

# APPR Update Board of Regents June 15, 2015

*Text in red reflects changes to and/or clarifications  
of Department recommendations in response to  
field feedback following the May Board meeting.*

# Guiding Principles

These recommendations are guided by the following principles:

- We remain mindful that the evaluation law was adopted in 2010 and re-affirmed by state elected officials four additional times (in 2012, 2013, 2014, and 2015).
- The purpose of New York State's evaluation system is and should be to support teaching, learning, and talent management decisions.
- Technical parameters alone will not ensure that teachers receive meaningful feedback. This will require extensive **communication, transparency, capacity-building**, professional development, and a comprehensive approach to talent management by school districts.
- **Although emergency adoption will occur in June, changes can be made in September following the public comment period. The regulations can continue to be adjusted over time as additional best practices emerge.**

# Summary of Recommendations: Observations

- Technical parameters can support but cannot ensure meaningful feedback for teachers and principals. **Extensive communication, transparency, capacity-building**, and professional development are critical.
- Existing observation rubrics should remain in place.
- Observations should focus on specific observable professional behaviors, while ensuring that all observable teaching standards are assessed each year. Artifacts should be allowed to the extent they constitute evidence of an otherwise observable rubric subcomponent.
- Observation parameters (number, duration, etc.) should be established as differentiated minimum standards that allow for local best practices. “School Building” generally should be defined by BEDS code for the purpose of independent observers.
- Multiple observations (principal/supervisor, independent, peer) should be combined through a weighted average. Weights should reflect the role of the principal as the instructional leader of a school.
- **Ranges for the Observation HEDI scores should reflect significant evidence of performance aligned with the assigned rubric level.**

# Summary of Recommendations: Student Performance

- Growth can be represented through the use of the required student growth subcomponent and the optional student growth subcomponent.
- The Department should convene advisory groups to recommend enhancements for the next generation of assessments and growth models (performance-based assessment tasks, additional growth covariates, new high school growth metrics, multi-year growth models, possible adjustments to the normative method to determine HEDI ratings and/or development of criterion-referenced measures of growth).
- Until next generation growth models are available and adopted, existing methods to establish growth scores should be continued. SLO targets should reflect a year of expected student growth, which will vary by a student's academic preparedness and learning needs.
- Multiple growth measures (i.e., required and optional student growth subcomponents) should be combined through a weighted average. Weights should not incentivize additional **traditional standardized** tests for students.
- Multiple measures should be combined through a weighted average, with scoring ranges to create a Student Performance HEDI score **established to provide meaningful feedback to teachers and principals.**

# Summary of Recommendations: Other Areas

- Some aspects of the principal evaluation should be different than the teacher evaluation. Similar to teachers, independent observers could include anyone outside of the principal's building, defined by BEDS code. Although professional goal setting is now a prohibited element of principal evaluations, organizational goal setting could be used to the extent that it is evidence of an observable component of the practice rubric.
- With few exceptions, the provisions of 3012-c should be carried forward to 3012-d to limit the burden of new negotiations where local practices are successful. **If a district's system does not result in meaningful feedback for teachers and principals, the Department may impose a corrective action plan that may require changes to a collective bargaining agreement.**
- Waivers from the general prohibition against assigning a student to an Ineffective teacher for two consecutive years should be granted only if the district has an improvement and/or removal plan in place for the teacher in question, consistent with law and regulation.
- Short-term hardship waivers from the November 15 deadline should be accompanied by good faith attempts to collectively bargain and train for the new system.
- In response to field request, the Department should provide a model plan for optional field consideration once regulations have been adopted.

# Observation Category

**Recommended:** In response to field feedback, the Department lowered its recommended score ranges and instead recommends a range of permissible cut scores that reflect evidence of standards consistent with the four levels of the observation rubrics. The actual cut scores within the permissible ranges shall be determined locally.

