

2020-2021
ANNUAL PROFESSIONAL PERFORMANCE REVIEWS (APPR)
Q&A
UPDATED JUNE 11, 2021

I. GENERAL APPR

IA. DOES AN LEA HAVE TO COMPLY WITH THE REQUIREMENTS OF EDUCATION LAW §3012-D FOR THE 2020-21 SCHOOL YEAR?

No. Pursuant to Chapter 112 of the Laws of 2021, for the 2020-21 school year, no LEAs shall be required to complete an annual teacher or principal evaluation for any classroom teacher or building principal due to concerns related to the ongoing response to the COVID-19 pandemic.

In effect, the law excuses LEAs from the requirement to complete a teacher's or principal's evaluation under Education Law §3012-d and Regents Rules 30-3 for the 2020-21 school year. The law also eliminates any state aid penalties for school districts that fail to implement any component of their approved APPR plans.

IB. CAN AN LEA STILL COMPLETE EVALUATIONS IF THEY WERE ABLE TO IMPLEMENT THEIR APPR PLAN FOR THIS SCHOOL YEAR?

Yes. The amendments to the law eliminate the requirement for LEAs to complete teacher and principal evaluations for the 2020-21 school year, but do not prohibit evaluations from being completed where an LEA is able to do so.

IC. WHAT IF AN LEA ALREADY HAS AN APPROVED VARIANCE FOR THIS SCHOOL YEAR?

If your LEA has a variance approved by the Department and such variance was able to be implemented during this school year, then you may, but are not required to, complete evaluations for the applicable teachers and principals using the measures described in that variance.

ID. IF AN LEA HAS A MULTIPLE-YEAR VARIANCE, CAN THEY STILL USE IT NEXT YEAR?

If your LEA's variance is not COVID-related and was approved for multiple years, you can still implement it next year. Some COVID-related variances were approved for multiple years on a conditional basis pending the status of the pandemic. Further guidance from our office will be forthcoming regarding whether multiple-year COVID-related variances may be implemented in the 2021-22 school year depending on the specific terms of such variances.

IE. IF AN LEA WOULD LIKE TO CHANGE THEIR APPR PLAN IN ORDER TO BEST ACCOMMODATE THEIR REMOTE LEARNING PLAN, DO THEY HAVE TO COMPLY WITH EDUCATION LAW §3012-D AS AMENDED BY THE LAWS OF 2019?

Pursuant to the statute, an LEA's currently approved APPR plan will remain in place until its current collective bargaining agreement expires and the LEA enters into a successor agreement.

Any APPR plan or material change approved after April 12, 2019 must be developed consistent with the requirements of Education Law §3012-d as amended.

IF. WHAT IS SUBJECT TO COLLECTIVE BARGAINING UNDER EDUCATION LAW §3012-D?

[Section J of the APPR Guidance document](#) describes the parts of the APPR plan that must be collectively bargained.

II. STUDENT PERFORMANCE CATEGORY

STUDENT LEARNING OBJECTIVES (SLOS)

IIA. HOW WILL LEAS SET TARGETS IF THERE WERE NO SUMMATIVE ASSESSMENTS GIVEN IN SPRING 2020 TO USE AS BASELINE DATA?

Baseline data is not limited to prior year test scores. The Department has always recommended that multiple sources of evidence be used to establish the most informative baseline. Those sources of evidence should include the best information educators have about a student’s level of preparedness at the start of a course/grade level to help inform accurate target setting. Often, this information will be a student’s past performance in similar courses/subject areas (not necessarily an end of year summative assessment) and/or information collected during the first marking period of the course.

IIB. WHAT WILL HAPPEN IF THE ASSESSMENTS INCLUDED IN MY LEA’S APPR PLAN ARE NOT ADMINISTERED IN THE 2020-21 SCHOOL YEAR? WILL LEAS BE REQUIRED TO HAVE BACK-UP SLOS?

For the 2020-21 school year, LEAs are not required to have back-up SLOs or otherwise modify the student performance measures in their approved APPR plans due to the non-administration of assessments. Chapter 112 of the Laws of 2021 eliminates the requirement for LEAs to complete evaluations. Therefore, if one or more components of your LEA’s approved APPR plan cannot be implemented, then the educators whose evaluations are supposed to be based on those measures would not have a completed APPR for this school year.

In the event that an LEA wishes to make COVID-related changes to the assessments and/or how student growth is measured in their currently approved APPR plan, they can apply for an APPR variance. Please contact us at APPRVariance@nysed.gov for further information on variance applications.

INPUT MODEL FOR PRINCIPALS

IIC. HOW DOES THE INPUT MODEL FOR PRINCIPALS DIFFER FROM A SCHOOL VISIT?

In an input model, effectiveness is measured by the actions educators take to improve student performance and to achieve set goals. In the case of the principal input model for the Required Student Performance category, principals are evaluated based on evidence of principal practice related to the Leadership Standards that impacts student growth whereas the principal school visit category of an evaluation involves all observable elements of principal practice related to the Leadership Standards, including and beyond those elements related to student growth.

