
8. How will you “round” observation data to produce a HEDI score for this category? Rounding is permitted between .5 and .75 – SAANYS STRONGLY RECOMMENDS “normal rounding” at .5

TEACHER RATINGS – STUDENT IMPLICATIONS

- A student may not be instructed two consecutive years by any two teachers in the same district, each of whom received an appr rating of ineffective. A school district may apply for a waiver from the requirement if deemed “impracticable.”
 - The commission may grant such a waiver if:
 1. District cannot make alternative arrangements and/or reassign a teacher to another grade because a hardship exists – e.g., too few teachers with higher ratings qualified to teach the subject
 2. District has an improvement and/or removal plan in place for the teacher that meets sed guidelines
 - This provision will not apply until teachers have been rated two times under §3012-d. Therefore, it will not apply until 2017-18 – at the earliest.
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APPR – DUE PROCESS AND REMOVAL PROCEDURES

- Effective July 1, 2015 for teachers and principals reference to §3020-a based on a pattern of ineffective ratings shall be deemed §3020-b
- Conducted before a single hearing officer
- **Two consecutive ineffective ratings**
 - District may bring charges of incompetence
 - charges in writing, within 3 years
 - charges shall allege district substantially implemented a tip/pip
 - employee may be suspended, with pay
 - Prima facie evidence of incompetence
 - only overcome by convincing evidence that the employee is not incompetent in light of surrounding circumstances
 - If not overcome, is just cause for dismissal
 - Commissioner provides district and employee the list of potential hearing officers, with biographical info and records for the last 5 decisions of each individual

NOTE: In a struggling school, a teacher or principal receiving 2 or more ineffective composite ratings shall be deemed not to have rendered faithful and competent service.

- **Three consecutive ineffective ratings**
 - District must bring charges of incompetence
 - charges in writing, within 3 years
 - employee may be suspended, with pay
 - Prima facie evidence of incompetence
 - only overcome by convincing evidence that the calculation was fraudulent
 - if not overcome, is just cause for removal
 - commissioner appoints hearing officer
 - **Hearing officers**
 - ineligible for appointment if:
 - a resident of the school district
 - an employee/rep of the board of ed
 - an agent/rep of employee organization within 2 years
 - serving as a mediator/fact finder in the same district
 - subject to appropriation, the hearing officer shall be compensated by SED.
 - **Hearing procedures**
 - need not comply with technical rules of evidence
 - employee decides whether public or private
 - employee has opportunity to defend self and testify
 - parties may be represented by counsel, subpoena witnesses, and cross-examine
 - testimony given under oath
 - an accurate record of proceedings shall be kept – at the expense of SED
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APPR – §3020-b HEARING TIMELINE

1. DISTRICT brings charges if incompetence within 3 years
 2. WRITTEN charges immediately forwarded to employee
 3. W/IN 10 days of receipt of charges, employee notifies district regarding desire for hearing
 - unexplained failure to notify district w/in 10 days is deemed a waiver of right to a hearing
 4. W/in 3 working days of request for hearing, district notifies commissioner of need for hearing
- OR
5. **If employee waives right to hearing, w/in 15 days, a majority of board members shall vote to determine case and fix penalty**
 6. Commissioner notifies American Arbitration Association (AAA) forthwith regarding the need for a hearing
 7. AAA provides list of prospective hearing officers forthwith
 - Biographical information is included with list
 8. **For employees with 3 ineffective ratings, commissioner assigns the hearing officer**
 9. For individuals with 2 ineffective ratings, commissioner establishes timeline for selection by employee and the district
 - Failure to select w/in timeline, commissioner selects
 10. Commissioner is authorized to establish regulations for a pre-hearing conference and for hearing procedures and timelines
 11. For individuals with 2 ineffective ratings, from employee's hearing request to final hearing date shall not exceed 90 days
 12. **For individuals with 3 ineffective ratings, from employee's hearing request to final hearing date shall not exceed 30 days.**
 10. W/in 10 days, hearing officer shall render written decision to the commissioner
 - commissioner will forward decision immediately to parties
 11. W/in 15 days, board of education shall implement decision
 - W/in 10 days, parties may appeal to state supreme court
 12. SED is authorized to monitor compliance with timelines
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IMPORTANT

NYSED

COMMUNICATIONS

SECTION



NYSED

“BLUE MEMO”

