

## Application to Challenge a State-Provided Growth Score

At its September 2015 meeting, the Board of Regents amended Subparts 30-2 and 30-3 of the Rules of the Board of Regents to prescribe an appeals process for a teacher or principal who wishes to challenge their State-provided growth score (SPGS), in certain limited circumstances, for the 2014-15 school year and thereafter while the Department is reviewing the growth model to determine if any changes are needed.

Please note: This process is not available to teachers using the SPGS as part of a school-, program-, district-, or BOCES-wide group, team, or linked measure.

For teachers and principals who meet the criteria below and choose to challenge their State-provided growth score, they shall submit an appeal to the Department, using this application, within 20 days of receipt of their overall APPR rating.<sup>1</sup> A copy of this appeal must be provided to the school district or BOCES, who shall have ten days from receipt of the appeal to submit a reply to the Department.

### Criteria for challenging a State-provided growth score (SPGS)

1. A teacher or principal was rated:
  - Ineffective on his/her SPGS in the current year;
  - Highly Effective on his/her Other Measures of Educator Effectiveness Subcomponent OR Observation/School Visit Category<sup>2</sup> in the current year; and
  - Effective or better on his/her SPGS in the previous year.
2. A high school principal of a building with at least all of grades 9-12 was:
  - Rated Ineffective on his/her SPGS in the current year;
  - At least 50% of students in his/her school/program, within four years of first entry into grade 9, took a Department-approved alternative examination in English language arts (ELA) and/or mathematics<sup>3</sup>; and
  - At least 90% of those students that took a Department-approved alternative examination in ELA and/or mathematics scored proficient or better on the exam.<sup>4</sup>

### Submission process

Applications will be reviewed in the order in which they are received. Applications must be submitted within 20 days of receipt of their overall APPR rating *and* evidence that a copy of the application was mailed and/or served on the teacher's/principal's district/BOCES or else the Department will reject the application. For additional information, please see the FAQ, available at: <https://www.engageny.org/resource/appr-3012-d>. Specific questions about this application should be sent to [SPGSAppeal@nysed.gov](mailto:SPGSAppeal@nysed.gov). Districts/BOCES may submit a reply to the Department within ten days of receipt of the application copy to [SPGSAppeal@nysed.gov](mailto:SPGSAppeal@nysed.gov). **All emails sent to [SPGSAppeal@nysed.gov](mailto:SPGSAppeal@nysed.gov) must include "SPGS Challenge" in the subject line.**

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<sup>1</sup> Pursuant to §§ 30-2.13 and 30-3.16 of the Rules of the Board of Regents, such an appeal must be submitted to the Department within 20 days from the teacher or principal's receipt of their overall rating. As the Department has granted an extension on the time that school districts must submit their original APPR scores/ratings to the Department for the 2015-16 school year to November 18, 2016, the Department anticipates that the last day appeals will be accepted will be December 8, 2016.

<sup>2</sup> This depends on whether the APPR plan was implemented under Education Law §3012-c or §3012-d.

<sup>3</sup> Such examinations include, but are not limited to, Advanced Placement examinations, International Baccalaureate examinations, SAT II, etc. For a complete list of Department-approved alternatives, please see: <http://www.p12.nysed.gov/assessment/hsgen/archive/list.pdf>.

<sup>4</sup> For the purposes of this appeals process, "proficient or better" on a Department-approved alternative examination is defined as the minimum acceptable score for using such examination as an alternative to a Regents examination.

## Application

Please fully and accurately complete the form<sup>5</sup> below and submit it to the Department for review, consistent with the deadlines discussed above, via [SPGSAppeal@nysed.gov](mailto:SPGSAppeal@nysed.gov). The Department will only consider the information listed below and the corresponding evidence that is submitted with this appeal – any documentation that is submitted independently from this appeal will not be considered.

Name of your district or BOCES	
Your Name	
Staff ID (TEACH ID)	
Position	<input type="checkbox"/> Teacher <input type="checkbox"/> Principal
If you are a principal, list the grade levels in your building/program	
Date State-provided growth score was received in the current year ( <i>must provide evidence</i> )	
State-provided growth score and rating received in the current year ( <i>must provide evidence</i> )	
<b><i>For teachers or principals who are appealing based on Criteria #1 please provide the following:</i></b>	
State-provided growth score and rating received in the previous year, ( <i>must provide evidence</i> )	
Score and Rating received on Other Measures subcomponent (§3012-c) <i>or</i> Observation/School Visit Category (§3012-d), ( <i>must provide evidence</i> )	
<b><i>For high school principals who are appealing based on Criteria #2 please provide the following:</i></b>	
Identify the percentage of students in your school/program, within four years of first entry into grade 9, that took a Department-approved alternative examination in English language arts and/or mathematics ( <i>must provide evidence</i> <sup>6</sup> )	
Of the percentage listed above, identify the percentage of those students that scored at proficiency or better ( <i>must provide evidence</i> <sup>7</sup> )	

Please note: You only need to supply evidence that aligns with the criteria that you are attempting to satisfy. A teacher or principal will not need to provide evidence of every item listed above.

