New York State
EDUCATION DEPARTMENT
Knowledge › Skill › Opportunity

Annual Professional Performance Review (APPR) Update

May 7, 2018

Timeline

New York State's Evaluation System

2010:

- Governor signs Chapter 103 of the Laws of 2010; adding §3012-c, which establishes a comprehensive evaluation system for teachers and principals, effective July 1, 2010.
- USDE announces that New York is selected for a RTTT award of approximately $700M.

2011-12:

- First year of State-provided growth score results for all 4-8 ELA and math teachers and their building principals.
- Evaluations for teachers and principals are conducted in some NYS districts (e.g., School Improvement Grant and Teacher Incentive Fund recipients).
- Evaluation Law is revised. Governor signs the bill into law on March 27, 2012 (Chapter 21 of the Laws of 2012). Board of Regents adopts emergency regulations to conform to the major 2012 legislative changes.

2012-13:

- All NYS districts must have an approved APPR plan by January 17, 2013 or risk loss of state aid increases.
- Evaluations for teachers and principals are done in all districts except for NYC. NYC is required by law to have a State-imposed evaluation plan.
- Legislature further amends the Evaluation Law (Part A of Chapter 57 of the Laws of 2013).

2013-14:

- Second year of evaluations for all districts in NYS, except NYC. First year for NYC.
- Legislature further amends the Evaluation Law (Chapter 56 of the Laws of 2014).
- NYC's state-imposed plan yields greater differentiation than other districts.

Timeline

New York State's Evaluation System (cont.)

2014-15:

- At its September meeting, the Board of Regents establishes a process for teachers to appeal State-provided growth scores in certain, limited circumstances.
- Governor signs Chapter 56 of the Laws of 2015, establishing a revised evaluation system for teachers and principals (Education Law §3012-d).
- All districts are required to have an approved APPR plan under the new statute by November 15, 2015 or to have an approved Hardship Waiver.

2015-16:

- 18% (n=122) of districts have approved plans under Education Law §3012-d; 82% (n=567) remain under Education Law §3012-c with an approved Hardship Waiver.
- All districts must have an approved APPR plan under Education Law §3012-d by December 31, 2016.
- At its December meeting, the Board of Regents adopts a transition period, through 2018-19, during which time the results of the grades 3-8 ELA/math State assessments and any State-provided growth scores are to be used for advisory purposes only. Separate transition evaluations that exclude these measures will be provided to affected educators.

2016-17:

- First full year of implementation of Education Law §3012-d.

Background – Proposed Bill

- On April 26, 2018, the NYS Assembly introduced a bill, A.10475, that would amend Education Law §3012-d, which governs teacher and principal evaluation.
- On April 27, 2018, the NYS Senate introduced a "same-as" bill, S.8301.
- On May 2, 2018, the Assembly passed A.10475.
- The bill has not yet been voted on in the Senate.

Implications of Proposed Bill

Required Student Performance Measures

1. **The use of state-created or administered tests is optional instead of mandatory.**
   - **This includes the grades 3-8 English language arts and mathematics state tests, grades 4 and 8 science State assessments, high school Regents examinations, NYSAA, and NYSESLAT.**
2. **The State Growth Model for teachers of grades 4-8, building principals covering those grade levels, and high school principals (all of grades 9-12) is eliminated.**
   - **All educators would now have Student Learning Objectives (SLOs), which are academic goals for an educator's students set at the start of a course.**

Implications of Proposed Bill

3. **The selection of assessments for student learning objectives (SLOs) would be subject to collective bargaining.**
   - **This is currently district-determined without collective bargaining.**
   - **Students must still take the State-created or administered assessments for federal accountability and/or graduation purposes.**
   - **Under the proposed bill, if a district collectively bargains the use of additional assessments that are not State-created or administered, then students in those school districts would be double tested.**
   - **The additional collectively bargained assessment(s) would be administered to complete educators' SLOs.**

Federal Testing Requirements

- **Under Section 1111(b)(2)(B) of the federal Every Student Succeeds Act (ESSA), States are required to test students:**
  - **Annually in English language arts and mathematics in grades 3 through 8.**
  - **At least once in English language arts and mathematics in grades 9 through 12.**
  - **Three times in science: at least once in grades 3-5, at least once in grades 6-9, and at least once in grades 10-12.**
- **These assessments are required to be administered to all public elementary and secondary school students in the State.**

Federal Testing Requirements

- **In order to fulfill the requirements of ESSA, assessments are administered in New York State as follows:**
  - **English language arts (ELA) and mathematics: annually in grades 3 through 8 and once at the high school level.**
  - **Science: once in grade 4, once in grade 8, and once at the high school level.**

