

**New York State Teacher and Principal Evaluation**  
**2012-13 and beyond**

**Summary of regulations adopted by Board of Regents on March 30, 2012 to implement Education Law 3012-c, as amended by Chapter 21 of the Laws of 2012 (S.6732/A.9554)**

<b>Student Achievement Measures: Teachers 2012-13 and beyond</b>		
	<b>ELA/Math 4-8</b>	<b>All Other Classroom Teachers</b>
<p><b>Growth on State Assessments</b></p> <p>20 points</p> <p>(25 points with approved Value-Added measure)</p>	<ul style="list-style-type: none"> <li>State-provided student scores comparing student growth to those with similar past test scores and which may include consideration of poverty, ELL, SWD status</li> <li>Value-Added measure with additional controls when approved</li> <li>Policies on Teacher of Record and linked students</li> </ul>	<ul style="list-style-type: none"> <li>Additional grades/subjects covered by growth/Value-Added scores, as measures become available, based on existing and new (if resources are available) State assessments:               <ul style="list-style-type: none"> <li>All Math Regents</li> <li>PARCC as available</li> <li>If approved: 6-8 science, social studies, 9-10 ELA and related Regents</li> <li>If approved: progress monitoring in K-3 ELA, math</li> </ul> </li> </ul>
<p><b>Growth Using Comparable Measure</b></p> <p>20 points</p> <p>(when there is no State assessment with an approved growth/Value-Added measure)</p>	N/A	<p><b>For all applicable grades/subjects:</b> State-determined district-wide student growth goal-setting process (student learning objectives) used with:</p> <p><b>For core subjects: 8th grade Science, high school English Language Arts, Math, Science and Social Studies courses associated in 2010-11 with Regents exams or, in the future, with other State assessments:</b></p> <ul style="list-style-type: none"> <li>State assessment (or Regents exam or Regent equivalents)</li> </ul> <p><b>For other grades/subjects: district-determined assessments from options below:</b></p> <ul style="list-style-type: none"> <li>State assessment</li> <li>State-approved third-party assessments<sup>1</sup></li> <li>District, regional, or BOCES-developed assessments provided that the district/BOCES verifies comparability and rigor</li> <li>School- or BOCES-wide, group or team results based on State assessments</li> </ul>

<sup>1</sup> Please note: Effective March 2, 2014, the Department has removed all third-party assessments for use in kindergarten through grade two **only** from its posted list. For further information about the regulatory amendments and the process for using non-traditional standardized assessments, please see: [Guidance on the Approved Regulatory Amendments to APPR to Help Reduce Local Testing](#), the [K-2 Annual Professional Performance Review \(APPR\) Assessment Guidance Document](#), and the [Removal of Traditional Standardized Third Party Assessments in K-2 FAQ](#). Please also note that school districts/BOCES with an APPR plan that was approved or determined by the Commissioner for use in the 2013-14 school year which remains in effect in the 2014-15 school year or thereafter in accordance with Education Law §3012-c(2)(l) may continue to use a standardized assessment that was on the State-approved list for students in grades K-2 prior to March 2, 2014, until a material change is made to their APPR plan and approved by the Commissioner to eliminate such use.