	Permissible Statewide Range (actual cut scores determined locally)	
	<i>Min</i>	<i>Max</i>
H	3.5 to 3.75	4.0
E	2.5 to 2.75	3.49 to 3.74
D	1.5 to 1.75	2.49 to 2.74
I	1	1.49 to 1.74

**Note that no technical parameter will ensure that teachers receive meaningful feedback about their relative strengths and weaknesses. Meaningful feedback will occur only if quality training is provided that incorporates an understanding of the technical parameters.**

# Recommended: Subcomponent Weights for Observation Category

How it would work\*:

- **The role of the principal as instructional leader should be reflected through the following minimum standards –**
  - **The percentage for the principal/supervisor observation shall be established locally, but must be at least 80%;**
  - **The percentage for the independent observation shall be established locally, but must be at least 10%;**
  - **The percentage for the optional peer observation shall be established locally within these constraints.**

\*The alignment of these subcomponents among each other and with Student Performance category will be subject to audit and corrective action **that may require changes in a collective bargaining agreement.**

# **Recommended: HEDI Ratings for the Observation Category**

(necessary to be entered into the Evaluation Matrix)

## **How it would work:**

- Each observation **type** (principal/supervisor, independent, peer) would be completed using a 1-4 rubric, producing an overall score between 1-4.
- Observation **types** would be combined using a weighted average, producing an overall Observation category score between 1-4.
- This overall Observation category score would be converted into an HEDI rating and entered into the Evaluation Matrix to determine the overall evaluation rating.

## **Recommended:** Number, **Frequency**, and Duration of Observations

These minimum standards are intended to allow for local flexibility and best practices that far exceed these requirements. The prior law required two observations – at least one unannounced – with no minimum duration.

### **How it would work:**

- **The statewide minimum standard would be two observations (one principal/supervisor; one independent) with the frequency and duration determined locally.**
- **In addition to the above, short walkthrough observations are permissible.**
- **Observations may exceed these minimum standards and any additional observations may be included in the overall observation score, as determined locally.**
- **At least one observation must be unannounced.**

**Recommended:** Number, **Frequency**, and Duration of Observations  
(cont'd)

**How it would work (cont'd):**

- Independent observers must be trained and selected by the district.
- **All annual observations for a teacher must use the same rubric across all observer types (i.e., principal/supervisor, independent, and peer) for that teacher.**
- Independent observers may include other administrators, department chairs, or peers (e.g., teacher leaders on career ladders) so long as they are not from the same building (defined as same BEDS code) as the teacher being evaluated.
- Observations may occur live or by live or recorded video, **as determined locally.**

# **Recommended: Observation Rubrics**

## **How it would work:**

- **Districts can select a teacher practice rubric from a menu of state-approved practice rubrics. The currently approved list, under Education Law §3012-c, will remain in effect.**
- **The evaluator may select a limited number of observable rubric subcomponents for focus within a particular observation, so long as all observable Teaching Standards/Domains are addressed across the total number of annual observations.**
- **Under Education Law §3012-d(6), artifacts are a prohibited element of teacher evaluations. However, evidence documented during an observation cycle may be considered to the extent that it constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the observation cycle may constitute evidence of professional planning).**
- **Teaching Standards/Domains that are part of the rubric, but not observable during the classroom observation, may be observed during a pre-observation conference or post-observation review or other natural conversations between the teacher and the principal/supervisor and incorporated into the observation score. Regardless, points shall not be allocated based on artifacts submitted to or reviewed by the evaluator outside of the observation cycle.**

# Student Performance Category

# Recommended: Parameters for growth scores

How it would work:

- Maintain existing normative method to establish growth scores for the required and optional student growth subcomponents on existing State assessments and new State-designed supplemental assessments.
- Maintain in the growth model the full list of characteristics described in Section D1 of the APPR Guidance (e.g., prior academic history, English language learner status, disability status, poverty).
- Explore with stakeholders and technical experts future assessment and metrics options, new covariates for the growth model, new high school growth metrics, multi-year growth models, possible adjustments to normative method to determine HEDI ratings, and/or criterion-referenced measures of growth.
- Superintendents **or designees** continue to have sole discretion to **use pedagogical judgment and** determine SLO targets. These targets must reflect a year of expected student growth, which **can** vary by a student's academic preparedness (**i.e., prior achievement**) and learning needs (**i.e., economic disadvantage, disability, English language learner status**).
- SLOs may incorporate group measures, including school-wide measures. Linked group measures (group measures based only on a teacher's roster) are encouraged.