ON

§3012-D

APPR PROVISIONS

New York State Teacher and Principal Evaluation
2015-16 and thereafter

Summary of regulations approved by the Board of Regents on June 16, 2015 to implement
Education Law 3012-d

Student Performance Category: Teachers		
	ELA/Math 4-8	All Other Classroom Teachers
<p>Required - State-provided Growth Score on State Assessments¹</p> <p><i>100% (At least 50%, locally determined, if an optional student performance measure is selected)</i></p>	<ul style="list-style-type: none"> State-provided teacher growth scores comparing student growth to those with similar past test scores and includes considerations for poverty, ELL, and SWD status² Policies on Teacher of Record and linked students See below for teachers whose State-provided growth scores do not cover at least 50% of all students on the teacher's course rosters. 	<ul style="list-style-type: none"> Additional grades/subjects covered by growth scores, as measures become available, based on existing and new State assessments
<p>Required - Growth Using Student Learning Objectives (SLOs)³</p> <p><i>100% (At least 50%, locally determined, if an optional student performance measure is selected)</i></p>	<ul style="list-style-type: none"> All teachers who receive a State-provided growth score must also have a back-up SLO set by the Superintendent or his/her designee in case there are not enough students, not enough scores, or other unforeseen data issues that will not allow the Department to generate a growth score. Where the State-provided growth score covers less than 50% of a teacher's students, SLOs must be developed following the rules and options set forth for "all other classroom teachers." 	<p>For subjects associated with a State assessment or Regents exam (or, in the future, with any new State assessments): State/Regents assessment(s) must be used as the evidence for the SLO where they exist.</p> <p>For other grades/subjects where no State assessment or Regents exam currently exists, SLOs based on district-determined assessments from the options below:</p> <ul style="list-style-type: none"> State-approved assessment consisting of the following: <ul style="list-style-type: none"> State-approved third-party assessment⁴ State-approved district, regional, or BOCES-developed assessment⁵ School- or BOCES-wide, group, team, or linked results based on State/Regents assessments

¹ All measures must result in a 0-20 HEDI point score following the State's scoring ranges.

² For the 2015-16 school year, State-provided growth scores will be calculated using the existing growth model. Factors may be updated in future school years depending on decisions by the Board of Regents. The Department will consult with stakeholders and technical experts on recommendations for future school years.

³ Student Learning Objectives shall be developed and approved by the Superintendent or his/her designee. All measures must result in a 0-20 HEDI point score following the State's scoring ranges.

⁴ 3rd party assessments that are currently approved for use under Education Law §3012-c may be re-submitted by their providers, in an expedited manner, to be considered for use with SLOs. These assessments must be able to measure one year of expected growth.

⁵ Assessments will be approved by the Department through an RFQ. All assessments that are submitted for use with SLOs must be able to measure one year's expected growth.

<p>Optional - Locally Selected Measures of Student Growth⁶</p> <p><i>Up to 50%, locally determined</i></p>	<p>The same locally selected measures of student growth across all classrooms in the same grade/subject in the district/BOCES must be used in a consistent manner to the extent practicable.</p> <p>Growth measures from these options:</p> <ul style="list-style-type: none"> • A second State-provided growth score on a State-created or administered test, provided that this is different than the measure used for the required student performance subcomponent: <ul style="list-style-type: none"> ○ Teacher-specific growth score computed by the State based on the percentage of students who achieve a State-determined level of growth (e.g., the percentage of students whose growth is above the median for similar students); ○ School-wide growth results based on a State-provided school-wide growth score for all students attributable to the school taking the State ELA or math assessment(s) in grades 4-8; ○ School-wide, group, team, or linked growth results using available State-provided growth scores computed in a manner determined locally. • Growth scores based on a State-designed supplemental assessment, calculated using a State-provided or approved growth model.⁷ <ul style="list-style-type: none"> ○ Such growth score may include teacher-specific growth scores or a school or BOCES-wide, group, team, or linked results where a State-provided or approved growth model is capable of generating such a score.
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Teacher Observation Category	
<p>Menu of State-approved rubrics⁸ (or State-approved variance to use alternative rubric) to assess performance based on the NYS Teaching Standards</p>	
<p>Requirements and options based on practice rubric: All observations for a teacher for the school year, and across observer types, must use the same approved rubric; provided that districts may locally determine whether to use different rubrics for teachers who teach different grades and/or subjects during the school year.</p>	
<p>Required - Observation by principal or other trained administrator</p> <p><i>At least 80%, locally determined</i></p>	<ul style="list-style-type: none"> • At least one observation by building principal or other trained administrator: <ul style="list-style-type: none"> ○ Observations may occur live or by live or recorded video, as determined locally. ○ Districts/BOCES may locally determine whether to use more than one observation by principal or other trained administrator. ○ Nothing shall be construed to limit the discretion of management to conduct observations in addition to those required by this section for non-evaluative purposes. ○ At least one of the required observations must be unannounced. ○ The frequency and duration of observations are locally determined.