**Student Achievement Measures:  
Teachers  
(Continued)**

<p><b>Locally Selected Measures of Student Achievement</b></p> <p>20 points</p> <p>(15 points with approved Value-Added measure)</p>	<p><b>Locally comparable means:</b> The same locally selected measures of student achievement or growth across all classrooms in same grade/subject in district/BOCES.</p> <p>Districts may use more than one type of locally selected measure for different groups of teachers within a grade/subject if districts/BOCES prove comparability based on standards of Educational and Psychological Testing.</p> <p><b>Growth or achievement measure(s) from these options.</b> <i>Locally selected and points assigned to teachers in manner determined locally, through collective bargaining, using regulatory standards and scoring bands.</i></p> <p>Measures based on:</p> <ul style="list-style-type: none"> <li>● State assessments, Regents examination and/or Regent-equivalent assessments provided that they are <b>different than</b> the measure used for the State Growth or Other Comparable Measures subcomponent above. These include: <ul style="list-style-type: none"> <li>○ Teacher-specific change in percentage of students who achieve a specified level of performance on State assessments (<i>e.g. 3% point increase in number of students earning the proficient level 3 or better on the grade 7 State math test compared to those same students' performance on the grade 6 State math test</i>)</li> <li>○ Teacher-specific growth computed by the State based on percentage of students who achieve a State-determined level of growth (<i>e.g. percentage of students whose growth is at least average for similar students</i>)</li> <li>○ Other teacher-specific growth or achievement measure using State assessments, Regents exams and/or department approved alternative examinations computed in a manner determined locally</li> </ul> </li> <li>● State-approved list of third-party assessments</li> <li>● District, regional or BOCES-developed assessments provided that the district/BOCES verifies comparability and rigor vs. Testing Standards to the extent practicable.</li> <li>● School-wide growth or achievement results based on: <ul style="list-style-type: none"> <li>○ State-provided school-wide growth score for all students in a school taking the State ELA or math assessment in grades 4-8.</li> <li>○ Locally-computed measure based on State assessment, State-approved third-party assessment, or a district, regional or BOCES-developed assessment for which the district/BOCES verifies comparability and rigor.</li> </ul> </li> <li>● Student learning objectives (<i>if teachers do not have State-provided growth or Value-Added measures for Growth subcomponent</i>): <ul style="list-style-type: none"> <li>○ Used with any State, State-approved third-party or district, regional, or BOCES-developed assessment, provided that the district/BOCES verifies comparability and rigor.</li> <li>○ These measures must be <b>different than</b> the measures used with student learning objectives as a comparable growth measure in the Growth subcomponent.</li> </ul> </li> </ul>
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<b>Student Achievement Measures Principals 2012-13 and beyond</b>		
<b>Growth on State Assessments</b>	<b>Elementary/Middle</b>	<b>High Schools</b>
20 points  (25 points with approved Value-Added measure)	<ul style="list-style-type: none"> <li>• Result of student growth/Value-Added measure as applied to State assessments in 4-8, ELA/math</li> <li>• Add grades and/or subjects as growth/Value-Added measure applies</li> </ul>	<ul style="list-style-type: none"> <li>• Result of principal student growth percentile/Value-Added measure as applied to State assessments and/or graduation rates</li> <li>• Add subjects as growth/Value-Added measure applies</li> </ul>
<b>Other Comparable Measures</b>  If principal is not covered by a State-provided growth or Value-Added measure	State-determined district-wide student growth goal setting process (student learning objectives) with one of the following assessment options: <ul style="list-style-type: none"> <li>• State assessment</li> <li>• State-approved third-party assessments</li> <li>• District, regional, or BOCES-developed assessments provided that the district/BOCES verifies comparability and rigor</li> </ul>	
<b>Locally Selected Measures of Student Achievement</b>  20 points  (15 points after Value-Added measure is approved)	Comparable means the same locally selected measures used for all principals in same or similar programs or grade configuration across district/BOCES.  <b>Locally selected and points assigned to principals in manner determined locally, through collective bargaining, using regulatory standards and scoring bands.</b>	
	<b>Growth or achievement measures from these options</b> <i>(must be different than measures used for Growth subcomponent)</i> : <ul style="list-style-type: none"> <li>• Achievement levels on State tests (% proficient or advanced) in ELA and math grades 4 to 8</li> <li>• Growth or achievement for student subgroups (SWD, ELL) on State assessments in ELA and math grades 4 to 8</li> <li>• Growth or achievement of students in ELA and math grades 4 to 8 at each specific performance level (e.g. level 1, level 2) on State or other assessments</li> <li>• Student learning objectives (if principals do not have State-provided growth or Value-Added measures for Growth subcomponent) used with any State assessment or an approved student assessment or a district, regional or BOCES-developed assessment that is rigorous and comparable across classrooms</li> <li>• Student performance on any district-wide locally selected assessments approved for use in teacher evaluations</li> </ul>	<b>Growth or achievement measures from these options</b> <i>(must be different than measures used for Growth subcomponent)</i> : <ul style="list-style-type: none"> <li>• Percent of cohort achieving specified scores on Regents exams or other Regents-equivalents</li> <li>• Graduation rates (4,5,6 years) and/or drop-out rates</li> <li>• Graduation % with Advanced designation and/or honors</li> <li>• Credit accumulation (e.g. grades 9 and 10) or other strong predictor of progress toward graduation</li> <li>• Student learning objectives (if principals do not have State-provided growth or Value-Added measures for Growth subcomponent) used with any State assessment or an approved student assessment or a district, regional or BOCES-developed assessment that is rigorous and comparable across classrooms</li> <li>• Student performance on any district-wide locally selected assessments approved for use in teacher evaluations</li> </ul>