# **Recommended: Adjustments in Performance Measures for Student Characteristics and Small Numbers of Students**

## **How it would work:**

**All growth scores will control for prior student achievement and economic disadvantage, disability, and English language learner status.**

- **Growth models will do so through statistical controls for these variables.**
- **SLOs will do so through targets set based on one year of “expected growth,” which can continue to take these student characteristics into account.**

**If there are small numbers of students, student performance measures will be adjusted to ensure fairness:**

- **Backup SLOs will continue to be used in lieu of State-provided growth scores if there are fewer than 16 scores.**
- **Parameters will continue to be provided by the Department on how to set SLOs in classrooms with small “n” sizes.**

## **Recommended:** Optional Student Growth Subcomponent with No Additional Testing

### **Examples of how it could work:**

- **Computed by the State based on the percentage of students who achieve a State-determined level of growth on a State assessment (e.g., at least average for similar students). Such measures could incorporate multiple years of data.**
- **State calculated school-wide results based on the State-provided growth scores of all students in the school taking the grades 4-8 State ELA or math assessment.**
- **Locally-computed school-wide results based on all or a subset of State-provided growth scores.**

## **Recommended:** Optional Student Growth Subcomponent and/or Required State Growth SLOs with Locally-Selected Additional Testing

### **How it would work:**

- **In order to accommodate locally-selected additional testing, the Department will issue, with advice from stakeholders and experts in assessment and growth metrics, a Request for Qualifications (RFQ) for assessments certified to provide acceptable instructional and psychometric qualities and the ability to generate acceptable measures of growth consistent with the requirements of §3012-d:**
  - 1) As an optional locally-selected State-designed supplemental assessment to be used with a State-provided or approved growth model; and/or**
  - 2) As a measure of expected student growth to be used in the required student growth subcomponent for SLOs that do not use an existing State assessment.**

# Recommended: Detailed Scoring Ranges for Growth Scores

SLO targets will be determined locally based on a year of expected student growth, which can vary by a student's academic preparedness (e.g., prior achievement) and learning needs (e.g., economic disadvantage, disability, English language learner status).

The Department will issue guidance for SLO flexibility to address small group situations.

SLOs		Scoring Range	State-Provided Growth Scores	
Rating	Percent of Students Meeting Target		MGP Range	Rating
I	0-4%	0	3-23	I
I	5-8%	1	24	I
I	9-12%	2	25	I
I	13-16%	3	26	I
I	17-20%	4	27	I
I	21-24%	5	28	I
I	25-28%	6	29	I
I	29-33%	7	30	I
I	34-38%	8	31	I
I	39-43%	9	32	I
I	44-48%	10	33	I
I	49-54%	11	34	I
I	55-59%	12	35	I
D	60-66%	13	29-37	D
D	67-74%	14	38-40	D
E	75-79%	15	36-48	E
E	80-84%	16	49-55	E
E	85-89%	17	56-68	E
H	90-92%	18	67-68	H
H	93-96%	19	69-72	H
H	97-100%	20	73-94	H

\*MGP ranges are based on 13-14 school year results and may differ slightly in future years based on the distribution of teachers' MGPs.