⁶ All measures must result in a 0-20 HEDI point score following the State's scoring ranges.

⁷ Assessments on this list must be approved by the Department pursuant to an RFQ/RFP. These assessments must have a corresponding growth model that meets the requirements specified in the RFQ/RFP.

⁸ Rubrics approved for use under Education Law §3012-c will be available for use under §3012-d. Additional rubrics may be approved by the Department through an RFQ process.

	<ul style="list-style-type: none"> • Evaluators may select a limited number of observable rubric subcomponents for focus within a particular observation so long as all <u>observable</u> Teaching Standards/domains of the selected practice rubric (e.g., Domains 2 and 3 of the Danielson’s 2013 Framework for Teaching) are addressed across the total number of observations. <ul style="list-style-type: none"> ○ New York State Teaching Standards/domains that are part of the rubric but not observable during the classroom observation may be observed during any optional pre-observation conference or post-observation review or other natural conversations between the teacher and evaluator and incorporated into the observation score. ○ Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the classroom observation may constitute evidence of professional planning).
<p>Required - Observation by impartial independent trained evaluator</p> <p><i>At least 10%, locally determined</i></p>	<ul style="list-style-type: none"> • At least one observation by impartial independent trained evaluator(s): <ul style="list-style-type: none"> ○ Observations may occur live or by live or recorded video, as determined locally. ○ Impartial independent trained evaluators are trained and selected by district/BOCES. ○ May be employed within the district, but may not be assigned to the same school building as the teacher being evaluated. This could include other administrators, department chairs, or peers (e.g., teacher leaders on career ladder pathways), so long as they are not from the same building (defined as same BEDS code) as the teacher being evaluated. ○ Districts/BOCES may locally determine whether to use more than one observation by impartial independent trained evaluator(s). ○ At least one of the required observations must be unannounced. ○ The frequency and duration of observations are locally determined. • Evaluators may select a limited number of observable rubric subcomponents for focus within a particular observation so long as all <u>observable</u> Teaching Standards/domains of the selected practice rubric (e.g., Domains 2 and 3 of the Danielson’s 2013 Framework for Teaching) are addressed across the total number of observations. <ul style="list-style-type: none"> ○ New York State Teaching Standards/domains that are part of the rubric but not observable during the classroom observation may be observed during any optional pre-observation conference or post-observation review or other natural conversations between the teacher and evaluator and incorporated into the observation score. ○ Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the classroom observation may constitute evidence of professional planning).
<p>Optional – Observation by trained peer teacher</p> <p><i>Locally determined, consistent with the</i></p>	<ul style="list-style-type: none"> • May include at least one observation by trained peer teacher: <ul style="list-style-type: none"> ○ Trained peer teacher must have been rated Effective or Highly Effective on his or her overall rating in the prior school year. ○ Observations may occur live or by live or recorded video, as determined locally.

