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APPR Update Board of Regents

September 2015

Revisions to the Proposed Amendment following the public comment period

- The amendments that will be presented modify §100.2(o) of the Commissioner's Regulations and Subparts 30-2 and 30-3 of the Rules of the Board of Regents and incorporate feedback received during the public comment period.
- As a result of these modifications, the regulations will go out for public comment and will be brought back to the Board for permanent adoption in November.

Technical Amendments

1. Modification of §100.2(o) of the Commissioner's regulations to conform to Education Law §3012-d
2. Clarification that a teacher's and principal's score and rating on the Observation/School Visit Category and in the Student Performance Category shall be computed and provided to the educator by the last day of the school year but no later than September 1st
3. Clarification that a board of education, superintendent, or other trained administrator shall not be limited in conducting observations/school visits in addition to those required by Subpart 30-3
4. Revision to the requirement for school visits of principals to allow the one mandatory unannounced school visit to be conducted by either the principal's supervisor or the independent evaluator.

Amendments in response to public comments: Privacy

- Responding to concerns surrounding the privacy of APPR data, the proposed amendment has been revised to indicate that the requirements of Education Law §3012-c(10) remain in effect without modification, except that there is no composite effectiveness score under Education Law §3012-d.

Amendments in response to public comments: Independent Evaluators

- Education Law §3012-d(4)(b) requires that at least one observation be conducted by one or more impartial independent trained evaluator or evaluators selected by the district.
- In response to feedback from the field regarding the burden that this requirement imposes, the Department will grant an annual hardship waiver from this requirement to rural school districts, as defined by the Commissioner in guidance, or single building school districts. These districts may apply to the Department for a hardship waiver on an annual basis if, due to the size and limited resources of the district, it is unable to find an independent evaluator within a reasonable proximity.
- Where a hardship waiver has been granted, the second observation shall be conducted by one or more other evaluators selected and trained by the district who are different than the evaluator(s) that conducted the required observations.
- A rural school district as defined by the Commissioner in guidance or a single building school district may apply to the Department for a hardship waiver on an annual basis if, due to the size and limited resources of the district, it is unable to find an independent evaluator within a reasonable proximity.

Amendments in response to public comments: Growth Model

- In light of concerns from the field, the Department has also decided to re-examine the State growth model.
- In the interim, Subparts 30-2 and 30-3 have been amended to prescribe an appeals process for a teacher or principal to challenge their State-provided growth score, in certain limited circumstances.
- This process addresses scores received in the 2014-15 school year under Subpart 30-2 and in future years until the growth model has been re-examined by the Department and appropriate experts in the field.

Proposed Appeals Process

- **Option #1**

- Teacher or principal receives an Ineffective on their State-provided growth score in the current year,
- Received a rating of Highly Effective on their Observation/School Visit subcomponent in the current year, and
- Received a rating of Highly Effective or Effective on their State-provided growth score in the prior year.

- **Option #2**

- High school principal receives an Ineffective on their State-provided growth score in the current year, and
- A certain percentage, as established by the Commissioner, of enrolled students scored proficient or better on Department-approved alternative examinations in ELA and/or math.

Proposed Appeals Process – Example of Option #1*

- In 2013-14, Mrs. Smith was rated Effective on her State-provided growth score.
- In 2014-15, she is rated Ineffective on the State-provided growth score, but Highly Effective on the observation subcomponent.
- Upon receipt of her 2014-15 rating, she appeals to the Department within 20 days of the regulation's effective date.
- As long as the district confirms the accuracy of the information she provided to the Department, the district would use the results of her back-up SLO.
- If her back-up SLO also results in an Ineffective rating, then the Ineffective rating remains.
- If her back-up SLO results in a Developing or higher rating, then she receives a Developing for his/her State-provided growth score (i.e., the State-provided growth rating is increased by one category).

* These are illustrative examples and are not all-inclusive.

Proposed Appeals Process – Example of Option #2*

- In 2014-15, Mrs. Jones, a principal of a building that includes grades 9-12, is rated Ineffective on her State-provided growth measure.
- However, a certain percentage of the students in her school, within four years of first entry into grade 9, who took AP and IB exams scored at proficiency or higher.
- Upon receipt of her 2014-15 rating, Mrs. Jones appeals to the Department within 20 days of the regulation's effective date.
- As long as the district confirms the accuracy of the information she provided to the Department, the district would use the results of Mrs. Jones' back-up SLO.
- Whatever rating the back-up SLO produces will be substituted for her rating on the State-provided growth score.

* These are illustrative examples and are not all-inclusive.

Questions?