## **Recommended:** Subcomponent Weights for Student Performance Category (necessary to be entered into the Evaluation Matrix)

### How it would work\*:

- If there is **no optional student growth subcomponent**:
  - Required student growth subcomponent (State-provided growth scores or SLOs) would be weighted **100%**.
- If there is an **optional student growth subcomponent**, the following weights are recommended to avoid the creation of an incentive for additional **traditional standardized tests while offering initial and measured incentives for “next generation” assessments**:
  - If the optional student growth subcomponent involves additional traditional standardized tests, the required student growth subcomponent would be weighted **at least 80%** and the optional student growth subcomponent would be weighted **no more than 20%**, as determined locally.
  - If the optional student growth subcomponent does not involve additional traditional standardized tests (e.g., includes no additional testing or includes only Department-approved performance-based tasks), the required student growth subcomponent would be weighted **at least 50%** and the optional student growth subcomponent would be weighted **no more than 50%**, as determined locally.

\*The alignment of these subcomponents among each other and with Observation category will be subject to audit and corrective action that may require changes to a collective bargaining agreement.

**Recommended:** Scoring Ranges for Student Performance Category  
(necessary to be entered into the Evaluation Matrix)

**How it would work:**

- **Each performance measure (Required Student Growth subcomponent and Optional Student Growth subcomponent) would result in a growth score between 0 and 20.**
- **Multiple measures would be combined using a weighted average, producing an overall Student Performance category score between 0 and 20.**
- **This overall student performance score would be converted into a HEDI rating and entered into the Evaluation Matrix to determine the overall evaluation rating.**

# Evaluation Matrix

The statute mandates the use of the “matrix” below to determine a teacher’s composite score based on the two categories of the evaluation (see §3012-d (5)(b)):

		Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D*	D*	I	I

\* If a teacher is rated Ineffective on the Student Performance category, and a State-designed supplemental assessment was included as an optional subcomponent of the Student Performance category, the teacher can be rated no higher than Ineffective overall (see §3012-d (5)(a) and (7)).

# **Recommended: Addressing Anomalous Results**

## **How it would work:**

**In instances where the Student Performance and Observation categories produce anomalous results, such as a teacher or principal who is rated Ineffective on the Student Performance category but rated Highly Effective on the Observation category:**

- 1. Appeals processes may be established locally.**
- 2. As part of its responsibilities to monitor and analyze trends in the evaluation results under 3012-c(9), the Department could take or require corrective action to address a pattern of anomalous results.**
- 3. The Board of Regents could request legislative changes that provide for independent validators to resolve anomalous results, similar to those required for NYCDOE under 3012-c (5-a), and/or allow flexibility in the use of the evaluation matrix when determining overall ratings.**

# Recommended: Principal Evaluation

How it would work:

Parameters for teacher evaluations would largely apply to principals as well:

- 1) **For principals, the Observation category is addressed through school visits consistent with approved rubrics.**
- 2) For the required student growth subcomponent, principals would continue to use State-provided growth scores where available. All other principals would use SLOs with the same options as for teachers.
- 3) For the optional student growth subcomponent, principals would have the same options as teachers, except that school-wide ELA and math measures would not be allowed.
- 4) Video will not be allowed for the **school visits** measures.
- 5) Similar to teachers, independent observers may include anyone outside of the principal's building, defined by BEDS code (superintendent, other principals, department chairs/directors).
- 6) Under Education Law §3012-d(6), professional goal-setting is now a prohibited element of principal evaluations. However, organizational goal-setting may be used to the extent that it is evidence of an observable component of the practice rubric.
- 7) Similar to teachers, districts can select a principal practice rubric from a menu of state-approved practice rubrics. The currently approved list, under Education Law §3012-c, will remain in effect.

# Recommended: Continuation of 3012-c

Provision of §3012-c	Area of the Law	Recommended for carryover to §3012-d?	Revisions
§3012-c(2)(d)	Evaluator training	Yes	1) Add language on training of independent and peer observers 2) Eliminate requirements to the extent they do not comply with 3012-d
§3012-c(2)(k)	Submission of plans	Yes	1) Eliminate 9/1 deadline for approval of plans 2) Add 3/1 deadline for submission of material changes 3) Eliminate references to 2012 school year 4) Eliminate references to annual or multi-year plans 5) Eliminate language requiring written list of deficiencies
§3012-c(2)(k-1)	Material changes to reduce assessments	Yes	No changes needed
§3012-c(2)(k-2)	Reduction of time spent on field tests	Yes	No changes needed
§3012-c(2)(l)	Triborough amendment	Yes	No changes needed