OTHER 60 POINTS TEACHER		OTHER 60 POINTS PRINCIPAL
<b>Standards</b>	NYS Teaching Standards	ISLLC 2008
<b>Choice of Rubrics (through collective bargaining)</b>	Menu of State-approved rubrics to assess performance based on standards. <i>Also district variance process available for district/BOCES that seeks to use a rubric not on State-approved list.</i>	
<b>Requirements and options based on practice rubric:</b> Options selected locally, and points assigned based on standards in regulation in a manner determined locally, through collective bargaining.		
<b>Requirements:</b> <ul style="list-style-type: none"> <li>• Multiple measures</li> <li>• At least a majority (31) of the 60 points shall be based on multiple (at least 2) classroom observations by principal, or other trained administrator, at least one of which must be unannounced: <ul style="list-style-type: none"> <li>○ Observations may be conducted in-person or using video</li> </ul> </li> <li>• Any remaining points shall be allocated to one or more of the following: <ul style="list-style-type: none"> <li>○ One or more observation(s) by trained evaluators independent of school</li> <li>○ Observations by trained in-school peer teachers</li> <li>○ Feedback from students and/or parents using State-approved survey tools</li> <li>○ Structured review of lesson plans, student portfolios and/or other teacher artifacts</li> </ul> </li> <li>• Any remaining teaching standards not addressed in classroom observation must be assessed at least once a year</li> </ul>		<b>Requirements:</b> <ul style="list-style-type: none"> <li>• Multiple measures</li> <li>• At least a majority (31) of the 60 points shall be based on broad assessment of principal leadership and management actions based on the practice rubric by the supervisor, a trained administrator or a trained independent evaluator: <ul style="list-style-type: none"> <li>○ Must incorporate multiple school visits by supervisor, trained administrator, or trained independent evaluator, at least one of which must be from a supervisor, and at least one of which must be unannounced</li> </ul> </li> </ul> <p>Any remaining points shall be assigned based on: results of one or more ambitious and measurable goals set collaboratively with principals and their superintendents or district superintendents as follows:</p> <ul style="list-style-type: none"> <li>• At least one goal must address the principal’s contribution to improving teacher effectiveness, based on one or more of the following: <ul style="list-style-type: none"> <li>○ Improved retention of high performing teachers;</li> <li>○ Correlation of student growth scores to teachers granted vs. denied tenure; or</li> <li>○ Improvements in proficiency rating of the principal on specific teacher effectiveness standards in the principal practice rubric</li> </ul> </li> <li>• Any other goals shall address quantifiable and verifiable improvements in academic results or the school’s learning environment (e.g., student or teacher attendance)</li> <li>• Goals shall include at least two other sources of evidence from the following options: <ul style="list-style-type: none"> <li>○ structured feedback from teachers, students, and/or families using a State-approved tool (each constituency is one source);</li> <li>○ school visits by other trained evaluators</li> <li>○ review of school documents, records, and/or State accountability processes. (all documents are one source)</li> </ul> </li> </ul> <p>Any remaining leadership standards not addressed in the assessment of the principal’s leadership and management actions must be assessed at least once a year.</p>

**Teacher and Principal: Subcomponent and Composite Scoring and Ratings**

**What is State-determined:**

- Scoring bands for Growth and Local subcomponents, and for Composite Score to determine an educator’s rating category of Highly Effective, Effective, Developing and Ineffective (HEDI).
- Process for assigning points to educators for the State Growth or Other Comparable Measures subcomponent. (districts will determine the points assigned to educators with student learning objectives in this subcomponent, following State guidance).

**What is locally-established through negotiations:**

- Scoring bands for the Other Measures of Effectiveness (60 point) subcomponent
  - The process for assigning points in the Locally Selected Measures and the Other Measures of Effectiveness subcomponents.
- The process by which points are assigned in subcomponents and the scoring ranges for the subcomponents must be transparent and available to those being rated before the beginning of each school year.
  - The assignment of points in each subcomponent must ensure it is possible for an educator to obtain any of the available points (including 0) in the subcomponents.
  - Districts and collective bargaining units, where one exists, must certify that the process for assigning points will use the narrative descriptions below to effectively differentiate educators’ performance in ways that improve student learning and instruction.