<p>requirements that at least 80% of the overall Observation category score be based on observations by the principal/other trained administrator and at least 10% of the overall Observation category score be based on observations by impartial, independent trained evaluator(s) selected by the district</p>	<ul style="list-style-type: none"> ○ Peer teachers are trained and selected by district/BOCES. ● Evaluators may select a limited number of observable rubric subcomponents for focus within a particular observation so long as all <u>observable</u> Teaching Standards/domains of the selected practice rubric (e.g., Domains 2 and 3 of the Danielson’s 2013 Framework for Teaching) are addressed across the total number of observations. ○ New York State Teaching Standards/domains that are part of the rubric but not observable during the classroom observation may be observed during any optional pre-observation conference or post-observation review or other natural conversations between the teacher and evaluator and incorporated into the observation score. ○ Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the classroom observation may constitute evidence of professional planning).
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Student Performance Category: Principals		
	Elementary/Middle and High Schools	All Other Building Principals
<p>Required - State-provided Growth Score on State Assessments⁹</p> <p><i>100% (At least 50%, locally determined, if an optional student performance measure is selected)</i></p>	<p><u>Elementary/Middle Schools</u></p> <ul style="list-style-type: none"> ● Result of student growth measure as applied to State assessments in 4-8, ELA/math ● Add grades and/or subjects as growth measure applies <p><u>High Schools (all of grades 9-12)</u></p> <ul style="list-style-type: none"> ● Result of principal student growth percentile measure as applied to State assessments and/or graduation rates ● Add subjects as growth measure applies <p>See below for principals whose State-provided growth scores do not cover at least 30% of all students in the principal’s building/program.</p>	<ul style="list-style-type: none"> ● Additional building configurations/programs covered by growth scores, as measures become available, based on existing and new State assessments
<p>Required - Growth Using Student Learning Objectives (SLOs)¹⁰</p>	<ul style="list-style-type: none"> ● <i>All principals who receive a State-provided growth score must also have a back-up SLO set by the Superintendent or his/her designee in case there are not enough</i> 	<p>For subjects associated with a State assessment or Regents exam (or, in the future, with any new State assessments): State/Regents assessment(s) must be used as the evidence for the SLO where they exist.</p>

⁹ All measures must result in a 0-20 HEDI point score following the State’s scoring ranges.

¹⁰ Student Learning Objectives shall be developed and approved by the Superintendent or his/her designee. All measures must result in a 0-20 HEDI point score following the State’s scoring ranges.

<p>If principal has less than 30% of his/her students covered by the State-provided growth score</p> <p><i>100% (At least 50%, locally determined, if an optional student performance measure is selected)</i></p>	<p><i>students, not enough scores, or other unforeseen data issues that will not allow the Department to generate a growth score.</i></p> <ul style="list-style-type: none"> • Where the State-provided growth score covers less than 30% of a principal’s students, SLOs must be developed following the rules and options set forth for “all other building principals.” 	<p>For other grades/subjects where no State assessment or Regents exam currently exists, SLOs based on district-determined assessments from the options below:</p> <ul style="list-style-type: none"> • State-approved assessment consisting of the following: <ul style="list-style-type: none"> ○ State-approved third-party assessment¹¹ ○ State-approved district, regional, or BOCES-developed assessment¹²
<p>Optional Subcomponent: Locally Selected Measures of Student Growth¹³</p> <p><i>Up to 50%, locally determined</i></p>	<p>The same locally selected measures of student growth across all buildings with the same grade configuration or program in district/BOCES must be used.</p> <p>Growth measures from these options:</p> <ul style="list-style-type: none"> • A second State-provided growth score, provided that this is different than the measure used for the required student performance subcomponent: <ul style="list-style-type: none"> ○ Principal-specific growth computed by the State based on the percentage of students who achieve a State-determined level of growth (e.g., percentage of students whose growth is above the median for similar students). ○ School-wide growth results using available State-provided growth scores computed in a manner determined locally. • Growth scores based on a State-designed supplemental assessment, calculated using a State-provided or approved growth model¹⁴ 	

<p align="center">Principal School Visit Category</p>	
<p>Menu of State-approved rubrics¹⁵ (or State-approved variance to use alternative rubric) to assess performance based on ISLLC 2008 standards</p>	
<p>Requirements and options based on practice rubric: All school visits for a principal for the year, and across observer types, must use the same approved rubric; provided that districts may locally determine whether to use different rubrics for a principal assigned to different grade level configurations or building types.</p>	
<p>Required – School visit by supervisor or other trained administrator</p> <p><i>At least 80%, locally determined</i></p>	<ul style="list-style-type: none"> • At least one school visit by supervisor or other trained administrator: <ul style="list-style-type: none"> ○ Districts/BOCES may locally determine whether to use more than one school visit by superintendent or other trained administrator. ○ Nothing shall be construed to limit the discretion of a board of education or superintendent of schools from conducting additional school visits for non-evaluative purposes.