# Recommended: Continuation of 3012-c

Provision of §3012-c	Area of the Law	Recommended for carryover to §3012-d?	Revisions
3012-c(4)	TIPs/PIPs	Yes	<ol style="list-style-type: none"> <li>1) Provide for management discretion on developing and implementing TIPs/PIPs</li> <li>2) Require plans to be implemented by October 1</li> </ol>
3012-c(5)	Appeals	Yes	<ol style="list-style-type: none"> <li>1) Clean up to be consistent with §3012-d</li> </ol>
3012-c(5-a)	NYC appeals	Yes	<ol style="list-style-type: none"> <li>1) Clean up to be consistent with §3012-d</li> </ol>
3012-c(9)	Monitoring	Yes	<ol style="list-style-type: none"> <li>1) Preserve the Department's authority to monitor as intended by the statute. <b>Corrective action plans may require changes to a collective bargaining agreement.</b></li> <li>2) Clean up to be consistent with §3012-d</li> </ol>
3012-c(10)	FOIL/personal privacy of APPR data	Yes	<ol style="list-style-type: none"> <li>1) Clean up to be consistent with current practice and §3012-d</li> </ol>

# **Recommended: Waiver to Assign Students to an Ineffective Teacher for Two Consecutive Years**

## **How it would work:**

- **If a district wishes to assign a student to an Ineffective teacher in the same subject for two consecutive years, the district must request a waiver.**
- **Waivers may be assigned if the district cannot make alternate arrangements (e.g., too few teachers qualified to teach the subject).**
- **Since consecutive assignment to an Ineffective teacher has a demonstrated negative impact on a student, waivers will be granted only if a true hardship is demonstrated and the district has an improvement and/or removal plan in place for the teacher in question, consistent with law and regulation.**

## **Recommended: Hardship Waiver for November 15 Approval Deadline**

### **How it would work:**

- **To be considered for a waiver, as part of its submission, the district would need to submit evidence of its good-faith attempts to negotiate a new APPR plan consistent with 3012-d and train staff in the new required procedures prior to November 15 .**
- **If a waiver is not granted or district does not meet the deadline to apply, the district forfeits the increase in state aid for 2015-16 and must secure approval for an evaluation system aligned to 3012-d when a successor agreement is reached.**
- **The previously approved (2014-15) APPR plan remains in effect during any approved waiver period pursuant to 3012-d(12).**
- **If granted, waivers will be in effect for renewable two-month periods.**
- **If a district wishes to request an additional two-month waiver, evidence of additional good faith collective bargaining and appropriate training since the last waiver must be submitted two weeks prior to the expiration of the current waiver.**
- **APPR plans approved prior to March 1, 2016 will apply to the 2015-16 school year. Plans approved after March 1, 2016 will apply to the 2016-17 school year.**
- **The final deadline for plan approval to secure 2015-16 state aid increases is September 1, 2016.**

# Appendix

# Student Learning Objectives (SLOs)

# Current: Scoring Ranges for Small n Student Learning Objectives 20 points

Comes from NYSED Guidance on Setting SLOs with small “n” sizes:

<https://www.engageny.org/resource/alternative-target-setting-models-within-student-learning-objectives-slos>

