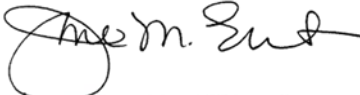






TO: Higher Education Committee
P-12 Education Committee

FROM: Jhone M. Ebert 
John L. D'Agati 

SUBJECT: Annual Professional Performance Review Updates

DATE: February 12, 2018

AUTHORIZATION(S): 

SUMMARY

Issue for Discussion

This item will provide the Board of Regents an update regarding the annual professional performance reviews (APPR) of teachers and principals since the Board of Regents adopted the APPR Transition Regulations in December of 2015.

Reason(s) for Consideration

For information and discussion.

Proposed Handling

This item will come before the Board of Regents for discussion at the February 2018 meeting of the Board of Regents.

Background Information

2010 Evaluation Law

On May 28, 2010, the Governor signed Chapter 103 of the Laws of 2010, which added a new Education Law §3012-c, establishing a comprehensive evaluation system for classroom teachers and building principals. The 2010 law required 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 implementation 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 implementation of value-added growth model);
- The remaining 60% is based on other measures of teacher/principal effectiveness consistent with standards prescribed by the Commissioner in regulation.

At its May 2011 meeting, the Board of Regents adopted emergency regulations to implement the new evaluation system established in the 2010 law.

2012 Evaluation Law

On March 27, 2012, the Governor signed Chapter 21 of the Laws of 2012, making significant changes to enhance the 2010 evaluation law, including requiring the submission of APPR plans to the Commissioner for approval. Subpart 30-2 of the Rules of the Board of Regents was amended in March 2012 to conform to the new law.

2013 Evaluation Law

In 2013, the Governor signed Chapter 57 of the Laws of 2013 to, among other things, require that all APPR plans continue in effect until a successor collective bargaining agreement (“CBA”) is reached and the plan is approved by the Commissioner. The evaluation law was also revised to provide the Commissioner with authority to impose an APPR plan on the New York City School District through arbitration.

2014 Evaluation Law

In 2014, the Legislature made additional changes to the evaluation law to expedite material changes to reduce testing, to prohibit the administration of traditional standardized assessments in grades kindergarten through second, and to limit the amount of instructional time spent on testing and test preparation.

2015 Evaluation Law

On April 13, 2015, the Governor signed Chapter 56 of the Laws of 2015 to add a new Education Law §3012-d, to establish a new evaluation system for classroom teachers and building principals.

The new law required the Commissioner to adopt regulations necessary to implement the evaluation system by June 30, 2015, after consulting with experts and practitioners in the fields of education, economics and psychometrics. It also required the Department to establish a process to accept public comments and recommendations regarding the adoption of regulations pursuant to the new law and consult in writing with the Secretary of the United States Department of Education on weights, measures and ranking of evaluation categories and subcomponents. It further required the release of the response from the Secretary upon receipt thereof, but in any event, prior to the publication of the regulations.

By letter dated April 28, 2015, the Department sought guidance from the Secretary of the United States Department of Education on the weights, measures and ranking of evaluation, as required under the new law.

In accordance with the requirements of the statute, the Department created an email box to accept comments on the new evaluation system (eval2015@nysed.gov). The Department received and reviewed nearly 4,000 responses and took those comments into consideration in formulating the regulations to implement Education Law §3012-d.

In addition, the Department held a Learning Summit on May 7, 2015, wherein the Board of Regents hosted a series of panels to provide recommendations to the Board on the new evaluation system. Such panels included experts in education, economics, and psychometrics and statewide stakeholder groups including but not limited to NYSUT, UFT, NYSSBA, NYSCOSS, and principal and parent organizations. The Department also met separately with individual stakeholder groups and experts in psychometrics to discuss their recommendations on the new evaluation system.

The Board of Regents took action at its June 2015 meeting to adopt regulations that reflected areas of consensus among the groups, and in areas where there were varying recommendations, that attempted to reconcile those differences to reflect best practices while also taking into consideration recommendations in the Testing Reduction Report regarding the reduction of unnecessary testing.