¹¹ 3rd party assessments that are currently approved for use under Education Law §3012-c may be re-submitted by their providers, in an expedited manner, to be considered for use with SLOs. These assessments must be able to measure one year of expected growth.

¹² Assessments will be approved by the Department through an RFQ. All assessments that are submitted for use with SLOs must be able to measure one year’s expected growth.

¹³ All measures must result in a 0-20 HEDI point score following the State’s scoring ranges.

¹⁴ Assessments on this list must be approved by the Department pursuant to an RFQ/RFP. These assessments must have a corresponding growth model that meets the requirements specified in the RFQ/RFP.

¹⁵ Rubrics approved for use under Education Law §3012-c will be available for use under §3012-d. Additional rubrics may be approved by the Department through an RFQ process.

	<ul style="list-style-type: none"> ○ At least one of the required school visits by the supervisor or other trained administrator must be unannounced. ○ The frequency and duration of school visits are locally determined. ● Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all <u>observable</u> ISLLC 2008 standards are addressed across the total number of annual school visits. <ul style="list-style-type: none"> ○ Leadership Standards and their related functions that are part of the rubric but not observable during the course of the school visit may be observed through other natural conversations between the principal and the evaluator and incorporated into the school visit score. ● Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of a rubric subcomponent observed during a school visit. ● Professional goal-setting is a prohibited element of principal evaluations under Education Law §3012-d. However, organizational goal-setting may be used to the extent that it is evidence from the school visit and related to a component of the selected practice rubric. ● School visits may not occur by live or recorded video.
<p>Required – School visit by impartial independent trained evaluator</p> <p><i>At least 10%, locally determined</i></p>	<ul style="list-style-type: none"> ● At least one school visit by impartial independent trained evaluator(s): <ul style="list-style-type: none"> ○ Impartial independent trained evaluators are trained and selected by district/BOCES. ○ May be employed within the district, but may not be assigned to the same school building as the principal being evaluated. This could include other administrators, department chairs/directors, or peers, so long as they are not from the same building (defined as same BEDS code) as the principal being evaluated. ○ Districts/BOCES may locally determine whether to use more than one school visit by impartial independent trained evaluator(s). ○ The frequency and duration of school visits are locally determined. ● Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all <u>observable</u> ISLLC 2008 standards are addressed across the total number of annual school visits. <ul style="list-style-type: none"> ○ Leadership Standards and their related functions that are part of the rubric but not observable during the course of the school visit may be observed through other natural conversations between the principal and the evaluator and incorporated into the school visit score. ● Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of a rubric subcomponent observed during a school visit.

	<ul style="list-style-type: none"> • Professional goal-setting is a prohibited element of principal evaluations under Education Law §3012-d. However, organizational goal-setting may be used to the extent that it is evidence from the school visit and related to a component of the selected practice rubric. • School visits may not occur by live or recorded video.
<p>Optional – School visit by trained peer principal</p> <p><i>Locally determined, consistent with the requirements that at least 80% of the overall School Visit category score be based on school visits by the superintendent/other trained administrator and at least 10% of the overall School Visit category score be based on school visits by impartial, independent trained evaluator(s) selected by the district</i></p>	<ul style="list-style-type: none"> • May include at least one school visit by trained peer principal: <ul style="list-style-type: none"> ○ Trained peer principals must have been rated Effective or Highly Effective on his or her overall rating in the prior school year. ○ Trained peer principals are trained and selected by district/BOCES • Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all <u>observable</u> ISLLC 2008 standards are addressed across the total number of annual school visits. <ul style="list-style-type: none"> ○ Leadership Standards and their related functions that are part of the rubric but not observable during the course of the school visit may be observed through other natural conversations between the principal and the evaluator and incorporated into the school visit score. • Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of a rubric subcomponent observed during a school visit. • Professional goal-setting is a prohibited element of principal evaluations under Education Law §3012-d. However, organizational goal-setting may be used to the extent that it is evidence from the school visit and related to a component of the selected practice rubric. • School visits may not occur by live or recorded video.

