

APPR OVERVIEW SPRING, 2015



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THE GOVERNOR'S NEW APPR SYSTEM

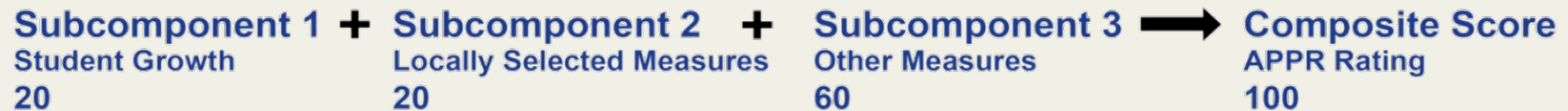
GENERAL CONSIDERATIONS



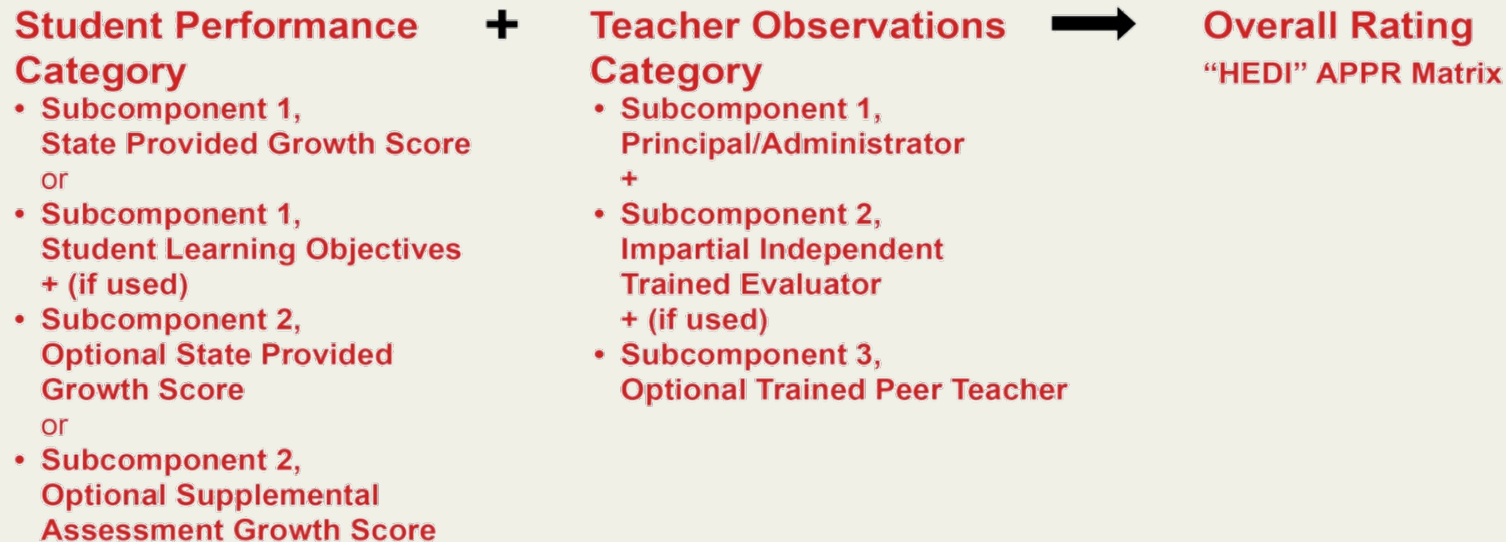
- **§3012-c BECOMES §3012-d**
- **FOUR “HEDI” RATING CATEGORIES**
- **§3012-d APPLIES TO TEACHERS AND PRINCIPALS**
- **SHALL BE A SIGNIFICANT FACTOR IN EMPLOYMENT DECISIONS INCLUDING PROMOTION, RETENTION, TENURE, TERMINATION AND SUPPLEMENTAL COMPENSATION; AS WELL AS FOR COACHING, INDUCTION SUPPORT, AND DIFFERENTIATED PROFESSIONAL DEVELOPMENT**

