

2022-2023
EDUCATOR EVALUATION
Q&A
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Helping school districts and BOCES (local educational agencies, or LEAs) create coherent systems of development and support for educators that place instructional practices tied to student learning at their center is the intention of the statewide educator evaluation system (formerly known as APPR). LEAs may be entering into this new school year with a myriad of new challenges, and this may mean that prior systems of support and evaluation for educators may need to be adapted to these new conditions in order to make the best use of available resources, and/or provide the sort of actionable information the evaluation system is intended to.

As such, the Department recommends having a closer look at what is in your approved evaluation plan and determining what is optimal for the unique educational landscape in your LEA. As a reminder, the educator evaluation system is meant to be a helpful, flexible tool that can help support an LEA's goals. We recommend regularly asking, "Is this working as intended?". To aid with this task, we have structured this Q&A with some guiding questions to help surface relevant challenges as they pertain to educator evaluation post-pandemic.

I. GENERAL APPR

GUIDING QUESTIONS:

- Conduct an LEA-wide needs assessment: what are the LEA goals (student, teacher, principal, building, etc.) for the school year?
 - What framework, if any, will the LEA use to help structure the needs assessment?
 - Which stakeholders will be involved in the needs assessment process?
 - How do you know what needs to be improved?
 - What data will you review?
 - Consider available qualitative and quantitative data sources
 - For which indicators/content areas has the district/building/school not met the annual growth goal or made sufficient progress?
 - For which subgroups and grades?
 - What implementation barriers exist to achieving your goals?
 - Are the barriers resource-related or school culture-related?
 - Articulate specific, desired outcomes and impact goals, including student growth and educator growth goals.
 - Do the growth goal(s) account for pandemic-related learning loss?
- How can your [educator evaluation plan](#) work in service of these growth goals for both students and educators?
 - Are the educator evaluation parameters (e.g., summative assessments, SLO measure, number/frequency/type of observations/school visits) right, but there needs to be some adjustments to local processes?
 - If so, you may not need to make any changes to your approved educator evaluation plan.

- Do the educator evaluation parameters need to be changed as they no longer provide actionable information to better support your educators and students?
 - If so, depending on the changes you wish to make, a material change or a variance plan may be the right next steps for your LEA. See [Question IB](#), below, for further information.

Q&A

IA. DOES AN LEA HAVE TO COMPLY WITH THE REQUIREMENTS OF EDUCATION LAW §3012-D FOR THE 2022-23 SCHOOL YEAR?

Yes. For the 2022-23 school year, LEAs are required to fully implement their [currently approved educator evaluation plans](#).

Please note: If you have an educator evaluation plan that was approved before April 12, 2019, Education Law §3012-d, as amended, requires your LEA to submit a new plan to the Department once you enter into a successor collective bargaining agreement (CBA). Therefore, if your LEA has entered into a successor CBA any time after April 12, 2019, or if your LEA agreed to keep your plan the same, you are required to submit your new agreement to the Department for review and approval by the Commissioner. Please email EducatorEval@nysed.gov to request access to the new streamlined educator evaluation form.

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

A material change for an educator evaluation plan is required when making any changes to an approved 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 may be used for the provisions of Education Law §3012-d that delegate 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, etc.) but where an LEA wishes to employ processes, procedures or methods beyond the parameters defined in the regulations while still complying with the requirements of Education Law §3012-d.

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 educator evaluation plan requires a material change or a variance, they should reach out to their educator evaluation team contact at the Office of Educator Quality and Professional Development, or send an email to EducatorEval@nysed.gov.

IC. WHAT IS THE DEADLINE FOR SUBMITTING AN EDUCATOR EVALUATION 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.

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

If your LEA has an educator evaluation variance approved for the 2022-23 school year by the Department, your LEA is required to implement that variance this school year. If your LEA would like to withdraw your variance, please email EvalVariance@nysed.gov.

Please note that streamlined COVID-specific variances were granted to some LEAs for the 2020-21 and/or 2021-22 school years. All COVID variances expired at the end of the 2021-22 school year. LEAs who had COVID variances in one or both of those school years must implement their current Educator Evaluation plan in the 2022-23 school year.

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

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

II. STUDENT PERFORMANCE CATEGORY

GUIDING QUESTIONS

After conducting a needs assessment, an LEA should use the prioritized outcomes and impact goals, including student growth and educator growth goals, to consider the following questions when determining local processes for implementing elements of the student performance category for the 2022-23 school year:

- Consider **all** available baseline data when determining where students are entering the grade or course – are they exceeding expectations, meeting expectations, approaching expectations, or beginning in their understanding?
 - Include data elements beyond available academic data, including social emotional data, prior attendance data, etc.
- If using SLOs:

- Are the assessments that are selected for the summative measure in the SLO the most accurate available in capturing student growth for the school year?
 - Do these sources provide actionable information relative to the knowledge and skills students will need to be successful in the current course?
 - Does the analysis of baseline data provide insight into the type of instructional strategies and areas of support needed to ensure the success of each student?
- What SLO target setting model¹ will be used?
 - Do the targets accurately reflect an expected year's worth of growth for students considering their varied starting levels?
 - Are the targets rigorous yet attainable?
 - Do your local processes allow for target adjustments during the school year when new student data becomes available?
- If using an Input Model for Principals²:
 - In determining the specific actions a principal will take to impact student growth for this coming school year, has the LEA taken into consideration pandemic-related challenges?
 - How will principals work collaboratively with teachers to help ensure student growth goals are met?
 - Define what success should look like, including benchmarks along the continuum. How will you know if principals are successful at impacting student growth?

