



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

TO: The Honorable the Members of the Board of Regents

FROM: Jhone M. Ebert 

SUBJECT: Proposed Amendments to Section 30-3.17 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews (APPR)

DATE: November 29, 2018

AUTHORIZATION(S): 

SUMMARY

Issue for Discussion

Should the Board of Regents adopt proposed amendments to section 30-3.17 of the Rules of the Board of Regents relating to Annual Professional Performance Reviews (APPR) for teachers and principals in New York State?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendments are submitted to the full Board for discussion at its December 2018 meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Proposed Rulemaking will be published in the State Register on December 26, 2018. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

In September 2015, Governor Andrew Cuomo formed the Common Core Task Force to undertake a comprehensive review of the current status and use of the Common Core State Standards and assessments in New York and to recommend potential reforms to the system.

On December 10, 2015, the Task Force released their report, affirming that New York must have rigorous, high quality education standards to improve the education of all of our students and hold our schools and districts accountable for students' success but recommended that the Common Core standards be thoroughly reviewed and revised consistent as reflected in the report and that the State assessments be amended to reflect such revisions. In addition, the Task Force recommended that until the new system is fully phased in, the results from the grades 3-8 English language arts and mathematics State assessments and the use of any State-provided growth model based on these tests or other State assessments shall not have consequence for teachers or students. Specifically, Recommendation 21 from the Task Force's Final Report ("Report") provides as follows:

"...until the transition to a new system is complete, i.e. New York State-specific standards are fully developed along with corresponding curriculum and tests, State administered standardized ELA and Mathematics assessments for grades three through eight aligned to the Common Core or updated standards shall not have consequences for individual students or teachers. Further, any growth model based on these Common Core tests or other state assessments shall not have consequences and shall only be used on an advisory basis for teachers."

In an effort to implement the Task Force's recommendation, two new sections, 30-2.14¹ and 30-3.17, of the Rules of the Board of Regents were added in December of 2015 to provide for a four-year transition period for annual professional performance reviews (APPRs). During the transition period, the Commissioner will determine transition scores and ratings that will replace the original scores and HEDI ratings computed under the existing provisions of Subpart 30-2 and 30-3 of the Regents Rules for evaluation of teachers and principals whose APPRs are based, in whole or in part, on State assessments in grades 3-8 ELA and mathematics assessments and/or State-provided growth scores. Under the current regulations, the transition period will end with the 2018-2019 school year.

Pursuant to Section 30-3.17 of the Rules of the Board of Regents, transition scores and ratings for the student performance category and the overall transition rating are determined using the scores/ratings in the subcomponents of the student performance

¹ Section 30-2.14 of the Rules of the Board of Regents is applicable to APPRs conducted pursuant to Education Law §3012-c. Since the 2016-17 school year, all school districts have implemented APPR plans pursuant to Education Law §3012-d. Therefore, the proposed amendments relate only to Section 30-3.17 of the Rules of the Board of Regents.

category that are not based on the grade 3-8 ELA or mathematics State assessments and/or a State-provided growth score.

- State provided growth scores will continue to be computed for advisory purposes only and overall HEDI ratings will continue to be provided to teachers and principals based on such growth scores. However, during the transition period, only the transition score and rating will be used for purposes of Education Law §3012-d and Subparts 30-3, and for purposes of employment decisions, including tenure determinations and for purposes of proceedings under Education Law §§3020-a and 3020-b and teacher and principal improvement plans.
- However, for purposes of public reporting of aggregate data, the original composite score and rating and the transition composite score and rating must be reported with an explanation of such transition composite score and rating.

Although the Department has undertaken a number of actions over the past three years to revise the State's ELA and math Learning Standards and assessment system, that work is not yet complete and the Department has not yet completed its review of the current evaluation system.

Proposed Amendments

The proposed amendments to Section 30-3.17 of the Rules of the Board of Regents would keep the APPR Transition Period for APPRs completed pursuant to Education Law §3012-d in place for an additional school year (i.e., through the 2019-20 school year). This additional year is necessary in order for the Department to fully implement the Task Force's recommendations while the Department works with stakeholders to develop recommendations to revise the current evaluation system in order to create an evaluation system that better supports teaching and learning.

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/1215p12a5.pdf>

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the Board of Regents will adopt the proposed amendment at its April 2019 meeting. If adopted at the April 2019 meeting, the proposed amendments will become effective on April 24, 2019.

Attachment A

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 101, 207, 215, 305, 3009, and section 3012-d of the Education Law.

1. Section 30-3.17 of the Rules of the Board of Regents shall be amended to read as follows:

§30-3.17. Annual Professional Performance Review Ratings for the 2015-2016 through the [2018-2019] 2019-2020 school years for Annual Professional Performance Reviews Conducted Pursuant to Education Law §3012-d and this Subpart, During a Transition to Higher Learning Standards.

(a) ...

(b) Notwithstanding any other provision of this Subpart to the contrary, the Commissioner shall establish procedures in guidance for determining transition scores and ratings for teachers and principals whose annual professional performance reviews conducted pursuant to Education Law §3012-d and this Subpart for the 2015-2016 through the [2018-2019] 2019-2020 school years are based, in whole or in part, on State assessments and/or State-provided growth scores on Regents examinations, while the State completes the transition to higher learning standards through new State assessments aligned to higher learning standards, and a revised State-provided growth model.

(1) ...

(2) ...

(3) ..

(i) ...

(ii) ...

(b) ...

(c) ...