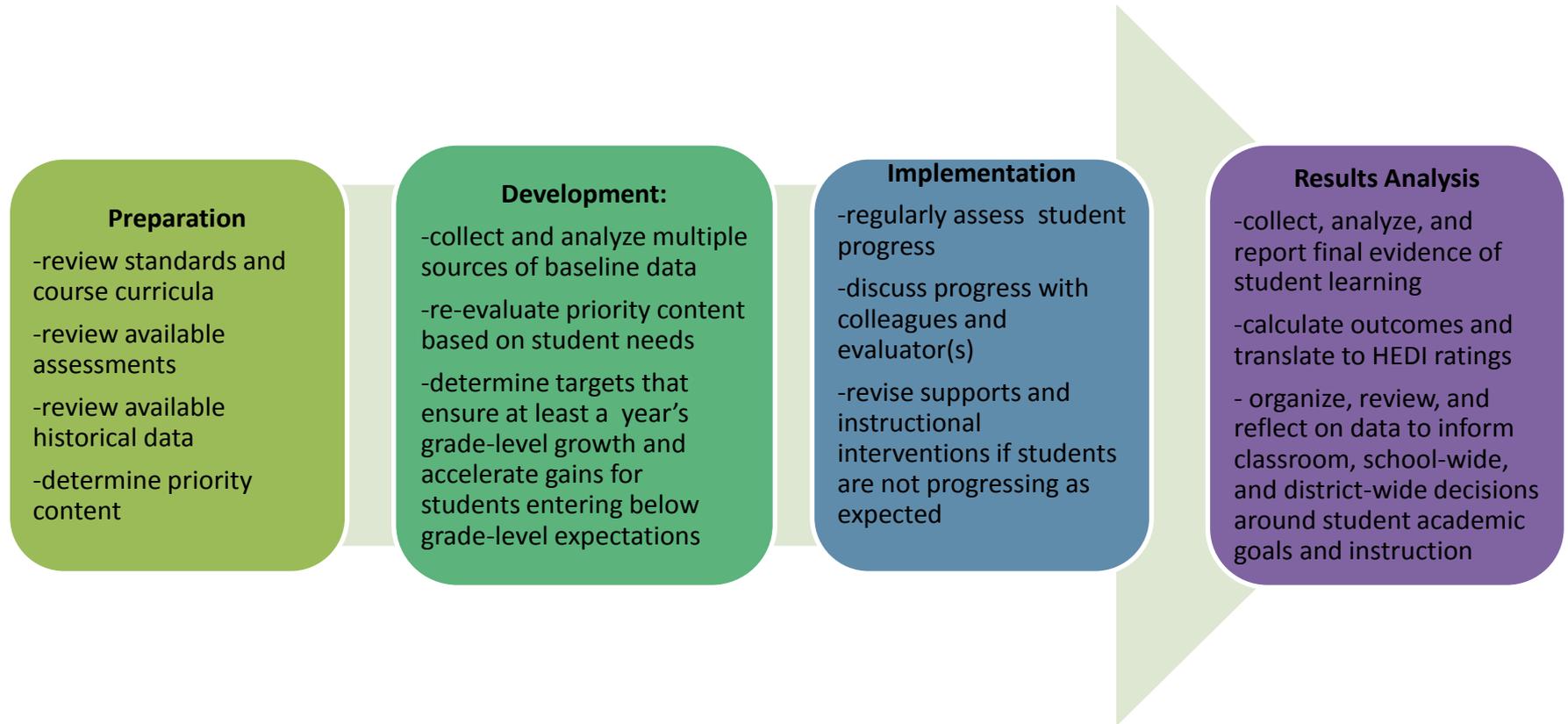
- Points, from 0-3, are assigned based on each student’s movement from a baseline performance level from 1-4 to a summative performance level from 1-4 aligned with the qualitative descriptions.
- Points are then averaged for all students on a teacher’s course roster.

