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To: Superintendents of Public Schools  
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From: Dr. Julia Rafal-Baer 

Date: February 24, 2014

Subject: Summary of the Board of Regents' Recently Announced Regulatory Changes to Subpart 30-2 of the Rules of the Board of Regents, Relating to Annual Professional Performance Reviews (APPR) for Teachers and Principals

On February 11, 2014, the Board of Regents adopted emergency regulations to address concerns that have been raised by the field and by stakeholders to adjust and improve the implementation of the Common Core Standards and teacher/principal evaluation. The approved regulatory amendments to the APPR, as summarized below, are intended to help districts and BOCES reduce local testing and ensure that the amount of testing should be the minimum necessary to inform effective decision-making.<sup>1</sup>

- **Expedited APPR review** – Effective February 11, 2014, if any district or BOCES wishes to make material changes to an APPR plan that solely relate to the elimination of unnecessary assessments that are used with students for APPR purposes, *the Department shall expedite the review of such changes and will only review those sections of the plan that relate to the eliminated assessments to ensure compliance with Education Law §3012-c and Subpart 30-2*, provided that the superintendent, district superintendent, or chancellor shall provide a written explanation of the changes made to the plan, on a form prescribed by the Commissioner, and certify that no other material changes have been made to the plan.

*Districts or BOCES wishing to utilize this process can visit: <http://www.engageny.org/regents-regulatory-changes-subpart-30-2-expedited-materials-change-form> for more information.*

- **Core subject areas** – Effective February 11, 2014, for the State Growth or Other Comparable Measures subcomponent, *sixth through eighth grade social studies and sixth through seventh grade science have been removed from the definition of core subject areas*. Core subject

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<sup>1</sup> The Board of Regents items are posted as follows: [“Adjustment Options to Common Core Implementation - Full Report of the Work Group”](#); [“Proposed Amendments to Subpart 30-2 of the Rules of the Board of Regents Relating to a Prohibition Against Traditional Standardized Testing for Students in Grades K-2, Removal of K-2 Tests From the List of Approved Student Assessments, Change in the Definition of Core Subjects for the State Growth or Other Comparable Measures Subcomponent and a Limitation on Instructional Time Spent on Taking Local Assessments for Purposes of Annual Professional Performance Reviews \(APPR\)”](#)

areas are now defined as eighth grade science and high school courses in English language arts, mathematics, science, and social studies that lead to a Regents examination in the 2010-11 school year, or a State assessment in the 2012-13 school year or thereafter. This revision will help to provide additional, no-cost options to districts and BOCES who may wish to utilize a school-wide, group, or team measure based on one or more State or Regents assessments in sixth through eighth social studies and/or sixth through seventh science.

*Task 2 in the Review Room 2.0 Portal has been updated to reflect this change.*

- **Use of traditional standardized third party assessments in kindergarten through second grade** – *Effective March 2, 2014, no APPR plan shall be approved by the Commissioner for use in the 2014-15 school year or thereafter that provides for the administration of traditional standardized third party or vendor assessments to students in kindergarten through grade two.* However, any district or BOCES with an APPR plan that has been approved by the Commissioner for use in the 2013-14 school year that provides for the use of a traditional standardized third party assessment from the list of approved assessments for students in kindergarten through grade two shall remain in effect in accordance with Education Law §3012-c(2)(1) and the districts or BOCES may continue to use such assessments until a material change is made and approved by the Commissioner to eliminate such use.

*Tasks 2, 3, 7, and 8 in the Review Room 2.0 Portal will be updated to reflect this change by March 2, 2014.*

***Related,*** effective March 2, 2014, the Department will implement the Regents action to eliminate traditional standardized assessments for use in kindergarten through grade two from the list of state-approved assessments for use in APPR plans for the 2014-15 school year and thereafter. The superintendent, district superintendent, or chancellor will also certify in their APPR plan that any third party assessment being used for APPR purposes for these students is consistent with the Regents action to eliminate traditional standardized assessments.

- **Certifying instructional time** – Effective March 2, 2014, any APPR plan submitted to the Commissioner for approval for use in the 2014-15 school year and thereafter must include a signed certification by the superintendent, district superintendent, or chancellor that attests that no more than one percent of total instructional time in each classroom or program of the district or BOCES is spent taking any locally-determined traditional standardized assessments from the state's approved list or traditional standardized district, regional, or BOCES-developed assessments for APPR purposes. **This certification does not, however, apply to assessments that are used for formative or diagnostic purposes.**

*Tasks 2, 3, 7, 8, and the certification form in Task 12 in the Review Room 2.0 Portal will be updated to reflect this change by March 2, 2014. Further Guidance will be issued the week of March 2, 2014.*

The following table outlines the estimated timeline of updates that will be made to various resources by the Office of Teacher and Leader Effectiveness, Policy and Programs to reflect the above regulatory changes:

Week of February 24, 2014	<ul style="list-style-type: none"> <li>• Review Room 2.0 Portal (addition of school-wide option for 6-7 science and 6-8 social studies)<sup>2</sup></li> <li>• APPR Guidance and Purple Memo<sup>3</sup></li> <li>• SLO Guidance<sup>4</sup></li> <li>• Task-by-Task Guidance<sup>5</sup></li> </ul>
Week of March 3, 2014	<ul style="list-style-type: none"> <li>• Certifying Instructional Time APPR Guidance</li> <li>• State-approved third party assessment list will be updated to remove use of traditional standardized third party assessments for kindergarten through second grade<sup>6</sup></li> <li>• Review Room 2.0 Portal (change to third party assessment option for kindergarten through second grade in Tasks 2, 3, 7 and 8 to remove traditional standardized assessments and addition of an assurance that any third party assessments being administered to kindergarten through second grade students for APPR purposes will be consistent with the Regents action to eliminate traditional standardized assessments, addition of an assurance as a checkbox and in the certification document that the district/BOCES will allot no more than 1% of instructional time toward locally-determined traditional standardized summative assessments used for APPR purposes)</li> </ul>
<p>* Please note that due to the large volume of material changes, all other materials will be updated on a rolling basis as soon as possible.</p>	

As always, the Office of Teacher and Leader Effectiveness, Policy and Programs looks forward to supporting you as we continue to work together in ensuring our students are college and career ready. We encourage you to use the resources found on EngageNY for improving teacher and leader effectiveness, available at <http://www.engageny.org/teacherleader-effectiveness>. If you have further questions about the teacher and principal evaluation system, please contact [educatoreval@mail.nysed.gov](mailto:educatoreval@mail.nysed.gov).

<sup>2</sup> Available at <https://nysed-appr2.myreviewroom.com>.

<sup>3</sup> Available at <http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>.

<sup>4</sup> Available at <http://www.engageny.org/sites/default/files/resource/attachments/slo-guidance.pdf>.

<sup>5</sup> Available at <http://www.engageny.org/resource/task-by-task-guidance>.

<sup>6</sup> Available at <http://usny.nysed.gov/rtt/teachers-leaders/assessments/home.html#assess>.