<b>Standards for Rating Categories</b>	<b>Growth or Other Comparable Measures</b>	<b>Locally Selected Measures of Growth or Achievement</b>	<b>Other Measures of Effectiveness (Teacher and Leader Standards)</b>
<b>Highly Effective</b>	Results are well-above State average for similar students (or District goals if no State test).	Results are well-above District or BOCES -adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.
<b>Effective</b>	Results meet State average for similar students (or District goals if no State test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
<b>Developing</b>	Results are below State average for similar students (or District goals if no State test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
<b>Ineffective</b>	Results are well-below State average for similar students (or District goals if no State test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.

*For educators for whom there is no approved Value-Added measure of student growth the scoring ranges will be:*

Where there is no Value-Added measure	Growth or Other Comparable Measures	Locally Selected Measures of Growth or Achievement	Other Measures of Effectiveness (60 points)	Ranges determined locally	Overall Composite Score
Highly Effective	18-20	18-20			91-100
Effective	9-17	9-17			75-90
Developing	3-8	3-8			65-74
Ineffective	0-2	0-2			0-64

*For educators for whom there is an approved Value-Added measure for student growth the scoring ranges will be:*

Where Value-Added growth measure applies	Growth or Other Comparable Measures	Locally Selected Measures of Growth or Achievement	Other Measures of Effectiveness (60 points)	Ranges determined locally	Overall Composite Score
Highly Effective	22-25	14-15			91-100
Effective	10-21	8-13			75-90
Developing	3-9	3-7			65-74
Ineffective	0-2	0-2			0-64

*For the 2013-14 school year and thereafter, the Commissioner will review specific scoring ranges annually before the start of each school year and recommend any changes to the Board of Regents for consideration<sup>2</sup>.*

**State Approval Required for District Annual Professional Performance Review Plan**

Each district must submit a complete APPR plan, using a State-prescribed form, for Commissioner approval. The new system is intended to ensure evaluation plans that are rigorous, transparent and fair. The Commissioner may reject a plan that does not meet these criteria through rigorous adherence to the law and/or the APPR regulations. The APPR plan must describe the following:

- The process for ensuring that NYSED receives timely and accurate teacher, course and student “linkage” data, and the process for teachers and principals to verify the courses and/or student rosters assigned to them.
- The process for reporting to NYSED the individual subcomponent scores and the total composite effectiveness score for each applicable educator.
- The assessment development, security, and scoring processes used by the district/BOCES, including ensuring that assessments are not disseminated to students before administration and that teachers and principals do not have a vested interest in the outcome of the assessments they score.

<sup>2</sup> Based on the arguments presented in the NYC arbitration proceeding held on May 30 and 31 and pursuant to his authority in Education Law §3012-c(2)(a), the Commissioner imposed new proportional scoring ranges for use in NYC for the 2013-14, 2014-15, 2015-16 and 2016-17 school years. Please see the following link for a description of these scoring ranges: <http://usny.nysed.gov/rttt/teachers-leaders/plans/docs/new-york-city-appr-plan.pdf>.

- The details of the evaluation system, including options selected for the Locally Selected Measures of student achievement for each grade and subject.
- Decisions about teacher and principal practice rubrics; survey tools, if any, to be used in the “other measures” category. How many observations or school visits will be conducted by whom, how many unannounced, and what other procedures have been agreed to for the Other Measures of Effectiveness subcomponent.
- Descriptions of the process used in the district for assigning points based on results to educators for each subcomponent (including student learning objectives where applicable in the Growth subcomponent, the Locally Selected Measures subcomponent, and the Other Measures of Effectiveness subcomponent). This process must be based on the Commissioner’s standards for the HEDI rating criteria and must ensure that it is possible for an educator to earn each point, including 0, in the subcomponent scoring range, and that it is possible for an educator to earn any of the four rating categories (HEDI) for a subcomponent. This section must include the locally-negotiated HEDI scoring bands for the Other Measures of Effectiveness subcomponent.
- How educators will receive timely and constructive feedback as part of the evaluation process.
- Description of the Teacher or Principal Improvement Plan and process for developing and monitoring an individual educator’s TIP or PIP, which must be in place for educators with a Developing or Ineffective rating within 10 school days from the opening of classes in the school year following the performance year.
- How appeals of annual performance evaluations will be handled in a timely, expeditious way.
- How the district/BOCES will ensure that all evaluators are properly trained and that lead evaluators, who complete an individual’s performance review, will be “certified” to conduct evaluations, consistent with regulations. Evaluator training must address specific considerations in evaluating teachers and principals of English language learners and students with disabilities.
- How the district/BOCES will ensure that lead evaluators maintain inter-rater reliability over time, and how they will periodically recertify lead evaluators.

