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To: District Superintendents of BOCES  
Superintendents of Public Schools

From: Assistant Commissioner Julia Rafal-Baer *Julia R-B*

Date: July 2, 2015

Subject: Update on the Board of Regents' amendment of Subpart 30-2 and emergency addition of the new Subpart 30-3 of the Rules of the Board of Regents; APPR data collection and reporting timelines and requirements, including instructions for accessing the 2014-15 APPR Implementation Certification form; submission timelines for the Hardship Waiver for the implementation of Education Law §3012-d; and APPR review and approval processes for the implementation of Education Law §3012-d.

This memorandum provides an update on the following:

1. The Board of Regents' amendment of Subpart 30-2 and emergency addition of the new Subpart 30-3 of the Rules of the Board of Regents;
2. Hardship Waiver for the implementation of Education Law §3012-d;
3. 2014-15 APPR Implementation Certification Form;
4. APPR data collection and reporting timelines and requirements;
5. Submission timelines for the Hardship Waiver for the implementation of Education Law §3012-d; and
6. APPR review and approval processes for the implementation of Education Law §3012-d.

### **Board of Regents' Amendment of Subpart 30-2 and Emergency Addition of the New Subpart 30-3 of the Rules of the Board of Regents**

On April 13, 2015, the Governor signed Chapter 56 of the Laws of 2015 to add a new Education Law §3012-d to establish a new evaluation system for classroom teachers and building principals. As a result, during the June 2015 meeting of the Board of Regents, Subpart 30-2 was amended and a new Subpart 30-3 of the Rules of the Board of Regents was added as an emergency adoption in order to implement Education Law §3012-d. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 16-17, 2015 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be October 7, 2015, the date a Notice of Adoption would be published in the State Register. Public comments may be submitted to [regcomments@nysed.gov](mailto:regcomments@nysed.gov) until August 24, 2015.

- The new regulations are available on EngageNY at <https://www.engageny.org/resource/the-commissioners-regulations-on-annual-professional-performance-review>.
- The Board of Regents item is available at <https://www.regents.nysed.gov/common/regents/files/meetings/Revised%20Subpart%2030-2%2030-3.pdf>.
- The slide deck available at the following link is an update to the APPR regulation summary slides presented at the June 2015 Board of Regents meeting. The text in green represents changes that were made to the Department's recommendations as required by the Board of Regents:  
<http://www.regents.nysed.gov/common/regents/files/meetings//Revised%20Version%20of%20PowerPoint%20Presentation.pdf>.
- A summary of the regulations can be found in a "blue memo." The "blue memo" is an updated version of the previous "purple memo" which summarized the previous APPR regulations. The "blue memo" can be found at <https://www.engageny.org/resource/appr-3012-d>.

### **Hardship Waiver for the Implementation of Education Law §3012-d**

Districts/BOCES that are facing hardships and are therefore unable to have an APPR plan consistent with §3012-d approved by the Department by the November 15, 2015 deadline must submit a Hardship Waiver application in order to maintain their eligibility for a State aid increase. The Hardship Waiver application will be available this summer for review prior to the beginning of the submission window on October 1 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. An FAQ related to the Hardship Waiver will also be posted this summer in the portal and on EngageNY at <https://www.engageny.org/resource/appr-3012-d>.

Please note that approval of a Hardship Waiver does not constitute a waiver from completing annual professional performance reviews. All districts and BOCES granted a Hardship Waiver by the Commissioner must continue to implement their previously approved APPR plans, consistent with the provisions of 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. Additionally, during the time period when a district or BOCES is seeking a Hardship Waiver and/or 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 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 also note that submission of the following items, as described in the timeline table below, are first required for a district or BOCES to close out APPR for the 2014-15 school year and to be eligible for the approval of a Hardship Waiver for the implementation of Education Law §3012-d:

- (1) 2014-15 APPR Implementation Certification form;
- (2) 2014-15 Staff Evaluation Rating data; and
- (3) Statement of Confirmation of 2014-15 Staff Evaluation Rating Verification Report(s)

### **2014-15 APPR Implementation Certification Form**

In order to be eligible for an increase in State aid in 2015-16, all districts must fully implement their approved APPR plans. 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) makes the Commissioner’s approval by September 1 of each year of documentation that a school district has fully implemented the standards and procedures for conducting APPRs in accordance with Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents a condition of eligibility for any increases in State aid from the General Support for Public Schools appropriation over the amount apportioned in the prior school year. Section 1 of Chapter 57 applies to State aid increases for the 2014-15 school year and thereafter.

In order to demonstrate that each district or BOCES has fully implemented their approved APPR plan for the 2014-15 school year, the Department requires that an implementation certification form be completed by August 28, 2015 by the superintendent of schools and board president. The certification form is now available at: <http://usny.nysed.gov/rtt/teachers-leaders/docs/appr-implementation-certification-form.pdf> and must be submitted through the NYSED Application Business Portal at: <http://portal.nysed.gov/>. After logging on, please click on “SED Monitoring,” select “View” for the “APPR Implementation Certification,” and follow the instructions on the page to submit the form.