The new law required that all school districts and BOCES receive approval from the Department of their new evaluation systems on or before November 15, 2015. For school districts, this was required to maintain eligibility for an increase in State aid.

The Department, with consent of the Board of Regents, acted quickly to adopt a Hardship Waiver for school districts that could not meet this deadline, extending the timeframe for plan approval through October of 2016. The legislation was subsequently amended to move the approval deadline to December 31, 2016.

At its December 2015 meeting, the Board further revised Subparts 30-2 and 30-3 of the Rules of the Board of Regents, adding Sections 30-2.14 and 30-3.17 to the Rules of the Board of Regents, establishing an APPR Transition Period as the Department worked to revise its ELA and Mathematics Standards and State assessments. During this transition period, educators whose original evaluations were based in whole or in

part on the grades 3-8 ELA and Mathematics State Assessments and/or a State-provided growth score would receive both an original evaluation, including those measures and a transition evaluation, which instead uses the results of a locally-developed Student Learning Objective (SLO). The original evaluations are to be used for advisory purposes only and bear no employment-related consequences for APPRs completed during the 2015-16 through 2018-19 school years.

The Board of Regents further amended its regulations at its February 2016, May 2016, June 2016, and October 2016 meetings to provide additional flexibility in response to concerns raised by the field, including establishing hardship waivers related to the independent evaluator requirement and allowing for a different SLO model to be used in New York City.

Because of the actions taken by the Department and the Board of Regents to address the concerns raised by school districts and BOCES regarding the hardships imposed by the new evaluation law, all school districts were able to meet the December 31, 2016 approval deadline. The 2016-17 school year was the first school year where all school districts implemented new evaluations pursuant to Education Law §3012-d.

Department Activities Related to APPR Since December 2015

To implement the requirements of Education Law §3012-d, the Department has completed many actions, including, but not limited to:

- Approval of 568 Hardship Waivers that allowed districts to continue to implement their Education Law §3012-c APPR plans through December 31, 2016;
- Approval of 30 teacher and principal practice rubrics aligned to the NYS Teaching Standards and 2008 Interstate School Leaders Licensure Consortium (ISLLC) standards for use in completing evaluations under Education Law §3012-d;
- Approval of 1,654 assessments (locally developed and third-party assessments) for use with Student Learning Objectives (SLOs);
- Approval of 50 assessments and corresponding statistical growth models for use in the optional subcomponent of the Student Performance Category;
- Approval of 724 APPR plans (689 school districts and 35 BOCES);
- Approval of 171 material change submissions to approved Education Law §3012-d APPR plans; and
- Approval of 540 annual independent evaluator hardship waivers (293 for the 2016-17 school year and 247 for the 2017-18 school year)

At the same time as the Department has undertaken the above activities to ensure that all school districts and BOCES in New York State were able to implement Education Law §3012-d, we have also undertaken significant stakeholder engagement on APPR with groups, including, but not limited to: NYSUT, UFT, NYSCOSS, NYSSBA, SAANYS, NYSFSA, and NYSPTA. Department staff have also conducted several meetings with BOCES and their component districts from across the State, and other groups such as S/CDN and the Professional Standards and Practices Board (PSPB).

In April of 2016, the Board of Regents received an update on the ELA and Mathematics Standards, Curriculum, and Assessments and APPR. As part of that update, the Board was presented with a timeline that placed the review of the evaluation system after the preliminary work to revise our standards and assessments was completed. As that preliminary work has been completed, the Department will now turn to the review of APPR.

The Commissioner's APPR Survey

This survey was released to begin a collaborative conversation with teachers, school leaders, and district administrators about revising New York's current APPR system. On February 6, 2018, all public school teachers, as well as school and district leaders, received an invitation to complete a survey about current teacher and principal evaluation requirements and what an ideal system could look like. The invitation sent to district leaders is attached as Attachment A. The survey is available online at: <https://www.surveymonkey.com/r/CommissionersAPPRSurvey>.