APPR SYSTEM TRANSITION

Current System: 3012-c



New System: 3012-d



APPR – STUDENT PERFORMANCE CATEGORY



FOR TEACHERS: SUBCOMPONENT 1

FOR A TEACHER WHOSE COURSE ENDS WITH A STATE CREATED/ADMINISTERED TEST THAT YIELDS A STATE-PROVIDED GROWTH SCORE

AND

FOR A TEACHER WHOSE COURSE DOES NOT END WITH A STATE CREATED/ADMINISTERED TEST AND THEREFORE HAVE A STUDENT LEARNING OBJECTIVE (SLO)

AND OPTIONALLY

FOR TEACHERS: 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

INFORMATION STILL TO COME FROM COMMISSIONER:

- THE WEIGHTS AND SCORING RANGES FOR THE SUBCOMPONENT(S)
- PARAMETERS FOR APPROPRIATE TARGETS FOR STUDENTS GROWTH FOR BOTH SUBCOMPONENTS
- SED MUST AFFIRMATIVELY APPROVE, AND MAY DISAPPROVE, DISTRICT PLANS THAT SET APPROPRIATE GROWTH TARGETS
- THE PRINCIPAL STUDENT PERFORMANCE CATEGORY

APPR -- TEACHER OBSERVATIONS CATEGORY



- TEACHER OBSERVATIONS MUST BE BASED ON STATE-APPROVED RUBRIC
-
- SUBCOMPONENT 1 -- CLASSROOM OBSERVATIONS BY PRINCIPAL OR ADMINISTRATOR
 - AND
- SUBCOMPONENT 2 – CLASSROOM OBSERVATIONS BY AN IMPARTIAL INDEPENDENT TRAINED EVALUATOR FROM DIFFERENT SCHOOL OR EVALUATORS SELECTED BY THE DISTRICT
 - AND OPTIONALLY
- SUBCOMPONENT 3 – CLASSROOM OBSERVATIONS BY A TRAINED PEER TEACHER, RATED EFFECTIVE OR HIGHLY EFFECTIVE, FROM SAME OR DIFFERENT SCHOOL
-
- INFORMATION STILL TO COME FROM COMMISSIONER:
- WEIGHTS, AND/OR WEIGHTING OPTIONS AND SCORING RANGES FOR SUBCOMPONENTS
- MINIMUM NUMBER OF ANNUAL OBSERVATIONS, INCLUDING FREQUENCY, DURATION AND PARAMETERS.
- THE PRINCIPAL OBSERVATIONS CATEGORY

APPR – FOR TEACHERS AND PRINCIPALS

ELEMENTS PROHIBITED FROM ALL SUBCOMPONENTS

- **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**

RULES FOR PRINCIPALS' AND TEACHERS' OVERALL "HEDI" RATINGS

STUDENT PERF REQ + STUDENT PERF OPT + TCHR OBSERVATIONS		→ OVERALL RATING
1. INEFFECTIVE*	+ ANY RATING	→ INEFFECTIVE
2. INEFFECTIVE	+ ?	→ DEVELOPING (MAX)
3. ANY RATING	+ INEFFECTIVE	→ DEVELOPING (MAX)

RULES FOR TEACHERS' OVERALL "HEDI" RATINGS

STUDENT PERFORMANCE	+	TEACHER OBSERVATIONS	→	OVERALL RATING
4. HIGHLY EFFECTIVE	+	HIGHLY EFFECTIVE	→	HIGHLY EFFECTIVE
5. EFFECTIVE	+	HIGHLY EFFECTIVE	→	HIGHLY EFFECTIVE
6. DEVELOPING	+	HIGHLY EFFECTIVE	→	EFFECTIVE
7. INEFFECTIVE	+	HIGHLY EFFECTIVE	→	DEVELOPING
8. HIGHLY EFFECTIVE	+	EFFECTIVE	→	HIGHLY EFFECTIVE
9. EFFECTIVE	+	EFFECTIVE	→	EFFECTIVE
10. DEVELOPING	+	EFFECTIVE	→	EFFECTIVE
11. INEFFECTIVE	+	EFFECTIVE	→	DEVELOPING
12. HIGHLY EFFECTIVE	+	DEVELOPING	→	EFFECTIVE
13. EFFECTIVE	+	DEVELOPING	→	EFFECTIVE
14. DEVELOPING	+	DEVELOPING	→	DEVELOPING
15. INEFFECTIVE	+	DEVELOPING	→	INEFFECTIVE
16. HIGHLY EFFECTIVE	+	INEFFECTIVE	→	DEVELOPING
17. EFFECTIVE	+	INEFFECTIVE	→	DEVELOPING
18. DEVELOPING	+	INEFFECTIVE	→	INEFFECTIVE
19. INEFFECTIVE	+	INEFFECTIVE	→	INEFFECTIVE

* If the subcomponent 2 measure is a state-provided growth score based on a state test, the maximum score shall be Developing.