State Graduation Requirements

- **For State graduation purposes, students are required to take 5 Regents examinations or at least 4 Regents examinations plus one additional Department-approved alternative (4+1 Pathways).**

Implications of Proposed Bill

4. **School districts would be allowed to continue to use the evaluation system they currently have in place during the term of any collective bargaining agreements (CBAs) that are in effect prior to the effective date of the amendment.**
   - **The Transition measures included in the approved APPR plan would continue to be used during the term of any existing collective bargaining agreements (CBAs) and until entry into a new agreement.**
   - **School districts would not risk the loss of a State aid increase so long as they negotiate and receive approval from the Commissioner of a new evaluation system consistent with the proposed requirements upon entry into a successor CBA.**

Implications of Proposed Bill

Optional Student Performance Measures

1. The current law provides optional student performance measures, the selection and use of which are collectively bargained. Those measures must be either:
   - A second State-provided growth score on a State-created or administered assessment; or
   - A growth score based on a State-approved supplemental assessment with a corresponding statistical growth model.
2. The proposed bill eliminates the requirement that the optional measure be determined using a statistical growth model.

Implications of Proposed Bill

Optional Student Performance Measures, cont.

3. **The optional measure would still be based on State-developed or approved assessments, but the measure would be locally determined, consistent with the Department's regulations, through collective bargaining.**

Scores and Ratings for Educators

4. **The requirement that an educator be rated Ineffective on his/her overall evaluation if an optional student performance measure is used and the student performance category rating is Ineffective has been eliminated.**

Implications of Proposed Bill

Teacher Observations/Principal School Visits

- **Remains the same.**

Overall Ratings Based on the Matrix

- **Remains the same.**

Teacher and Principal Improvement Plans

- **Remains the same.**

Use of APPR for Employment-Related Decisions

- **Remains the same.**

What are stakeholder groups saying?

New York State Council of School Superintendents (NYSCOSS)

- Neither supports nor opposes the bill.
- Concerned it could result in additional testing if districts forego the use of State assessments and add replacement measures.
- Concerned that the selection of assessments would be subject to collective bargaining rather than management prerogative.
- Believes that revisions to APPR should be made with “thoughtfulness and care”, and through an “inclusive and deliberative process which engages all stakeholders who are responsible for its success and affected by its application.”

What are stakeholder groups saying?

New York State School Boards Association (NYSSBA)

Requested the following amendments:

- "Districts should not be required to collectively bargain over which student assessments will be used for the student performance measure in APPR; this should be a school district decision."
- "More explicit language is needed to ensure that districts will not lose state aid while negotiating a successor APPR plan."
- "The State Education Department will review and certify that any rubrics it approves for use in the evaluation of teacher observations is aligned with all of the elements set out in New York's teaching standards, so as to ensure a meaningful statewide APPR system."
- "Districts should be allowed to differentiate the appropriate number and scope of observations conducted of tenured teachers as compared to probationary teachers so as to facilitate the ability of evaluators to conduct more meaningful evaluations."

What are stakeholder groups saying?

New York State United Teachers

- Supports the bill.
- Believes the legislation would allow school districts and their unions "to design their own fair and effective evaluations [*sic*] systems that help teachers grow professionally while meeting the unique needs of their own communities."
- Believe "lawmakers should remove the sunset clause…from having state test scores from being [*sic*] included on their permanent records."
- Believes this bill "will ensure that students and teachers are viewed and valued as more than a test score."

What is the Department's Role?

- **If the bill becomes law, the Department's regulations must be amended to conform to the new requirements.**
- **All assessments that are not State-developed must be approved by the Commissioner for use in APPR.**
  - **The Department already has an RFQ to approve assessments for APPR, but we are likely to see a substantial increase in applications.**
  - **Because these assessments are used for high stakes purposes, they are required to:**
    - Meet standards for validity and reliability under the Standards for Educational and Psychological Testing;
    - Measure student growth over the interval of instructional time; and
    - Be rigorous enough to produce differentiated student-level results.

What is the Department's Role?

- **If this bill becomes law, it would take effect immediately.**
  - **School districts must collectively bargain new APPR plans, and those plans must be approved by the Commissioner.**
  - **The Department must develop a new template for APPR plans, issue field guidance and other resources, and provide training to the field.**
  - **There are 689 school districts and 37 BOCES subject to APPR.**
  - **Unlike prior versions of the law, there is no specific date by which school districts must negotiate their new plans in order to maintain eligibility for State aid increases.**

Questions?