**Data Collection, Reporting, Hardship Waiver Timeline, and APPR Review and Approval Processes**

These deadlines are the final State deadlines. Local level 1 centers will require earlier due dates to allow sufficient time for processing. In addition to data submission, districts and BOCES must submit the APPR Implementation Certification form.

Please see the table below for important upcoming deadlines related to data submission, the APPR Implementation Certification form, the Hardship Waiver, and APPR review and approval processes.

<b>Date</b>	<b>Event</b>	<b>Description/Information</b>
July 10, 2015	Final submission of 2014-15 Regents exam scores to be used for State-provided growth score calculations for principal evaluation purposes	Districts must submit 2014-15 scores for Regents exams (including June 2015 records) and approved alternatives to Regents exams to be used in principal evaluation growth score calculations.
Week of July 13, 2015	Review Room Portal opens – rolling review process begins	The revised Review Room Portal will be open to enter and submit plans consistent with Education Law §3012-d during the week of July 13. The portal will be available here: <a href="http://nysed-appr3.fluidreview.com">http://nysed-appr3.fluidreview.com</a>  An FAQ related to changes in the new Review Room will also be posted on the portal webpage the week of July 13.  These resources will all be posted the week of July 13 on EngageNY at: <a href="https://www.engageny.org/resource/appr-3012-d">https://www.engageny.org/resource/appr-3012-d</a> .
August 2015	State Growth Score Distribution	State growth scores are distributed to districts for inclusion in 2014-15 teacher/leader evaluations.
August 26, 2015 – October 16, 2015	Final submission of 2014-15 evaluation composite ratings, composite scores, and subcomponent scores	LEAs will report 2014-15 evaluation composite ratings and subcomponent scores to the Student Information Repository System (SIRS). All final and complete data, including scores for the State Growth

		<p>or Other Comparable Measures subcomponent, Locally Selected Measures subcomponent, Other Comparable Measures of Effectiveness subcomponent, overall composite score, and overall rating for all applicable teachers and principals must be submitted to the Commissioner by October 16, 2015.</p> <p>Complete 2014-15 Staff Evaluation Rating data must be submitted by October 16, 2015 in order for a district or BOCES to be eligible for the approval of a Hardship Waiver for the implementation of Education Law §3012-d.</p>
August 28, 2015	APPR Implementation Certification form must be submitted to NYSED's Application Business Portal	<p>The APPR Implementation Certification form must be submitted by August 28 by districts and BOCES. The form is one necessary component to demonstrate full implementation of your approved APPR plan for the 2014-15 school year and is used to determine eligibility for an increase in State aid for the 2015-16 school year for school districts only. The APPR Implementation Certification form must be signed by the superintendent/district superintendent and board president. The form is now available at <a href="http://usny.nysed.gov/rttt/teachers-leaders/docs/appr-implementation-certification-form.pdf">http://usny.nysed.gov/rttt/teachers-leaders/docs/appr-implementation-certification-form.pdf</a> and must be submitted through NYSED's Application Business Portal at <a href="http://portal.nysed.gov">http://portal.nysed.gov</a>.</p> <p>The APPR Implementation Certification form must be submitted in order for a district or BOCES to be eligible to submit a Hardship Waiver for the implementation of Education Law §3012-d.</p>
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	<p>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.</p> <p>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</p>

		<p>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.</p>
October 1, 2015	Submission deadline for APPR approval consistent with Education Law §3012-d	<p>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.</p> <p>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.</p> <p>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, 2016 for the 2015-16 school year must have an approved Hardship Waiver in place by March 15, 2016.</p>
October 1, 2015 – October 30, 2015	Submission period for Hardship Waiver #1	<p>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.</p> <p>The form will be available this summer for review prior to the beginning of the submission window on</p>

		<p>October 1, 2015 through NYSED’s Application Business Portal at <a href="http://portal.nysed.gov">http://portal.nysed.gov</a>. 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 <a href="https://www.engageny.org/resource/appr-3012-d">https://www.engageny.org/resource/appr-3012-d</a>.</p>
October 23, 2015	Statement of Confirmation of 2014-15 Staff Evaluation Rating Verification Report(s) due	<p>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.</p> <p>The Certification of Verification Report(s) form will be distributed via the Information and Reporting Services Portal (IRSP) at <a href="http://portal.nysed.gov">http://portal.nysed.gov</a> and must be submitted via upload to Information and Reporting Services (IRS).</p> <p>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.</p>
November 15, 2015	<p>Approval deadline for Hardship Waiver #1</p> <p>Approval deadline for APPR plans consistent with Education Law §3012-d</p>	<p>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.</p>
November 15, 2015 – March 15, 2016	Effective dates for Hardship Waiver #1	<p>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): <a href="https://www.engageny.org/resource/appr-3012-d">https://www.engageny.org/resource/appr-3012-d</a>.</p>

March 1, 2016	Submission deadline for APPR plans consistent with Education Law §3012-d for the 2015-16 school year	<p>APPR plans consistent with Education Law §3012-d approved on or before this date must be implemented for the 2015-16 school year.<sup>1</sup></p> <p>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.<sup>2</sup></p>
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.