The input model provides LEAs the opportunity to reimagine the Student Performance category for principals in such a way that centers the evaluative process around professional goal setting and attainment, recognizes and supports the varying roles, responsibilities, authority or autonomy principals have in their buildings, and can better align this component of a principal's evaluation with the existing strategic goals of an LEA.

However, an LEA may locally determine that they will use those areas specific of their principal practice rubric that are related specifically to student growth as evidence for their input model, through observable practice and/or through non-observable evidence that is collected at times other than during a school visit.

IID. IS THE INPUT MODEL JUST A COLLECTION OF ARTIFACTS THAT IS SCORED ON A RUBRIC?

Both quantitative and qualitative data can be used to demonstrate evidence of principal practice that promotes student growth. LEAs may locally determine that the most effective way to demonstrate evidence of principal practice is through the collection of artifacts/a portfolio, but they are not limited to this practice.

III. TEACHER OBSERVATIONS/PRINCIPAL SCHOOL VISITS CATEGORY

TEACHER OBSERVATIONS/PRINCIPAL SCHOOL VISITS

Please note that, as of June 7, 2021, LEAs are no longer required to complete evaluations for the 2020-21 school year; therefore, if your LEA was unable to complete observations or school visits for certain teachers and/or principals, you are no longer required to do so. Guidance below is for LEAs that have agreed to implement their currently approved APPR plan.

IIIA. HOW DOES THE DEPARTMENT RECOMMEND CONDUCTING VIRTUAL OBSERVATIONS/SCHOOL VISITS FOR THE PURPOSES OF APPR?

District administrators should collaboratively decide with principals and teachers how observations will be conducted virtually. Elements of the teacher and principal practice rubrics locally selected by the LEA should be reviewed to determine the priority areas as well as what types of authentic evidence of practice can and will be collected that can be used to provide feedback and support to educators. Please note that, as of June 7, 2021, LEAs are no longer required to complete evaluations for the 2020-21 school year; therefore, if your LEA was unable to complete observations or school visits for certain teachers and/or principals, you are no longer required to do so.

IIIB. IN LIGHT OF HEALTH AND SAFETY CONCERNS RELATED TO COVID-19, MY LEA DOES NOT WANT TO BRING INDEPENDENT EVALUATORS FROM OUTSIDE THE LEA INTO CLASSROOMS AND/OR BUILDINGS TO CONDUCT OBSERVATIONS AND/OR SCHOOL VISITS. HOW CAN WE ADDRESS THIS CONCERN?

If an LEA has health and safety concerns related to COVID-19 and independent evaluators, they may apply for a Rural or Single Building Waiver or an Undue Burden Waiver, depending on their specific needs. This waiver must be reapplied for annually. For more information, please see the [Independent Evaluator Hardship Waiver resource page](#).

IIIC. IS AN LEA REQUIRED TO MAKE A MATERIAL CHANGE TO THEIR PLAN IF THEY PLAN TO SUBSTITUTE VIRTUAL OBSERVATIONS IN THE PLACE OF IN-PERSON OBSERVATIONS FOR TEACHERS?

If an LEA has locally determined to utilize synchronous virtual observations in the place of in-person observations and is following the same protocol as outlined in their approved APPR plan, assuming there are no conflicting provisions of a collective bargaining agreement, then a material change is not required.

However, if an LEA has locally determined to substitute asynchronous recorded instruction in place of in-person observations, they may apply for an APPR variance to make this COVID-related, time-limited change to their plan.

IIID. CAN AN LEA REDUCE THE NUMBER, FREQUENCY, AND DURATION OF OBSERVATIONS?

Yes, LEAs may locally determine the number, frequency, and duration of observations. Depending on the circumstances of the request, an LEA may require a material change or a variance. Please see [Question IVB](#) for more information.

IIIE. CAN AREAS OF THE PRACTICE RUBRIC BE PRIORITIZED AND OTHER AREAS NOT ADDRESSED THAT WOULD NORMALLY BE EVALUATED WHEN CONDUCTING AN IN-PERSON OBSERVATION?

Yes, LEAs may locally determine that virtual observations conducted during remote instruction necessitate focus on elements of the practice rubric that differ from those observations conducted during in-person instruction, so long as the LEA designates the subcomponents of a rubric that they deem to be observable.

IIIF. IS CONDUCTING A VIRTUAL OBSERVATION SUBJECT TO COLLECTIVE BARGAINING?

Education Law §3012-d requires that the local procedures to implement the statutory and regulatory requirements of the Observation Category are subject to collective bargaining where required by Article 14 of the Civil Service Law. The Department recommends consulting with your local counsel about the specific circumstances of your LEA.