Teacher and Principal Category and Overall Ratings

Teacher and Principal Performance Scoring Ranges¹⁶: SLOs

Highly Effective	Effective	Developing	Ineffective
18-20 points	15-17 points	13-14 points	0-12 points
90-100% of students meeting or exceeding expected growth targets determined by the superintendent	75-89% of students meeting or exceeding expected growth targets determined by the superintendent	60-74% of students meeting or exceeding expected growth targets determined by the superintendent	0-59% of students meeting or exceeding expected growth targets determined by the superintendent

- Each performance measure (State-provided growth, SLO using State assessments, other SLOs, State-

¹⁶ All assessments used for APPR purposes must be capable of generating a growth score from 0-20.

designed supplemental assessments, other additional measures using State-provided or approved growth model scores) must result in a score between 0-20.

- Multiple measures will be combined using a weighted average to produce an overall Student Performance category score between 0-20.
- This overall Student Performance score will be converted into a HEDI rating based on the ranges listed below:

	Overall Student Performance Category Score and Rating	
	Minimum	Maximum
H	18	20
E	15	17
D	13	14
I	0	12

Teacher Observation/Principal School Visit Scoring Ranges:

	Overall Observation/School Visit Category Score and Rating	
	Min	Max
H	3.50 to 3.75	4.0
E	2.50 to 2.75	3.49 to 3.74
D	1.50 to 1.75	2.49 to 2.74
I	0 ¹⁷	1.49 to 1.74

- Each set of observations/school visits (by supervisor/other trained administrator, independent, or peer) will be completed using a rubric with rating categories that are aligned to HEDI ratings and 1-4 levels. Each observation/school visit will be scored between 1 and 4.
- Once all evaluations are complete, the different types of observations/school visits will be combined using a weighted average, producing an overall Observation/School Visit category score between 1-4.
- This overall Observation/School Visit score will be converted into a HEDI rating based on locally determined ratings consistent with the ranges listed above.

What is State-determined:

- Scoring ranges for the Required and Optional subcomponents of the Student Performance to determine an educator's rating category of Highly Effective, Effective, Developing, and Ineffective (HEDI)
- The minimum and maximum scores aligned to each of the HEDI rating categories for the Teacher Observation/Principal School Visit categories.
- Minimum growth targets for SLOs under the Required subcomponent of the Student Performance category representing at least one year of expected student growth and following State guidance.
- The weights for all subcomponents of the Student Performance and Teacher Observation/Principal School Visit categories to assign a final rating category of HEDI.

What is locally-established through negotiations:

- Whether to use the Optional subcomponent of the Student Performance category, and which option will be used.

¹⁷ In the event that an educator earns a score of 1 on all rated components of the practice rubric across all observations, a score of 0 will be assigned.

- Whether to use the Optional subcomponent of the Teacher Observation/Principal School Visit category.
- How to implement the Teacher Observation/Principal School Visit categories, consistent with the corresponding Commissioner's Regulations, including, but not limited to, the scoring ranges aligned to each HEDI category within the parameters determined by the State.

Additional Notes

- The process by which weights and scoring ranges are assigned to subcomponents and categories must be transparent and available to those being rated before the beginning of each school year.
- Districts and collective bargaining units, where one exists, must certify that the process for assigning ratings will use the scoring bands and weighting processes specified in the regulations.
- Superintendents must certify that all individual growth targets used for SLOs represent, at a minimum, one year of expected growth consistent with State guidance.
- All teachers/principals who receive a State-provided growth score, must also have back-up SLOs set by the Superintendent or his/her designee in case there are not enough students, not enough scores, or other unforeseen data issues that will not allow the Department to generate a growth score.
- Annual Professional Performance Reviews conducted pursuant to a collective bargaining agreement entered into on or before April 1, 2015 and which remain in effect on or after April 1, 2015, shall be conducted pursuant to that agreement until a subsequent agreement is reached.
- Pursuant to Education Law §3012-d(6), the following elements may no longer be used in any evaluation subcomponent:
 - Evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department;
 - Use of an instrument for parent or student feedback;
 - Use of professional goal-setting as evidence of teacher or principal effectiveness;
 - Any district or regionally-developed assessment that has not been approved by the department; and
 - Any growth or achievement target that does not meet the minimum standards as set forth in Commissioner's regulations.
- The entire Annual Professional Performance Review shall be completed and provided to the teacher or the principal as soon as practicable but in no case later than September 1 of the school year next following the school year for which the teacher or principal's performance is measured. The teacher's and principal's score and rating on the observation/school visit category and in the optional subcomponent of the student performance category, if available, shall be computed and provided to the teacher or principal, in writing, by no later than the last day of the school year for which the teacher or principal is being measured, but in no case later than September 1 of the school year next following the school year for which the teacher or principal's performance is measured.
- Upon rating a teacher or a principal as Developing or Ineffective overall through an Annual Professional Performance Review conducted pursuant to Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents, a district shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal by October 1 in the school year following the school year for which such teacher's or principal's performance is being measured or as soon as practicable thereafter.