<sup>1</sup> Districts with APPR plans approved pursuant to Education Law §3012-d by the Commissioner on or before March 1, 2016 must submit documentation to the Department by September 1, 2016 that they have implemented such plans during the 2015-16 school year in order to be eligible to receive an increase in State aid.

<sup>2</sup> Districts with APPR plans approved pursuant to Education Law §3012-d by the Commissioner after March 1, 2016 must implement their previously approved APPR plans consistent with Education Law §3012-c. Accordingly, they must submit documentation to the Department by September 1, 2016 that they have implemented their previously approved APPR plans during the 2015-16 school year in order to be eligible to receive an increase in State aid. Further, these districts must have an APPR plan approved pursuant to Education Law §3012-d by the Commissioner by September 1, 2016 for the 2016-17 school year in order to be eligible for an increase in State aid.



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.

### **Reporting Requirements Related to Education Law §3012-c**

All public school districts and BOCES are required to submit 2014-15 school year data to SIRS that include staff evaluation ratings used for APPR. Please share this information with personnel in your organization who have responsibility for data collection and reporting.

The Board of Regents approved the use of an enhanced growth model as the State-provided growth subcomponent of APPR for the 2012-13 and 2013-14 school years (see <http://www.regents.nysed.gov/common/regents/files/613p12hea1%5B1%5D.pdf>). The Board of Regents then voted to continue with the use of the enhanced growth model for the 2014-15 school year (see [http://www.regents.nysed.gov/common/regents/files/714brca4\\_0.pdf](http://www.regents.nysed.gov/common/regents/files/714brca4_0.pdf)). As a result of this decision, for the 2012-13, 2013-14, and 2014-15 school years, the State Growth or Other Comparable Measures subcomponent of APPR counts for 20 points for all educators.

The table below summarizes the data elements that are required to be submitted via the Staff Evaluation Rating Template for the 2014-15 school year, exported from your local data systems for each teacher and principal.



Evaluation Category	Description
<b>Overall Evaluation Rating Category</b>	<p>Report using the following codes: OC04 = highly effective, OC03 = effective, OC02 = developing, OC01 = ineffective.</p> <p>Code reported here must match the Total Composite Effectiveness Score reported.</p>
<b>Total Composite Effectiveness Score</b>	<p>Reported as a whole number from 0-100, using the following codes: OC04 = value from 91-100, OC03 = value from 75-90, OC02 = value from 65-74, OC01 = value from 0-64.</p> <p>Score reported here must match code reported for Overall Evaluation Rating Category.</p>
<b>Subcomponent Scores</b>	<ul style="list-style-type: none"> <li>• <u>State Growth or Other Comparable Measures subcomponent score</u> <ul style="list-style-type: none"> <li>○ Reported as a whole number from 0-20, using code STATE20.</li> </ul> </li> <li>• <u>Locally Selected Measures subcomponent</u> <ul style="list-style-type: none"> <li>○ Reported as a whole number from 0-20, using code LOCAL20.</li> </ul> </li> <li>• <u>Other Measures subcomponent</u> <ul style="list-style-type: none"> <li>○ Reported as a whole number from 0-60, using the following codes OTHER01 = ineffective, OTHER02 = developing, OTHER03 = effective, OTHER04 = highly effective.</li> </ul> </li> </ul> <p>Please see M32 of APPR Guidance for further information on the use of whole numbers in APPR plans approved pursuant to Education Law §3012-c: <a href="https://www.engageny.org/resource/guidance-on-new-york-s-annual-professional-performance-review-law-and-regulations">https://www.engageny.org/resource/guidance-on-new-york-s-annual-professional-performance-review-law-and-regulations</a></p>

**Additional Questions and Information**

If you have any questions about these technical data reporting requirements, please contact your RIC or Big 5 City School District data center or the Office of Information and Reporting Services at (518) 474-7965 or via email at [dataquest@nysed.gov](mailto:dataquest@nysed.gov).

If you have any questions or require technical assistance with your APPR plan, please contact [educatoreval@nysed.gov](mailto:educatoreval@nysed.gov). Please also see the APPR Guidance document for further information on evaluation ratings resulting from APPR plans approved pursuant to Education Law §3012-c: <http://www.engageny.org/resource/guidance-on-new-york-s-annual-professional-performance-review-law-and-regulations>. Questions related to the Hardship Waiver should be directed to [hardship@nysed.gov](mailto:hardship@nysed.gov).

The APPR resources found on EngageNY will continue to be updated throughout the summer. Resources related to Education Law §3012-c can now be found here: <https://www.engageny.org/resource/appr-3012-c>; and those resources related to Education Law §3012-d can be found here: <https://www.engageny.org/resource/appr-3012-d>.