IIIG. DO EVALUATORS NEED TO BE TRAINED ON CONDUCTING VIRTUAL OBSERVATIONS?

All evaluators, including lead evaluators, impartial and independent observers, and peer observers, must have appropriate training before conducting a teacher or principal's evaluation, including virtual observations if an LEA has locally decided to include virtual observations as a part of their annual evaluation cycle for purposes of APPR.

In addition, annual calibration sessions are required across all evaluators and LEAs are required to have a process for periodically re-certifying lead evaluators. In order to be certified as lead evaluators, administrators must be trained on nine elements (see [APPR Guidance Question H2](#)) and impartial independent observers and peer observers must receive training on three elements (see [APPR Guidance Question H3](#)).

EVIDENCE FOR THE TEACHER OBSERVATIONS/PRINCIPAL SCHOOL VISITS CATEGORY

IIIIH. WILL REMOTE INSTRUCTION IMPACT THE USE OF ARTIFACTS FOR THE TEACHER OBSERVATIONS/PRINCIPAL SCHOOL VISITS CATEGORY?

Artifacts may be used to the extent that they constitute evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of a teacher observation may constitute evidence of professional planning and therefore be scored on the rubric as part of that classroom observation). As such, while LEAs are collaboratively deciding with their educators how observations will be conducted virtually, they should consider how artifacts can be used to supplement the direct observational evidence that is collected. Taken together, a fuller picture of an educator's practice may emerge in order to better tailor the actionable feedback provided to educators to support their improvement.

IV. APPR VARIANCE

IVA. HOW DOES AN LEA REQUEST AN APPR VARIANCE?

If an LEA would like to request an APPR variance, or has any questions about what is allowed under a variance and the variance process, they should send an email to APPRVariance@nysed.gov. A member of the APPR team will then reach out to discuss your variance plans.

IVB. HOW DOES AN LEA KNOW IF THEY NEED TO APPLY FOR AN APPR VARIANCE OR IF THEY SHOULD REQUEST A MATERIAL CHANGE FOR THEIR CURRENTLY APPROVED APPR PLAN?

A material change for an APPR plan is required when making any changes to an approved APPR plan that fall within the requirements of Education Law §3012-d and the Commissioner's regulations (e.g., a change in assessment for an SLO in the Student Performance category, a different approved rubric for the Teacher Observation/Principal School Visit category, etc.).

A variance is to be used for the provisions of the statute for which Education Law §3012-d delegates responsibility to the Commissioner to establish the standards and procedures (e.g., a measure of student growth for teachers in the Student Performance category that does not rely on the results of a summative assessment; domain level holistic scoring of an observation/school visit rubric; etc.) but which go beyond the parameters defined in the regulations while complying with the statutory requirements of Education Law §3012-d.

Given the current circumstances surrounding COVID-19, if an LEA wishes to make time-limited changes to their APPR plans to accommodate alternative evaluative modalities, they may apply for a variance.

Both a material change and a variance are subject to collective bargaining to the extent required by Article 14 of the Civil Service Law.

If an LEA is unsure if the proposed revision for their APPR plan necessitates a material change or a variance, they should reach out to their APPR Team contact in the Office of Educator Quality and Professional Development, or send an email to educatoreval@nysed.gov.

IVC. WHAT IS THE DEADLINE FOR SUBMITTING AN APPR VARIANCE? WHAT IS THE DEADLINE FOR SUBMITTING A MATERIAL CHANGE?

Variance applications must be approved by the Department by December 1 of a school year to be implemented in that school year. Absent a finding by the Commissioner of extraordinary circumstances, a variance application approved after December 1 of a school year will not be implemented until the following school year. The Department advises LEAs to submit variance applications as soon as possible to ensure that all stakeholders know, as early in the school year as possible, how they will be evaluated.

The deadline to submit material changes for a school year is March 1 of that year. Any changes submitted after March 1 and/or that are not approved by the end of the school year will not take effect until the subsequent school year absent a finding by the Commissioner of extraordinary circumstances.

IVD. IF AN LEA APPLIES FOR A VARIANCE FOR AN OBSERVATION PRACTICE TO BE USED WHILE CONDUCTING VIRTUAL INSTRUCTION DUE TO COVID-19, CAN THE VARIANCE BE PULLED BACK ONCE IN-PERSON INSTRUCTION RESUMES?

Yes, the variance application allows LEAs to indicate whether they want a variance only if they're implementing a certain kind of instructional model.

IVE. WHERE CAN I READ MORE ABOUT THE APPR VARIANCE PROCESS?

[Section I of the APPR Guidance document](#) is dedicated to APPR variances. When specific variance guidance is published, you will be able to find it on the Office of Educator Quality and Professional Development's [website](#).