




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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To: District Superintendents of BOCES
Superintendents of Public Schools
Public School Principals

From: Alexander Trikalinos 

Date: June 14, 2021 (REVISED June 16, 2021)

RE: 2020-21 School Year Annual Professional Performance Review (APPR) Update (REVISED June 16, 2021)

On June 7, 2021, Governor Andrew Cuomo signed Chapter 112 of the Laws of 2021, which was subsequently amended on June 11, 2021 by Chapter 147 of the Laws of 2021. As amended, Chapter 112 provides, in part, that for the 2020-21 school year, no school districts or BOCES 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 bill excuses school districts and BOCES 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 bill also eliminates any state aid penalties for school districts that fail to implement any component of their approved APPR plans.

Chapter 112 of the Laws of 2021 also amends several sections of the Education Law related to the granting of tenure, allowing a board of education or the trustees of a common school district to appoint on tenure those classroom teachers and building principals recommended by the superintendent of schools who are in the final year of the probationary period in the absence of having a completed evaluation during the 2019-20 and/or 2020-21 school year as follows:

- For educators first appointed during the 2017-18, 2018-19, or 2019-20 school years, tenure may be granted upon a recommendation by the superintendent in the final year of the probationary period if such individuals received an overall APPR rating of either effective or highly effective in at least one of the four preceding years;
- For educators first appointed during the 2020-21 school year, tenure may be granted upon a recommendation by the superintendent in the final year of the probationary period if such individuals received an overall APPR rating of either effective or highly effective in at least two of the four preceding years;
- In all instances, such educators must not have received an ineffective rating in the final year of their probationary period or during the most recent school year where a rating was received; and

- In all instances, the superintendent must determine that such educators would have qualified for appointment on tenure based upon performance had their evaluations been completed in the 2019-20 and/or 2020-21 school years.

The bill also provides that previously tenured classroom teachers who accept a position at a new school district or BOCES in 2020-21 will be appointed for a three-year probationary period provided that they have received an APPR rating in either the 2017-18 or 2018-19 school years, rather than in their final year of service, as is currently required by law. Additionally, for those teachers who accept a position at a BOCES, their 2017-18 or 2018-19 APPR rating must have been either effective or highly effective.

Any questions related to this memorandum should be directed to the Office of Educator Quality and Professional Development (OEQPD) by e-mail at educatoreval@nysed.gov.

Questions and Answers

Can we still complete evaluations if we were able to implement our 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.

Do LEAs still have to report APPR data for the 2020-21 school year?

Yes. To the extent that LEAs are able to complete all or part of an educator's evaluation, the Department expects that such scores and ratings will be reported. Information and resources related to the submission of staff evaluation data will be forthcoming and will be posted on the [Resources for Staff Evaluation Data Collection page](#). To reduce the burden on LEAs, the Department will not be requiring LEAs to certify data or complete an APPR implementation certification for the 2020-21 school year. There will be a 2020-21 Staff Evaluation Status form available in the [NYSED Business Portal](#) to allow LEAs to report the status of their APPR for the 2020-21 school year. This form will be posted at the conclusion of the 2020-21 school year and can be submitted electronically.

What if I already have 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.

If I have a multiple-year variance, can I still use it next year?

If your 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.