<sup>5</sup> Failure to fully complete all of the components of the application with full and accurate information will result in automatic rejection of the appeal.

<sup>6</sup> Such evidence must be based on a transcript or other written record provided by the district/BOCES or assessment provider. When submitting evidence to the Department, the applicant must use the form “Principal’s State-provided Growth Score Appeals – Supporting Form” found on the Information and Reporting Services Portal (IRSP): <http://www.p12.nysed.gov/irs-portal/>. Please see the SIRS Manual available at <http://www.p12.nysed.gov/irs/sirs/> for additional information regarding course codes.

<sup>7</sup> Such evidence must be based on a transcript or other written record provided by the district/BOCES or assessment provider. When submitting evidence to the Department, the applicant must use the excel form attached to this application along with the appropriate identifiers for each Regents alternative. Please see the SIRS Manual available at <http://www.p12.nysed.gov/irs/sirs/> for additional information regarding course codes, the Information and Reporting Services Portal (IRSP): <http://www.p12.nysed.gov/irs-portal/>.

### Impact of a successful appeal

Based on the documentation received, if the Department determines that a teacher/principal has met one of the criteria above, I understand that the district/BOCES shall substitute the teacher's or principal's results on the back-up SLO developed by the district/BOCES for such teacher/principal.<sup>8</sup> Following a successful appeal under Criteria #1, if a back-up SLO is used, then a teacher/principal shall not receive a score/rating higher than Developing on such SLO.

High school principals of a building that includes at least all of grades 9-12 who meet either of the below criteria shall not receive a SPGS and shall instead use back-up SLOs<sup>9</sup>:

1. The principal would be rated Ineffective or Developing on the SPGS but the graduation rate of the students in that school building exceeded 90%, and the proportion of the student population included in either the ELA Regents Median Growth Percentile (MGP) or the Algebra Regents MGP was less than 10% of the total enrollment for the school; *or*
2. The principal has no Combined MGP rating or score, and the proportion of the student population included in the ELA Regents MGP and Algebra Regents MGP was less than 5% of the total enrollment for the school in one subject, and less than 10% of the total enrollment in the other subject.

An evaluation that is the subject of an appeal to the Department shall not be sought to be offered in evidence or placed in evidence in any proceeding conducted pursuant to Education Law §§ 3020-a and 3020-b or any locally negotiated alternate disciplinary procedure until the appeal process is concluded. Nothing in §§ 30-2.13 or 30-3.16 of the Rules of the Board of Regents shall be construed to alter or diminish the authority of the governing body of a district to grant or deny tenure to or terminate probationary teachers or probationary building principals during the pendency of an appeal pursuant to this section for statutorily and constitutionally permissible reasons, including the teacher's/principal's performance that is the subject of the appeal. Nothing in Subparts 30-2 or 30-3 shall be construed to authorize a teacher/principal to commence the appeal process prior to receipt of his/her overall rating from the district/BOCES.

During the pendency of an appeal under §§30-2.13 or 30-3.16 of the Regents Rules, nothing shall be construed to alter the obligation of a district/BOCES to develop and implement a teacher or principal improvement plan during the pendency of an appeal.

In the event the Department does not grant an appeal under the criteria specified above, the teacher's or principal's SPGS shall be utilized in the State Growth or Other Comparable Measures subcomponent or the Student Performance category, as applicable.

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<sup>8</sup> For APPR plans implemented under Education Law 3012-c, if a back-up SLO was not developed, the teacher's or principal's overall composite score and rating shall be based on the portions of their APPR not affected by the nullification of the SPGS.

<sup>9</sup> For APPR plans implemented under Education Law 3012-c, if a back-up SLO was not developed, the teacher's or principal's overall composite score and rating shall be based on the portions of their APPR not affected by the nullification of the SPGS.

Applicant Certifications

- Applicant is submitting this appeal on his/her own behalf.
- Applicant attests that all information provided in this application is true and accurate as of the date that the application is submitted.
- Applicant understands that, if the appeal is granted by the Department, the district/BOCES shall substitute the applicant's results on his/her back-up SLO developed by the district/BOCES for such applicant.<sup>10</sup>
- Applicant understands that if he/she is filing an appeal pursuant to Criteria #1, if such appeal is granted by the Department, and if a back-up SLO is used, the applicant shall not receive a score/rating higher than Developing on such SLO.

**Signature, date**

\_\_\_\_\_  
Teacher/Principal Signature

\_\_\_\_\_  
Date

<sup>10</sup> For APPR plans implemented under Education Law §3012-c, if a back-up SLO was not developed, the scored of the remaining portions of the applicant's APPR can be scaled up by the district/BOCES in a proportional manner (e.g., both the Local subcomponent and the Other Measures subcomponent could be multiplied by 1.25 to derive a new score out of 100).