NYSED

CRITICAL

APPR DATES

NYSED: CRITICAL APPR DATES FOR §3012-d

(Excerpts from the Memorandum of July 2, 2015 from Assistant Commissioner Julia Rafal-Baer)

September 1, 2015:

APPR evaluation results from the 2014-15 school year must be provided to all educators and APPR implementation for the 2015-16 school year begins.

2014-15 APPR evaluations shall be completed and provided to teachers and principals. The entire evaluation must be completed and provided to each teacher and principal as soon as practicable, but in no case later than September 1, 2015.

Districts must continue to implement their currently approved APPR plans beginning on September 1, 2015 and until such time as they have an APPR plan approved by the Commissioner that is consistent with the requirements of Education Law §3012-d. If your district is not fully implementing your approved plan by September 1, 2015, your district will not be eligible to receive an increase in state aid for the 2015-16 school year. This is not at the discretion of the Commissioner, but is a statutory requirement (see Section 1 of Part A of Chapter 57 of the Laws of 2013 and corresponding appropriation language in Chapter 53 of the Laws of 2013). Please note that pursuant to Education Law §3012-d(12), districts and BOCES may not enter into collective bargaining agreements on or after April 1, 2015 that are not consistent with the requirements of Education Law §3012-d unless such agreements relate to the 2014-15 school year only. The deadline for districts and BOCES to submit material changes to approved APPR plans for the 2014-15 school year was March 1, 2015. Please see below for information and timeline on applying for a Hardship Waiver.

October 1, 2015:

Submission deadline for APPR approval consistent with Education Law §3012-d.

Districts and BOCES wishing to implement an APPR plan approved pursuant to Education Law §3012-d for the 2015-16 school year must submit their plan to the Department by October 1, 2015 in order to have the plan approved by the November 15, 2015 deadline.

For districts and BOCES experiencing a hardship and requesting a waiver from this deadline, a completed Hardship Waiver application must be submitted and receive approval by the Department. Districts are at risk for the loss of their eligibility for an increase in State aid for the 2015-16 school year if they do not submit a Hardship Waiver application and receive approval by the Department.

Districts and BOCES that do not meet the November 15, 2015 APPR plan approval deadline are thus required to have an approved Hardship Waiver by November 15, 2015, but may still submit an APPR plan by March 1, 2016 for approval and implementation during the 2015-16 school year. Districts and BOCES that do not have an approved APPR plan by March 1, 2015 for the 2015-16 school year must have an approved Hardship Waiver in place by March 15, 2016.

October 1, 2015 – October 30, 2015:

Submission period for Hardship Waiver #1.

Districts or BOCES seeking a Hardship Waiver must submit the completed and signed application, including all required materials, to the Department for review. All districts/BOCES must submit their completed materials by October 30, 2015 in order to have their Hardship Waiver approved by November 15, 2015.

The form will be available this summer for review prior to the beginning of the submission window on October 1, 2015 through NYSED's Application Business Portal at <http://portal.nysed.gov>.

Districts/BOCES can submit the form through the portal from October 1 through October 30, 2015. An FAQ related to the Hardship Waiver will be posted this summer in the portal and on EngageNY at <https://www.engageny.org/resource/appr-3012-d>.

October 23, 2015:

Statement of Confirmation of 2014-15 Staff Evaluation Rating Verification Report(s) due.

This form certifies the accuracy of the Staff Evaluation Rating data submitted as of the October 16, 2015 deadline and is required to be signed by the LEA's certifying official who verifies the data provided in the Staff Evaluation Rating Verification Report(s) generated by L2RPT.

The Certification of Verification Report(s) form will be distributed via the Information and Reporting Services Portal (IRSP) at <http://portal.nysed.gov> and must be submitted via upload to Information and Reporting Services (IRS).

The Statement of Confirmation of 2014-15 Staff Evaluation Rating Verification Report(s) must be submitted by October 23, 2015 in order for a district or BOCES to be eligible to submit a Hardship Waiver for the implementation of Education Law §3012-d.