STUDENT LEARNING OBJECTIVES (SLOS)

IIA. HOW WILL LEAS SET TARGETS IF THERE WERE NO SUMMATIVE ASSESSMENTS GIVEN IN SPRING 2022 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. IF AN EDUCATOR IS INCLUDED IN A SCHOOL-, PROGRAM-, DISTRICT-, OR BOCES-WIDE MEASURE (I.E., A COLLECTIVELY ATTRIBUTED MEASURE), DO THEY NEED TO HAVE AN SLO?

Yes. All teachers will have an SLO as the measure of student growth for the required Student Performance subcomponent of their educator evaluation. This means every teacher will have **their own SLO**, whether the evidence of student growth is [individually attributed](#) or [collectively attributed](#) through a school-, program-, district- or BOCES-wide measure. The Department agrees that school-, program-, district-, or BOCES-wide measures may provide opportunities for collaboration among teachers, which can result in higher quality assessments, consistent expectations for student growth across classrooms and grade levels, and shared discussion related to instructional practice. An SLO that utilizes a collectively attributed measure for evidence of student growth may in fact look very similar from teacher to teacher.

¹ See [SLO Guidance](#) for more information on different target setting models.

² Input Models for teachers are possible through an educator evaluation variance.

The Department encourages educators who are included in a collectively attributed measure to think about how their instruction and work in the classroom is related to the growth targets included in the SLO and to include this information in the rationale section of their own SLO.

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. Further information can be found in [Input Model Guidance](#).

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

GUIDING QUESTIONS

After conducting a needs assessment, an LEA should use the prioritized LEA outcomes and impact goals, including student growth and educator growth goals, to consider the following questions when determining local processes for implementing classroom observations and/or school visits for the 2022-23 school year:

- What does previous experience (including both quantitative and qualitative data) tell you about what went well and what needs improvement throughout the observations/school visit process? Considering the purpose of the observation/school visit for purposes of evaluation as a mechanism to provide actionable feedback and support to an LEA's educators, does the current process work as intended?

- Are there changes to protocols, processes, rubric priority areas, or feedback loops that need to be addressed? If so, after local consultation, this might be achieved without necessitating a change to the currently approved educator evaluation plan.
- Do the number/ frequency/type of observation/school visit, scoring of the practice rubric, or the practice rubric itself need to be amended to better align with LEA vision? If so, please see [Question IIIB](#).

TEACHER OBSERVATIONS/PRINCIPAL SCHOOL VISITS

IIIA. IN LIGHT OF CONTINUED 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 or an Undue Burden Independent Evaluator Hardship Waiver (IEHW), depending on their specific needs. IEHW applications are approved annually, and a new application MUST be made for each school year based on need. For more information, please see the [Independent Evaluator Hardship Waiver resource page](#).

IIIB. 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 IB](#) for more information.

IV. EDUCATOR EVALUATION VARIANCE

GUIDING QUESTIONS

If an LEA has determined that implementing a new and different system of evaluation will better support their students and educators, an educator evaluation variance may be the right path to pursue. When discussing, creating, and/or implementing an educator evaluation variance, consider the following questions:

- Do you have existing, innovative methods of measuring student growth and/or elements of teaching/leadership practice that you would like to leverage **OR** are you interesting in implementing something entirely new to the LEA instead of the evaluation parameters laid out in the [Commissioner's regulations](#)?
 - What is driving the change?
 - How does the proposed methodology meet identified needs and/or challenges in the LEA?
 - Will this apply to all educators, or certain subsets (e.g., high school science teachers; all elementary school principals, etc.)?
 - What resources (time and/or material) are needed to ensure that all applicable educators are prepared for this shift?

- How will these systems of evaluation provide differentiated feedback and support for the applicable educators?
- What are the indicators of success and what methods for collecting data will be used?
 - Consider sources of interim data for course-correction and longer-term efficacy data for continued implementation

EDUCATOR EVALUATION VARIANCE

IVA. HOW DOES AN LEA REQUEST AN EDUCATOR EVALUATION VARIANCE?

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

IVB. WHERE CAN I READ MORE ABOUT THE EDUCATOR EVALUATION VARIANCE PROCESS?

[Section I of the Educator Evaluation Guidance document](#) is dedicated to educator evaluation 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](#).