



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

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Colleagues,

On February 11, 2014, the Board of Regents adopted amendments to Subpart 30-2 of the Rules of the Board of Regents, effective on that same date. The amendments support the commitment made by the Board of Regents and the Commissioner to ensure that the amount of testing should be the minimum necessary to inform effective decision-making. As part of the proposed amendments, the Board of Regents has provided an expedited review process for districts or BOCES that wish to make material changes to their approved Annual Professional Performance Review (APPR) plans to eliminate unnecessary assessments that are currently used for purposes of APPR. Pursuant to these regulatory amendments, the Department will 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. The materials relating to the Board of Regents emergency adoption of the amendments to Subpart 30-2 of the Rules of the Board of Regents, including the expedited material change review process may be found at: <http://www.regents.nysed.gov/meetings/2014/February2014/214monthmat.html>.

The Department previously developed guidance and technical support materials regarding the role of assessments within the APPR system. These materials include methods to eliminate, where consistent with the district's instructional vision and subject to collective bargaining where required, the use of pre-tests and other locally adopted standardized tests and instead utilize existing state assessments, school-wide growth measures, performance-based assessments and/or past performance trends, historical data and/or prior-year test results to establish targets for determining student learning growth.¹ Education Law §3012-c provides school districts and BOCES with significant design flexibility. The Department encourages the use of these resources, as it is ultimately up to each district and BOCES to ensure that thoughtful conversations and strategic decisions are made regarding the use of student assessments.

The Department encourages each district and BOCES to use this expedited review process to review their currently approved APPR plan to identify alternative assessment options permitted under the law and regulations that will result in less testing for students.

The attached Expedited Material Change Form is intended for use by those individuals in a district or BOCES who are responsible for determining whether a material change to the currently approved APPR plan is necessary and preparing such a submission. The Expedited Material Change

¹ Please visit EngageNY.org to view a webinar on the use of multiple data sources, such as historical performance data rather than pre-tests (<http://www.engageny.org/resource/slo-103-for-teachers>), for how the number of assessments used for the purposes of APPR may be reduced (<http://www.engageny.org/resource/assessments-in-annual-professional-performance-review-appr>).

Form is **only** for those districts or BOCES that want to make a material change to the portions of their APPR plan solely to eliminate **unnecessary student assessments**.

Please note that the Department will only review the listed material changes included on the Expedited Material Change Form. No other portion of the APPR plan will be reviewed by the Department for compliance with Education Law §3012-c or Subpart 30-2 of the Rules of the Board of Regents. If your district or BOCES has concerns regarding the elimination of unnecessary testing in its currently approved APPR plan, the Department recommends that the district or BOCES consult with your local counsel before determining whether a material change is needed.

All information regarding the expedited review process and its impact on APPR plans can be found in the attached materials. **Please note: all APPR material change requests for the 2013-14 school year – for any purposes – must be submitted in the APPR Portal (<https://nysed-appr2.myreviewroom.com/>) to the Department by March 1, 2014.**

Please see Section C8 of APPR Guidance for further information regarding submission of material change requests to the Department: <https://www.engageny.org/resource/guidance-on-new-york-s-annual-professional-performance-review-law-and-regulations/>.

Questions concerning the information contained in this memo or regarding the attached Expedited Material Change Form may be directed to: educatoreval@nysed.gov. Please use the subject line “Expedited Review” when submitting such questions.

Sincerely,



Dr. Julia Rafal-Baer