



Our Students. Their Moment.

# **New York State's Teacher and Principal Evaluation System Education Law § 3012-d**

**Review Room Training  
Task 6: “Additional Requirements (Teachers)”**



# Module Objectives

- Learn how Task 6, the “Additional Requirements” portion of the APPR plan, is completed in Review Room.
- Understand the “Additional Requirements” portion of the APPR process, which involves Teacher Improvement Plans, the appeals process, and the training and certification processes.

## Task 6 Overview:

- A. Assurances
- B. Teacher Improvement Plans (TIPs)
- C. The Appeals Process
- D. Training and Certification



# A. Assurances

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- All assurances are mandatory.
- In Task 6, assurances are included in Tasks 6.1, 6.3, 6.5, 6.7, 6.8, and 6.9.
- Be sure to always read, understand, and check all assurances.

## 6.1) Assurances: Teacher Improvement Plans

Assure that the district/BOCES will formulate and commence implementation of a Teacher Improvement Plan (TIP) for all teachers who receive a Developing or Ineffective rating by October 1 following the school year for which such teacher's performance is being measured or as soon as practicable thereafter.



Assure that TIP plans developed and implemented by the superintendent or his/her designee, in the exercise of his/her pedagogical judgment, shall include: identification of needed areas of improvement, a timeline for achieving improvement, the manner in which the improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's improvement in those areas.



# Module Overview

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# B. Teacher Improvement Plans (TIPs)

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## Task 6.2 TIP Requirements

- Teacher Improvement Plan (TIP) forms should include spaces for the following information:
  1. Identification of areas in need of improvement
  2. Timeline for achieving improvement
  3. Manner in which improvement will be assessed
  4. Differentiated activities to support a teacher's improvement in those areas
- All districts/BOCES must formulate and commence implementation of a TIP for all teachers who receive a Developing or Ineffective rating by October 1 following the school year for which such teacher's performance is being measured or as soon as practicable thereafter.
- Each TIP shall be developed and implemented by the superintendent or another trained administrator, in the exercise of his/her pedagogical judgment.
- Be sure to upload a TIP FORM rather than a description of the process.



# B. Teacher Improvement Plans (TIPs)

## Sample TIP Form

**TEACHER IMPROVEMENT PLAN**

**Teacher:**  
**Area(s) of Improvement:**

**Timeline for Achieving Improvement:**

**Manner in Which Improvement Will Be Assessed:**

**Differentiated Activities to Support Improvement:**

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Teacher	Signature	Date
Administrator	Signature	Date

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# C. The Appeals Process

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## Task 6.4 Elements of an Appeals Process

- The appeals process should include the following elements:
  1. Who may file an appeal
  2. Grounds for appeal
  3. Steps that are “timely and expeditious”
- Appeals processes and their specifics must be locally established pursuant to negotiations conducted under Article 14 of the Civil Service Law. A district/BOCES may choose to establish different processes for tenured and probationary teachers.



# C. The Appeals Process

## Entering an Appeals Process

### 6.4) Appeals

Pursuant to Education Law §3012-d, a teacher may only challenge the following in an appeal:

- (1) the substance of the annual professional performance review; which shall include the following:
  - (i) in the instance of a teacher rated Ineffective on the Student Performance category, but rated Highly Effective on the Observation category based on an anomaly, as determined locally;
- (2) the school district's/BOCES' adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-d; and
- (3) the adherence to the regulations of the Commissioner and compliance with any applicable locally negotiated procedures, as well as the school district's/BOCES' issuance and/or implementation of the terms of the teacher or principal improvement plan, as required under Education Law §3012-d.

Describe the procedure for ensuring that appeals of annual performance evaluations will be handled in a timely and expeditious way:



# C. The Appeals Process

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## 1. Who May File an Appeal

- This decision must be locally established pursuant to negotiations conducted under Article 14 of the Civil Service Law.

### Examples

- “All tenured and probationary teachers receiving ratings of Developing or Ineffective.” (As shown in the example screenshot below.)
- “Tenured teachers receiving a rating of Developing or Ineffective and probationary teachers receiving a rating of Ineffective.”
- “Only tenured teachers receiving a rating of Ineffective.”
- “Any rating tied to compensation.”

#### APPEALS OF INEFFECTIVE AND DEVELOPING RATINGS ONLY

Appeals of annual professional performance reviews should be limited to those that rate a teacher as Ineffective or Developing only. Additional procedures may be appropriate where compensation decisions are linked to rating categories.