**Level 1= performance is well-below average/expectations**  
**Level 2= performance is below average/approaching expectations**  
**Level 3= performance is average/meeting expectations (also aligned with concept of proficiency)**  
**Level 4= performance is well-above average/ exceeding expectations (also aligned with concept of mastery)**

Rating	Highly Effective	Effective	Developing	Ineffective
Average Points	2.7 – 3.0	2.3 – 2.6	1.9 – 2.2	0-1.8

HIGHLY EFFECTIVE			EFFECTIVE			DEVELOPING		INEFFECTIVE												
20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
3.0	2.9	2.7-2.8	2.6	2.5	2.3-2.4	2.1-2.2	1.9-2.0	1.68-1.8	1.54-1.67	1.40-1.53	1.26-1.39	1.12-1.25	.98-1.11	.84-.97	.70-.83	.56-.69	.42-.55	.28-.41	.14-.27	0-13

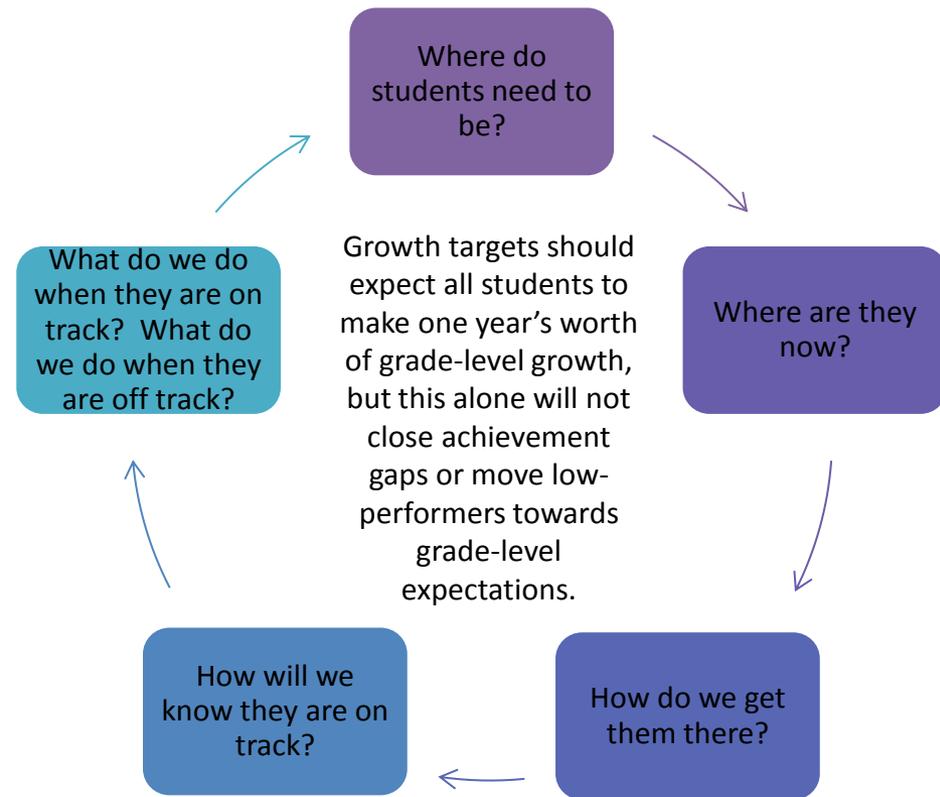
**Improving student learning is at the center of all our work. Setting long-term goals, as seen in Student Learning Objectives, allows educators to be strategic as they plan backwards from a vision of student success.**



