



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: Ken Slentz

John D'Agati

SUBJECT: Adoption of the Proposed Amendments Relating to the Definitions of Teacher or Principal Growth Percentile Score and Value-Added Growth Score

DATE: September 9, 2013

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend sections 30-2.2 of the Rules of the Board of Regents relating to the definitions of teacher or principal student growth percentile score and value-added growth score?

Reason(s) for Consideration

Review of policy and required by State statute.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as an emergency measure and as a permanent rule to amend the definitions of teacher or principal student growth percentile score and value-added growth score to allow the Commissioner to add factors to the current definitions, subject to the approval of the Board of Regents. A copy of the proposed amendment is included as Attachment A and a Statement of the Facts and Circumstances Justifying the Emergency Action is

included as Attachment B. Supporting materials on the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background: State-Provided Growth Measures for the 2011-2012 School Year

Education Law §3012-c requires each classroom teacher and building principal to receive an Annual Professional Performance Review (APPR) resulting in a single composite effectiveness score and a rating of “highly effective,” “effective,” “developing,” or “ineffective.” The composite score is determined as follows:

- 20% is based on student growth on State assessments or other comparable measures of student growth (increased to 25% upon Board of Regents approval of a value-added growth model);
- 20% is based on locally-selected measures of student achievement that are determined to be rigorous and comparable across classrooms as defined by the Commissioner (decreased to 15% upon Board of Regents approval of a value-added growth model);
- The remaining 60% is based on other measures of teacher/principal effectiveness

This action item only refers to State-provided growth scores on State assessments and not student learning objectives used for the State growth or other comparable measures subcomponent.

Consistent with Education Law §3012-c, the Department first calculated and provided growth scores to teachers in grades 4-8 ELA and Math and their building principals in the 2011-2012 school year. Pursuant to the Commissioner’s regulations, the Department used a statistical model to calculate a “student growth percentile” (SGP) score based on State assessment results for each student, comparing their performance between two points in time on the State assessment to the performance of students across the State with similar test score history (up to three prior years).

The Department then calculated the teacher’s or principal’s student growth percentile score which is defined in the Rules of the Board of Regents as “a measure of central tendency of the student growth percentile scores for a teacher’s or principal’s students after one or more of the following student characteristics are taken into consideration: poverty, students with disabilities and English language learners.” The measure of central tendency used by the State to calculate these scores is the mean growth percentile (MGP) - the average of the SGPs attributed to the educator. For a teacher, the MGP is the average of the SGPs of all students assigned to the teacher; for a principal, the MGP is the average of the SGPs of the students enrolled in the school, taking into consideration English language learners (ELL), students with disabilities (SWD) and poverty status.

At its June meeting, after much deliberation and discussion, the Board of Regents decided not to adopt a value-added model (VAM) for the 2012-13 school year for teachers and principals in grades 4-8 ELA, Math, and/or principals of schools with grades 9-12 for the 2012-2013 school year. Instead, the Department adopted the use of an “enhanced growth model” for the 2012-2013 and 2013-2014 school years and a value-added model for the 2014-2015 school year.

The proposed amendment clarifies the definitions of teacher or principal student growth percentile score and value-added growth score to allow the Commissioner to add factors to the current definitions, subject to the approval of the Board of Regents.

Recommendation

VOTED: That the Board of Regents amend section 30-2.2 of the Rules of the Board of Regents as submitted, effective September 23, 2013, as an emergency measure to preserve the public welfare to ensure that school districts and BOCES are notified immediately of the changes to the definitions of teacher and principal student growth percentile score and value added growth score and to ensure that the emergency rule remains continuously in effect until it can be adopted as a permanent rule; and further

VOTED: That the Board of Regents amend section 30-2.2 of the Rules of the Board of Regents as submitted, effective October 2, 2013.

Timetable for Implementation

If adopted at the September Regents meeting, the proposed amendment will be adopted as an emergency rule, effective September 23, 2013 and as a permanent rule on October 2, 2013.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 101, 207, 215, 305, 3012-c of the Education Law.

1. Subdivision (r) of section 30-2.2 of the Rules of the Board of Regents shall be amended, effective September 23, 2013, to read as follows:

(r) Teacher or principal student growth percentile score shall mean a measure of central tendency of the student growth percentile scores for a teacher's or principal's students after one or more of the following student characteristics are taken into consideration: poverty, students with disabilities and English language learners.

Additional factors related to poverty, students with disabilities and English language learners may be added by the Commissioner, subject to approval by the Board of Regents.

2. Subdivision (v) of section 30-2.2 of the Rules of the Board of Regents shall be amended, effective September 23, 2013, to read as follows:

(v) Value-added growth score shall mean the result of a statistical model that incorporates a student's academic history and may use other student demographics and characteristics, school characteristics and/or teacher characteristics determined by the Commissioner to isolate statistically the effect on student growth from those characteristics that are generally not in the teacher's or principal's control. Any other student demographics or characteristics, other classroom or school characteristics and/or teacher characteristics to be used in the value-added growth score, other than those used in the teacher or principal student growth percentile score, shall be determined by the Commissioner, subject to approval by the Board of Regents. The

characteristics included may be different for teachers and principals, based on empirical evidence and policy determinations.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

The proposed amendment to the Rules of the Board of Regents is necessary to implement Education Law §3012-c to implement a growth model for the 2012-2013 and 2013-2014 school years and a value-added model for the 2014-2015 school year and thereafter.

The proposed amendments were adopted as an emergency measure at the June 2013 meeting of the Board of Regents. Because the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for adoption on a non-emergency basis, after expiration of the 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), is the September 2013 Regents meeting. Furthermore, pursuant to SAPA, the earliest effective date of the proposed amendment, if adopted at the September meeting, would be October 2, 2013.

Emergency action is necessary at the June 2013 Regents meeting for the preservation of the general welfare in order to ensure that districts are notified of any additional factors using ELL, SWD and poverty status, that will be used in the enhanced growth model for APPRs conducted in the 2012-2013 school year.