# C. The Appeals Process

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## 2. Grounds for Appeal

Pursuant to Education Law §3012-d, a teacher may only challenge the following in an appeal:

1. the substance of the annual professional performance review; which shall include the following:
  - (i) in the instance of a teacher rated Ineffective on the Student Performance category, but rated Highly Effective on the Observation category based on an anomaly, as determined locally;
2. the district's/BOCES' adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents;
3. the adherence to the regulations of the Commissioner and compliance with any applicable locally negotiated procedures; and
4. the district's/BOCES' issuance and/or implementation of the terms of the teacher improvement plan, as required under Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

# C. The Appeals Process

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## 3. Steps That Are “Timely and Expeditious”

- The district/BOCES may ensure timeliness by:
  - **Option 1** - providing clear timeframes for each individual step of the appeals process; or
  - **Option 2** - by providing a time period in which the entire appeals process will be completed.
- Examples of appeals processes that are “timely and expeditious” are provided on the next slide.
- Please note the following:
  - According to §30-3.12(e) of the Rules of the Board of Regents: “Nothing in this Subpart shall be construed to authorize a teacher or principal to commence the appeal process prior to receipt of their [composite effectiveness] rating...”
  - Appeals of “draft” evaluations or individual category ratings, prior to receipt of the final composite rating, are NOT allowed.

# C. The Appeals Process

## Examples of Steps and Corresponding Timeframes in an Appeals Process

### TIMEFRAME FOR FILING APPEAL

All appeals must be submitted in writing no later than 15 calendar days of the date when the teacher receives his or her APPR. If a teacher is challenging the issuance of a teacher improvement plan, appeals must be filed with 15 days of issuance of such plan. The failure to file an appeal within these timeframes shall be deemed a waiver of the right to appeal and the appeal shall be deemed abandoned.

When filing an appeal, the teacher must submit a detailed written description of the specific areas of disagreement over his or her performance review, or the issuance and/or implementation of the terms of his or her improvement plan and any additional documents or materials relevant to the appeal. The performance review and/or improvement plan being challenged must also be submitted with the appeal. Any information not submitted at the time the appeal is filed shall not be considered.

### TIMEFRAME FOR DISTRICT/BOCES RESPONSE

Within 15 calendar days of receipt of an appeal, the school district/BOCES staff member(s) who issued the performance review or were or are responsible for either the issuance and/or implementation of the terms of the teacher's improvement plan must submit a detailed written response to the appeal. The response must include any and all additional documents or written materials specific to the point(s) of disagreement that support the school district's or BOCES' response and are relevant to the resolution of the appeal. Any such information that is not submitted at the time the response is filed shall not be considered in the deliberations related to the resolution of the appeal. The teacher initiating the appeal shall receive a copy of the response filed by the school district/BOCES, and any and all additional information submitted with the response, at the same time the school district/BOCES files its response.

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# D. Training and Certification

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**Your APPR plan must include details on the following four elements:**

1. The process for training lead evaluators and evaluators, including impartial independent evaluators and, as applicable, peer observers
2. The process for the certification and re-certification of lead evaluators
  - All evaluators must be properly trained and lead evaluators must be certified prior to completing a teacher's evaluation.

# D. Training and Certification

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## 3. The process for ensuring inter-rater reliability

- Processes designed to maintain inter-rater reliability may include:
  - data analysis to detect disparities on the part of evaluators;
  - periodic comparisons of a lead evaluator's assessment with another evaluator's assessment of the same classroom teacher or building principal; and
  - annual calibration sessions.

## 4. The nature (content) and the duration (how many hours, days) of such training

- The indicated duration should represent the minimum number of hours or days required to complete the certification process.
- If your evaluators will be attending training at your local BOCES, it is best practice to consult with them for information about the duration and nature of the training being offered.



# D. Training and Certification

## Sample Training and Certification Language

All evaluators will be trained and all lead evaluators will be trained and certified by the Board of Education under the nine requirements prescribed in §30-3.10 of the Rules of the Board of Regents. Impartial independent observers and peer observers will receive training on the three requirements prescribed in §30-3.10(c).

Training for all evaluators and lead evaluators will be conducted within the district by teacher and principal leaders on career ladder pathways and will consist of a minimum of five school days throughout the school year. Inter-rater reliability will be maintained over time through various activities, including data analysis to detect disparities on the part of one or more evaluators, periodic comparisons of a lead evaluator's assessment with another evaluator's assessment of the same educator, and annual calibration sessions across evaluators.

Certified school administrators or superintendents of schools serving as lead evaluators will not be prohibited from conducting classroom observations or school visits as part of an APPR prior to completion of the training required by §30-3.10 provided such training is successfully completed prior to completion of the evaluation.

Lead evaluators will be re-certified by the Board of Education annually. Additionally, all impartial independent observers and peer observers will also be re-trained annually to maintain calibration levels consistent with district expectations.

# Conclusion

For additional resources please visit the APPR (3012-d) page on EngageNY: <https://www.engageny.org/resource/appr-3012-d>.

The screenshot displays the EngageNY website interface. At the top, the EngageNY logo is on the left, and navigation links for EngagedVoices, FAQ, About, Help, and Newsletter are on the right. A search bar is also present. Below the header, a row of icons represents various resources: Common Core, Teacher/Leader Effectiveness, Data Driven Instruction, Video Library, Professional Development, and Parents and Families. The Teacher/Leader Effectiveness icon is highlighted, and a dropdown menu is open, showing options: APPR (3012-c), APPR (3012-d), Student Learning Objectives, State Growth Measures, and State-Approved Tools. The APPR (3012-d) option is selected, and the page content area shows a photograph of a teacher interacting with students in a classroom, with the text "APPR (3012-d)" overlaid on the right side of the image.