The survey is designed to collect feedback from educators in four areas:

- The overall purpose and appropriate use of evaluation to support continuous improvement;
- School-based factors educators believe they have an influence on;
- The inclusion and relative weight of different types of evaluation measures; and
- The frequency and number of instances of each measure.

This survey is intended as a starting point for the Department to gather feedback directly from those stakeholders who are most directly impacted by the evaluation system including teachers, school leaders, and district administrators.

It will help the Department and stakeholders to understand the areas of the evaluation system that are working well and the areas of greatest concern and can help inform our work moving forward.

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/meetings/Apr%202015/415p12d10.pdf>

<http://www.regents.nysed.gov/common/regents/files/meetings/May%202015/APPR.pdf>

<http://www.regents.nysed.gov/common/regents/files/meetings/Jun%202015/615p12a5.pdf>

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

<http://www.regents.nysed.gov/common/regents/files/216p12a2.pdf>

<http://www.regents.nysed.gov/common/regents/files/516p12a1.pdf>

<http://www.regents.nysed.gov/common/regents/files/616p12a7.pdf>

<http://www.regents.nysed.gov/common/regents/files/1016p12a2.pdf>

Next Steps

The survey will close on March 7, 2018. At that time, we will analyze the results and determine whether additional questions must be posed to the field. Additionally, beginning in April 2018 and continuing through early 2019, the Department will be convening two APPR Workgroups – an Evaluation Workgroup and an Assessment Workgroup. The Department has issued an RFP for technical assistance providers to help us undertake this work. These workgroups will be charged with determining the questions that must be posed to the field regarding APPR and creating initial recommendations for revisions to APPR that will come to the Department and Board of Regents.

Invitations will be extended to practitioners from across the State as well as representatives from the Council of School Supervisors & Administrators, Empire State School Administrators Association (ESSAA), the New York State Council of School Superintendents (NYSCOSS), the New York State Federation of School Administrators (NYSFSA), the New York State Parent Teacher Association (NYSPTA), the New York State School Boards Association (NYSSBA), New York State United Teachers (NYSUT), the School Administrators Association of New York State (SAANYS), and the United Federation of Teachers (UFT). Additionally, national experts on topics related to educator evaluation will participate on the appropriate workgroups.

The results of the Commissioner's initial APPR survey will be provided to Workgroup members. Workgroups will meet regularly over a year's time to formulate additional questions that need to be probed with the field. The Department will organize focus groups, electronic surveys, and regional meetings to gather additional information. The Workgroups will then be asked to reflect on all of the field's feedback and develop initial recommendations that will require further feedback from the field. The Workgroups will assess the work that has been done and the development of the proposed recommendations.

Attachment A

Dear Colleagues,

As you are aware, in the 2015-16 school year, the Board of Regents and I placed a hold on the use of student performance measures based on the grades 3-8 ELA and math State assessments as part of teacher and principal evaluations which continues through the 2018-19 school year. This hold was intended to give us time to explore potential changes to the current evaluation system as we transition to new learning standards.

Direct feedback from educators is vital to creating an evaluation system that is responsive to educators' needs. Meaningful evaluations of teachers and principals can provide important insight to educators and school and district leaders and are a foundational element of ensuring that all students in New York State, regardless of demographics or zip code, have access to great teachers and school leaders.

This morning, your teachers and principals received the Commissioner's APPR Survey as a starting point for gathering their feedback. As leaders with a keen understanding of the profession and what works in your districts/BOCES, your feedback is equally as important. **I ask you to take this critical opportunity to provide us with your candid feedback** and be a part of developing an evaluation system that provides an accurate reflection of the work of your educators and, most importantly, informs their practice. Please click on the following link to complete the survey, which should take no more than 25 minutes to complete: [Commissioner's APPR Survey](#).

We are asking that you complete this survey and provide your feedback by March 7, 2018. Any questions that you may have can be directed to: educatoreval@nysed.gov.

Sincerely,

MaryEllen Elia
Commissioner