

Summary of Regulations: New York State Teacher and Principal Evaluation Under Education Law §3012-d, as Amended by the Laws of 2019<sup>1</sup>

TEACHERS: Student Performance Category

REQUIRED  
Growth Using Student  
Learning Objectives  
(SLOs)

For the required subcomponent of the student performance category, all classroom teachers (*including those of courses associated with a State assessment or Regents exam*) shall have one or more SLOs based on the following options<sup>2</sup>:

Assessments

- State or Regents assessments
- State-approved assessments consisting of the following:
  - o State-approved third-party assessments
  - o State-approved district, regional, or BOCES-developed assessments

Measures

## TEACHERS: Observation Category

Requirements and options based on practice rubric: All observations for a teacher for the school year, and across observer types, must use the same State-approved rubric; provided that LEAs may locally determine whether to use different rubrics for teachers who teach different grades and/or subjects during the school year. At least one observation must be unannounced.

**REQUIRED**  
Observation by principal or other trained administrator

At least one observation by building principal or other trained administrator:

- Observations may occur live or by live or recorded video, as determined locally.
- LEAs may locally determine whether to use more than one observation by principal or other trained administrator.
- Nothing shall be construed to limit the discretion of management to conduct observations in addition to those required by this section for non-evaluative purposes.
- The frequency and duration of observations are locally determined.

PRINCIPALS: Student Performance Category

All Building Principals

## PRINCIPALS: School Visit Category

Principals' professional performance shall be evaluated based on a State-approved rubric using multiple sources of evidence collected and incorporated into the school visit protocol. Where appropriate, such evidence may be aligned to building or district goals; provided, however, that professional goal-

OPTIONAL  
School visit by trained  
peer principal

May include at least one school visit by trained peer principal:

- Trained peer principals must have received an overall rating of Effective or Highly Effective in the prior school year.
- Trained peer principals are trained and selected by the LEA
- School visits may not occur by live or recorded video.

Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all observable ISLLC 2008 standards<sup>7</sup>

|              |   |                    |              |
|--------------|---|--------------------|--------------|
| HEDI Ratings |   | Min                | Max          |
|              | H | 3.50 to 3.75       | 4.0          |
|              | E | 2.50 to 2.75       | 3.49 to 3.74 |
|              | D | 1.50 to 1.75       | 2.49 to 2.74 |
|              | I | 0.00 <sup>10</sup> | 1.49 to 1.74 |

*Overall Rating*

The overall rating for an educator shall be determined according to a methodology as follows:

|                     |                      | Observations/School Visits |               |                |                 |
|---------------------|----------------------|----------------------------|---------------|----------------|-----------------|
|                     |                      | 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               |

**What Is State Determined**

**What Is Locally-Established through Collective Bargaining**

Minimum growth targets for SLOs under the Required subcomponent of the Student Performance category representing at least one year of expected student growth and following State guidance.  
 Scoring ranges for the Required and Optional subcomponents of the Student Performance Category to determine an educator's rating

## Additional Notes

The process by which weights and scoring ranges are assigned to subcomponents and categories must be transparent and available to those being rated before the beginning of each school year.

LEAs and collective bargaining units, where one exists, must certify that the process for assigning ratings will use the scoring bands and weighting processes specified in the regulations.

Pursuant to Education Law §3012-d(6), the following elements may no longer be used in any evaluation subcomponent:

- Evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department;
- Use of an instrument for parent or student feedback;
- Use of professional goal-setting as evidence of teacher or principal effectiveness;
- Any district or regionally-developed assessment that has not been approved by the department; and
- Any growth or achievement target that does not meet the minimum standards as set forth in Commissioner's regulations.

The entire Annual Professional Performance Review shall be completed and provided to the teacher or the principal as soon as practicable but in no case later than September 1 of the school year next following the school year for which the teacher or principal's performance is measured.

The requirements of Education Law section 3012-d as enacted by Chapter 56 of the Laws of 2015 and Subpart 30-2 of the Rules of the Board of Regents shall continue to apply to APPRs conducted prior to the 2019-2020 school year or for any annual professional performance review conducted on or after the 2019-2020 school year pursuant to a collective bargaining agreement entered into on or before April 12, 2019 that remains in effect after April 12, 2019 until a successor agreement is reached. During the implementation of such plans, the transition scores and ratings described in the approved APPR plan will replace the original student performance measures based on the grades 3-8 ELA and math State tests and/or any State-provided growth scores.

Upon a teacher or a principal receiving an overall rating of Developing or Ineffective for a school year, an LEA shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal by October 1 in the school year following the school year for which such teacher's or principal's performance is being measured or as soon as practicable thereafter.

A variance from one or more of the requirements of the regulations and the LEA's approved APPR plan may be granted to an LEA that seeks to develop and implement new and innovative approaches to evaluation that meets the specific needs of the applicant.

- An LEA may only seek a variance from provisions of the regulations and their approved APPR plan that have been delegated to the commissioner under Education Law §3012-d.
- An LEA must collectively bargain the terms and conditions of the variance request where required pursuant to Article 14 of the Civil Service Law.
- Prior to or with the submission of a variance application, the LEA must submit and receive approval of an APPR plan that complies with all requirements of Education Law 3012-d as amended and the regulations provided, however, that an LEA may, subject to collective bargaining, notify the Department in its variance application that it intends to carry forward its currently approved APPR plan in lieu of submitting a new plan to the Department.