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 APPRLY FOR A WAIVER FROM THE REQUIREMENT IF DEEMED "IMPRACTICABLE."

TEACHER EVALUATION RATING MATRIX

		OBSERVATION			
STUDENT PERFORMANCE		HIGHLY EFFECTIVE (H)	EFFECTIVE (E)	DEVELOPING (D)	INEFFECTIVE (I)
	HIGHLY EFFECTIVE	H	H	E	D
	EFFECTIVE	H	E	E	D
	DEVELOPING	E	E	D	I
	INEFFECTIVE	D (or I) *	D (or I)*	I	I
		* If a State-designed supplemental assessment was included as an optional sub-component, the teacher can be rated no higher than Ineffective overall with a Student Performance rating of "I".			

APPR -- SED ROLES AND RESPONSIBILITIES

- **THE PROCESS FOR ASSIGNING WEIGHTS AND SCORING RANGES TO SUBCOMPONENTS AND CATEGORIES MUST BE TRANSPARENT AND AVAILABLE TO THOSE BEING RATED BEFORE THE BEGINNING OF EACH SCHOOL YEAR.**
 - **MUST ENSURE THE POSSIBILITY OF FULL RANGE OF POINTS IN SUBCOMPONENTS, INCLUDING ZERO.**
- **FOR THE TEACHER AND PRINCIPAL “STUDENT PERFORMANCE CATEGORY,” ESTABLISH PARAMETERS FOR APPROPRIATE TARGETS FOR STUDENT GROWTH FOR BOTH SUBCOMPONENTS.**
- **FOR “TEACHER OBSERVATIONS” CATEGORY, DETERMINE THE WEIGHTS AND WEIGHTING OPTIONS & SCORING RANGES FOR THE SUBCOMPONENTS.**
 - **DETERMINE MINIMUM # OF OBSERVATIONS, AS WELL AS FREQUENCY, DURATION AND PARAMETERS.**
- **REVIEW AND “AFFIRMATIVELY APPROVE” REVISED DISTRICT PLANS, INCLUDING APPROPRIATE GROWTH TARGETS.**
- **DEVELOP POLICIES AND PROCEDURES TO BE USED BY SCHOOL DISTRICTS THAT DEEM TO BE IMPRACTICAL, THE PROHIBITION AGAINST PLACING STUDENTS FOR TWO CONSECUTIVE YEARS WITH TEACHERS RATES INEFFECTIVE.**

APPR – DUE PROCESS AND REMOVAL PROCEDURES



- EFFECTIVE JULY 1, 2015 FOR TEACHERS AND PRINCIPALS
- 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 FAILING SCHOOL, A TEACHER OR PRINCIPAL RECEIVING 2 OR MORE INEFFECTIVE COMPOSITE RATINGS SHALL BE DEEMED NOT TO HAVE RENDERED FAITHFUL AND COMPETENT SERVICE.

APPR – DUE PROCESS AND REMOVAL PROCEDURES (cont.)



- **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**
 - **INELLIGIBLE FOR APPOINTMENT IF:**
 - **A RESIDENT OF THE SCHOOL DISTRICT**
 - **AN EMPLOYEE/REP OF THE BOARD OF ED**
 - **AN AGENT/REP OF EMPLOYEE ORGANIZATION WITHIIN 2 YEARS**
 - **SERVING AS A MEDIATOR/FACT FINDER IN THE SAME DISTRICT**
 - **SUBJECT TO APPROPRIATION, THE HEARING OFFICER SHALL BE COMPENSATED BY SED. COMMISSIONER SHALL ESTABLISH COMPENSATION SCHEDULE**

APPR – DUE PROCESS AND REMOVAL PROCEDURES (cont.)