November 15, 2015:

Approval deadline for Hardship Waiver #1; Approval deadline for APPR plans consistent with Education Law §3012-d.

Districts or BOCES must either be implementing an approved APPR plan consistent with Education Law §3012-d for the 2015-16 school year, or have a Hardship Waiver approved and continue to implement their previously approved APPR plan consistent with Education Law §3012-c until such time as the district or BOCES receives approval of an APPR plan consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

November 15, 2015-March 15, 2016:

Effective dates for Hardship Waiver #1.

During the time period where a district or BOCES is operating under a Hardship Waiver, the district or BOCES must demonstrate that it continues to engage in efforts to collectively bargain in good faith and to train staff, to the extent practicable, on the new evaluation system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents. Please see the Hardship Waiver FAQ for further information (available this summer for review prior to the beginning of the submission window for the first Hardship Waiver on October 1, 2015): <https://www.engageny.org/resource/appr-3012-d>.

March 1, 2016:

Submission deadline for APPR plans consistent with Education Law §3012-d for the 2015-16 school year.

APPR plans consistent with Education Law §3012-d approved on or before this date must be implemented for the 2015-16 school year.

APPR plans consistent with Education Law §3012-d approved after March 1, 2016 must be implemented for the 2016-17 school year and districts and BOCES must implement their previously approved plans consistent with §3012-c during the 2015-16 school year.

February 1, 2016-March 1, 2016:

Submission period for Hardship Waiver #2.

Districts or BOCES seeking the renewal of a previously approved Hardship Waiver must submit a completed and signed renewal application, including all required materials, to the department for review. All districts/BOCES must submit their completed materials by March 1, 2016 in order to have their hardship waiver approved by March 15, 2016.

March 15, 2016:

Approval deadline for Hardship Waiver #2.

Districts or BOCES must either be implementing an approved APPR plan consistent with Education Law §3012-d for the 2015-16 school year, or have a Hardship Waiver renewal approved and continue to implement their previously approved APPR plan consistent with Education Law §3012-c until such time as the district or BOCES receives approval of an APPR plan consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents. APPR plans consistent with Education Law §3012-d approved after March 1, 2016 must be implemented for the 2016-17 school year and districts must continue to implement their previously approved plans consistent with §3012-c during the remainder of the 2015-16 school year.

March 15, 2016 – July 15, 2016:

Effective dates for Hardship Waiver #2.

During the time period where a district or BOCES is operating under a Hardship Waiver, the district or BOCES must demonstrate that it continues to engage in efforts to collectively bargain in good faith and to train staff, to the extent practicable, on the new evaluation system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

June 1, 2016 – July 1, 2016:

Submission Period for Hardship Waiver #3:

Districts or BOCES seeking the renewal of a previously approved Hardship Waiver must submit a completed and signed renewal application, including all required materials, to the department for review. All districts/BOCES must submit their completed materials by July 1, 2016 in order to have their hardship waiver approved by July 15, 2016.

July 1, 2016:

Submission deadline for APPR approval consistent with Education Law §3012-d.

Districts and BOCES without an APPR plan approved pursuant to Education Law §3012-d for the 2016-17 school year must submit their plan to the department by July 1, 2016 in order to have the plan approved by the department by the September 1, 2016 deadline.

Districts are at risk for the loss of their eligibility for an increase in State aid for the 2016-17 school year if they do not receive approval of their APPR plan by the department by September 1, 2016.

July 15, 2016:

Approval deadline for Hardship Waiver #3.

Districts or BOCES must have a Hardship Waiver renewal approved by the department.

By September 1, 2016:

APPR plans consistent with Education Law §3012-d must be approved by the Commissioner for the 2015-16 school year.

All districts or BOCES must have an APPR plan consistent with the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents approved by the Commissioner by September 1, 2016. For districts, this is a requirement in order to be eligible for an increase in state aid for the 2016-17 school year.

Districts and BOCES must submit their plan to the department by July 1, 2016 in order to have the plan approved by the September 1, 2016 deadline.

Regularly check the following websites for updates:

NYS Education Department:

www.nysed.gov

Engage New York:

<http://engageny.org/>

SAANYS Website (Members only section):

www.saanys.org