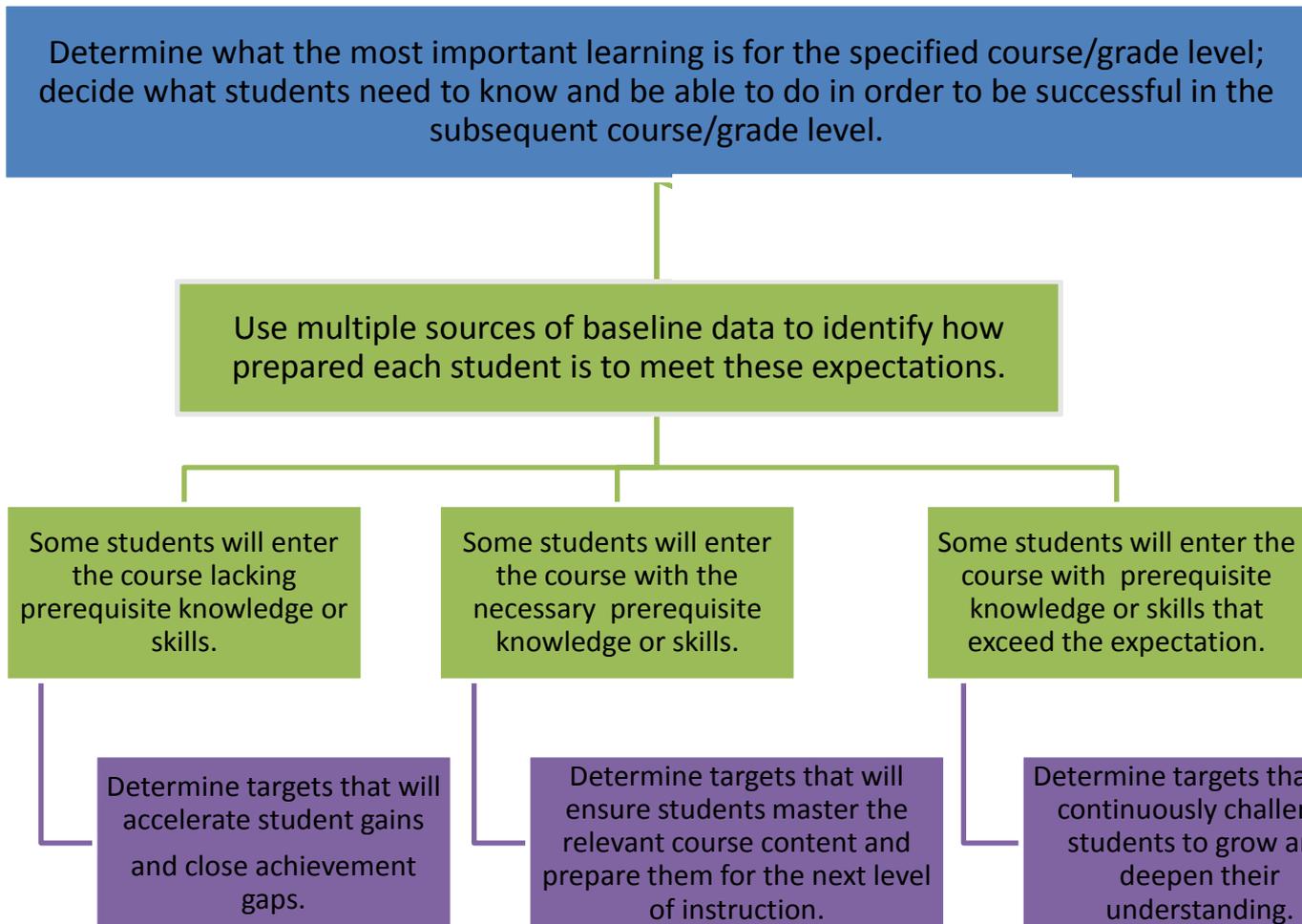
When done thoughtfully, the SLO process can lead to higher quality discussions focused on student growth and learning, clearer indications of when and how to adjust instruction to meet student needs, and more strategic planning of professional development offerings.

## Educators must set a minimum growth target of one year's grade-level growth, except for those students with IEPs, wherein the district may need to specify an alternative growth target.

- Educators should look to standards and course curricula to determine what knowledge and skills students are expected to gain over the interval of instruction
- The minimum rigor target for all students should reflect proficiency of the relevant course or grade-level standards, or in other words, “one year's grade-level growth”
- Students begin a course with varying levels of preparedness so educators must determine what a year's worth of grade-level growth will look like for students who enter significantly below or significantly above grade-level expectations



**It is expected that all students should be making at least one year's expected grade-level growth, however, targets may be differentiated based on students' level of preparedness.**



*Students who begin the course significantly below grade level expectations will need to make more than a year's worth of grade level growth, in order to "catch up" to their peers. Targets should be set that encourage accelerated gains and close achievement gaps.*