- **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**

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 NOTICE OF REQUEST FOR HEARING, DISTRICT NOTIFIES COMMISSIONER OF NEED FOR HEARING
- OR**
4. IF EMPLOYEE WAIVES RIGHT TO HEARING, W/IN 15 DAYS, A MAJORITY OF BOARD MEMBERS SHALL VOTE TO DETERMINE CASE AND FIX PENALTY
 5. COMMISSIONER NOTIFIES AMERICAN ARBITRATION ASSOCIATION (AAA) FORTHWITH REGARDING THE NEED FOR A HEARING
 6. AAA PROVIDES LIST OF PROSPECTIVE HEARING OFFICERS FORTHWITH
 - BIOGRAPHICAL INFORMATION IS INCLUDED WITH LIST
 7. FOR EMPLOYEES WITH 3 INEFFECTIVE RATINGS, COMMISSIONER ASSIGNS THE HEARING OFFICER

APPR – § 3020-b HEARING TIMELINE (cont.)



- 7. FOR INDIVIDUALS WITH 2 INEFFECTIVE RATINGS, COMMISSIONER ESTABLISHES TIMELINE FOR SELECTION BY EMPLOYEE AND THE DISTRICT**
 - FAILURE TO SELECT W/IN TIMELINE, COMMISSIONER SELECTS**
- 8. COMMISSIONER IS AUTHORIZED TO ESTABLISH REGULATIONS FOR A PRE-HEARING CONFERENCE AND FOR HEARING PROCEDURES AND TIMELINES**
- 9. FOR INDIVIDUALS WITH 2 INEFFECTIVE RATINGS, FROM EMPLOYEE'S HEARING REQUEST TO FINAL HEARING DATE SHALL NOT EXCEED 90 DAYS**
- 9. 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**

PROBATION AND TENURE

- **EFFECTIVE JULY 1, 2015**
- **PROBATIONARY PERIOD FOR TEACHERS INCREASES 3 TO 4 YEARS**
 - **EXCEPTIONS:**
 - **2 YEARS FOR REGULAR SUBSTITUTES WHO SERVED 2 YEARS WITH SATISFACTORY APPR RATINGS**
 - **2 YEARS FOR SATISFACTORY SERVICE AS SEASONALLY LICENSED PER SESSION TEACHER OF SWIMMING**
 - **3 YEARS FOR TEACHERS ENTERING A NEW DISTRICT AFTER RECEIVING TENURE IN THE PVIOUS DISTRICT**
- **PROBATIONARY PERIOD FOR PRINCIPALS & OTHER SUPERVISORY STAFF INCREASES 3 TO 4 YEARS**
 - **NO EXCEPTIONS ARE AVAILABLE BASED ON PRIOR SERVICE**
- **FOR TEACHERS AND ADMINISTRATORS**
 - **MUST RECEIVE EFFECTIVE OR HIGHLY EFFECTIVE RATINGS FOR AT LEAST 3 OF THE 4 YEARS**
 - **TENURE MAY NOT BE AWARDED IF AN INEFFECTIVE RATING IS RECEIVED IN YEAR 4.**
 - **THE PROBATIONARY PERIOD MAY BE EXTENDED TO A 5TH YEAR**

APPR NEGOTIATIONS

TEACHER CBAs / ADMINISTRATOR CBAs

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

NOTE 2: AT THIS TIME IT IS IMPOSSIBLE TO RE-NEGOTIATE THE APPR SECTION OF CBAs FOR TEACHERS; AND MORE IMPOSSIBLE TO RE-NEGOTIATE THE APPR SECTION OF CBAs FOR PRINCIPALS

DURING INTERIM, NEGOTIATE CBAs WITH RE-OPENER LANGUAGE

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

SAMPLE “PLACEHOLDER” LANGUAGE for SUBSEQUENT 3012-D COMPLIANT APPR NEGOTIATIONS

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 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 - OR ANY NEW DATE IDENTIFIED THROUGH SUBSEQUENT LEGISLATION, REGULATION, OR WAIVER.

NOTE: ADDITIONAL LANGUAGE MAY BE NEEDED TO ADDRESS UNIQUE CONTRACTUAL SITUATIONS (e.g., “Merit” provisions tied to APPR results)