



Executive Director  
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To: District Superintendents of BOCES  
Superintendents of Public Schools

From: Alexander Trikalinos *AlexTrikalinos*

Date: June 4, 2019

Subject: Implementation of APPR Plans for the 2018-19 School Year and Thereafter

This memorandum provides information regarding:

1. Statutory changes to Annual Professional Performance Reviews (APPR) as a result of the enactment of Chapter 59 of the Laws of 2019; and
2. Closeout of APPRs for the 2018-19 school year.

### **Statutory Changes to APPR (Chapter 59 of the Laws of 2019)**

On April 12, 2019, Governor Andrew Cuomo signed Chapter 59 of the Laws of 2019, which amends Education Law §3012-d.

#### Status of Current APPR Plans and Next Steps

**Although the statutory changes take effect immediately, until your school district or BOCES receives approval from the Department of a new APPR plan consistent with the requirements of Education Law §3012-d as amended by Chapter 59 of the Laws of 2019, you must continue to implement your [currently approved APPR plan](#)<sup>1</sup>.**

Over the coming months, the Department will work with stakeholders to develop regulations to implement the statutory changes in a manner that best supports teaching and learning. Upon approval by the Board of Regents of regulations to implement the changes to the evaluation system, the Department will develop tools and resources to support the field in creating and implementing these new systems consistent with statutory and regulatory requirements and best practices.

Once regulations are approved, the Department will develop and make available through the [NYSED Business Portal](#) the template for submission of new APPR plans. School districts and BOCES will receive notifications and periodic updates on this process from the Department.

Pursuant to the new Education Law §3012-d(16), the amendments shall not be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on April 12, 2019; provided, however, that the transition measures included in the approved APPR plan will continue to be used in determining scores and ratings instead of the grades three through eight

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<sup>1</sup> During this time, school districts and BOCES must continue to implement all the measures in their approved APPR plans, including any SLOs based on teacher and course-specific results; principal and building-specific results; school- or program-wide group, team, or linked results; or district- or BOCES-wide results.

ELA and math State tests during the term of any existing CBAs and until entry into a new agreement.

For additional information regarding the statutory amendments, please see the [May Board of Regents Item](#).

### **Closeout of 2018-19 School Year APPR**

Although the statutory changes take effect immediately, the law requires that school districts and BOCES continue to implement their currently approved APPR plans until such time as they receive approval of their new APPR plans from the Commissioner; provided, however, that the transition measures included in the approved APPR plan will continue to be used in determining scores and ratings instead of the grades three through eight ELA and math State tests during the terms of any existing CBAs and until entry into a new agreement<sup>2</sup>.

**Therefore, no changes are needed to implement your school district's or BOCES' currently approved APPR plan for the 2018-19 school year or any subsequent school year until such time as your school district or BOCES receives approval from the Commissioner of a new APPR plan consistent with the amended statutory and regulatory requirements.**

Additional guidance will be forthcoming regarding data collecting and reporting for the 2018-19 school year, as well as for completing the annual Implementation Certification form.

### **Questions**

Any questions regarding this memorandum or teacher and principal evaluation requirements for your school district or BOCES should be directed to the Office of Educator Quality and Professional Development via email ([EducatorEval@nysed.gov](mailto:EducatorEval@nysed.gov)) or phone (518-486-2573).

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<sup>2</sup> During this time, school districts and BOCES must continue to implement all the measures in their approved APPR plans, including any SLOs based on teacher and course-specific results; principal and building-specific results; school- or program-wide group, team, or linked results; or district- or BOCES-wide results.