### **Other Requirements in Regulations**

- Annual professional performance reviews for each educator must be completed and results provided to the educator by **September 1** of the school year following the evaluation year. The rating on the Other Measures of Effectiveness subcomponent and any of the other two subcomponents for which the evaluation rating is available shall be computed and provided to the educator before the end of the school year for which the performance is being measured.
- NYSED will conduct ongoing monitoring and may require corrective action around evaluation implementation including requiring additional professional development or in-service training, and/or utilizing independent trained evaluators to review the efficacy of the evaluation system.
- Nothing in the statute or regulations shall be construed to affect the statutory right of a school district/BOCES to terminate a probationary teacher or principal for statutorily and constitutionally permissible reasons other than the performance of the teacher or principal in the classroom or school, including but not limited to misconduct.
- Nothing in the statute or regulations shall be construed to alter or diminish the authority of the governing body of a school district/BOCES 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 other than the teacher’s or principal’s performance that is the subject of the appeal.
- Effective May 10, 2014, any plan submitted to the Commissioner for approval for use in the 2014-15 school year and thereafter shall include a signed certification, on a form prescribed by the Commissioner by the superintendent, district superintendent, or chancellor, attesting that
  - the amount of time devoted to traditional standardized assessments that are not specifically required by

- state or federal law for each classroom or program within a grade level does not exceed, in the aggregate, one percent of the minimum in required annual instructional hours for the grade; and
- the amount of time devoted to test preparation using traditional standardized assessments under standardized testing conditions for each classroom or program within a grade level does not exceed, in the aggregate, two percent of the minimum required annual instructional hours for the grade.

Time devoted to teacher administered classroom quizzes or exams, portfolio reviews, performance assessments, formative assessments, and diagnostic assessments are not included in this calculation. Additionally, these calculations do not supersede the requirements of a section of the 504 plan of a qualified student with a disability or federal law relating to English language learners or the individualized education program (IEP) of a student with a disability.

- No APPR plan shall be approved for use in the 2014-15 school year or thereafter that provides for the administration of traditional standardized assessments to students in kindergarten through grade two that are not being used for diagnostic purposes or are required to be administered by federal law, including but not limited to assessments developed by any vendor, third-party, or other comparable entity; except this shall not preclude the use of school-or BOCES-wide, group or team results using State assessments that are administered to students in higher grades in the school or district, regional or BOCES developed student assessments that are developed in collaboration with a vendor, if otherwise authorized by the Commissioner. This shall not apply to any APPR plan that is approved or determined by the Commissioner for use in the 2013-14 school year which remains in effect in the 2014-15 school year or thereafter in accordance with Education Law §3012-c(2)(l). Effective March 2, 2014, the Department has removed all third-party assessments for use in kindergarten through grade two only from its posted list. For further information about the regulatory amendments adopted at the February, March, and April 2014 Regents' meetings, please see: [Guidance on the Approved Regulatory Amendments to APPR to Help Reduce Local Testing](#), [K-2 Annual Professional Performance Review \(APPR\) Assessment Guidance Document](#), and the [Removal of Traditional Standardized Third Party Assessments in K-2 FAQ](#).
- Chapter xx of the Laws of 2014 (Governor's Program Bill No. 56) applies to classroom teachers or building principals rated as Ineffective or Developing on their composite rating in the 2013-14 and/or 2014-15 school years in an APPR conducted pursuant to Education Law §3012-c, where some portion of their APPR rating was based on a State assessment aligned with the Common Core in English language arts and/or math in grades 3-8. For these teachers and principals, districts and BOCES must provide a "safety net calculation". If the "safety net calculation" is higher than the rating under Education Law §3012-c, the district/BOCES is precluded from making certain employment decisions based on the teacher's or principal's rating under Education Law §3012-c (termination decisions, tenure decisions, expedited hearings pursuant to Education Law §3020-a and decisions related to retention). Provided, however, that nothing shall prevent the use of the following for employment decisions: observations, local assessments or other measures of the performance of the teacher or principal, other than their rating or a state 3-8 assessment aligned with the Common Core, whether or not they were included in an APPR.