

**Summary of Regulations: New York State Teacher and Principal Evaluation Under Education Law §3012-d, as Amended by the Laws of 2019<sup>1</sup>**

**TEACHERS: Student Performance Category**

|   |   |
|---|---|
| <p><b>REQUIRED</b><br/>Growth Using Student Learning Objectives (SLOs)</p> <p><i>100% (Locally determined if an optional student performance measure is selected)</i></p>   | <p>For the required subcomponent of the student performance category, all classroom teachers (<i>including those of courses associated with a State assessment or Regents exam</i>) shall have one or more SLOs based on the following options<sup>2</sup>:</p> <p><b>Assessments</b></p> <ul style="list-style-type: none"> <li>• State or Regents assessments</li> <li>• State-approved assessments consisting of the following: <ul style="list-style-type: none"> <li>○ State-approved third-party assessments</li> <li>○ State-approved district, regional, or BOCES-developed assessments</li> </ul> </li> </ul> <p><b>Measures</b></p> <ul style="list-style-type: none"> <li>• <u>Teacher and course-specific</u> (i.e., scores and ratings will be based on the growth of students in the teacher’s course in the current school year).</li> <li>• <u>School- or program-wide linked results</u> (i.e., scores and ratings will be based on the growth of students enrolled in the teacher’s course in the current school year taking assessments in other grades/subjects). <ul style="list-style-type: none"> <li>○ Measure may also be <u>district/BOCES-wide</u> if including the results of assessments administered outside of the building/program in which the teacher teaches.</li> </ul> </li> <li>• <u>School- or program-wide results</u> (i.e., scores and ratings will be based on the growth of all students in a school or program who take the applicable assessments in the current school year). <ul style="list-style-type: none"> <li>○ Measure may also be <u>district/BOCES-wide</u> if including the results of assessments administered outside of the building/program in which the teacher teaches.</li> </ul> </li> <li>• <u>School- or program-wide group or team results</u> (i.e., scores and ratings for a group or team of teachers will be based on the growth of students in the group/team of teachers’ courses in the current school year). <ul style="list-style-type: none"> <li>○ Measure may also be <u>district-BOCES-wide</u> if including the results of assessments administered outside of the building/program in which the teacher teaches.</li> </ul> </li> </ul> |
| <p><b>OPTIONAL</b><br/>Locally Selected Measures of Student Growth or Achievement<sup>3</sup></p> <p><i>(percentage weighting to be locally determined, where used)</i></p> | <p>For the optional subcomponent of the student performance category, the same locally selected measures of student growth or achievement must be used in a consistent manner across all classrooms in the same grade/subject in the LEA, to the extent practicable.</p> <p>For the optional subcomponent, a second locally selected measure shall be based on the following options:</p> <p><b>Assessments</b></p> <ul style="list-style-type: none"> <li>• State-created or administered assessments</li> <li>• State-designed supplemental assessments</li> </ul> <p><b>Measures<sup>4</sup></b></p> <ul style="list-style-type: none"> <li>• A second SLO, provided that this SLO is different than that used in the required subcomponent of the teacher’s evaluation;</li> <li>• A growth score based on a statistical growth model, where available, for either a State-created or -administered assessment or a State-designed supplemental assessment;</li> <li>• A measure of student growth, other than an SLO, based on State-created or -administered assessments or State-designed supplemental assessments;</li> <li>• A performance index based on State-created or administered assessments or approved student assessments;</li> <li>• An achievement benchmark on State-created or administered assessments or approved student assessments; or</li> <li>• Any other collectively bargained measure of student growth or achievement included in the LEA’s evaluation plan as approved by the commissioner.</li> </ul>   |

<sup>1</sup> The information provided in this memorandum applies to APPR plans approved on or after April 12, 2019.

<sup>2</sup> The selection and use of assessments for SLOs is subject to collective bargaining.

<sup>3</sup> The selection and use of the optional subcomponent of the student performance category is subject to collective bargaining.

<sup>4</sup> All measures in the optional subcomponent of the student performance category may use teacher- and course-specific results, school- or program-wide, group, team, or linked results, or district- or BOCES-wide, group, team, or linked results.

## TEACHERS: Observation Category

**Requirements and options based on practice rubric:** All observations for a teacher for the school year, and across observer types, must use the same State-approved rubric; provided that LEAs may locally determine whether to use different rubrics for teachers who teach different grades and/or subjects during the school year. At least one observation must be unannounced.

**REQUIRED  
Observation by principal or  
other trained administrator**

*At least 80%, locally determined*

- At least one observation by building principal or other trained administrator:
  - Observations may occur live or by live or recorded video, as determined locally.
  - LEAs may locally determine whether to use more than one observation by principal or other trained administrator.
  - Nothing shall be construed to limit the discretion of management to conduct observations in addition to those required by this section for non-evaluative purposes.
  - The frequency and duration of observations are locally determined.
- Evaluators may select a limited number of observable rubric subcomponents for focus within a particular observation so long as all observable Teaching Standards/domains of the selected practice rubric (e.g., Domains 2 and 3 of the Danielson’s 2013 Framework for Teaching) are addressed across the total number of observations.
  - New York State Teaching Standards/domains that are part of the rubric but not observable during the classroom observation may be observed during any optional pre-observation conference or post-observation review or other natural conversations between the teacher and evaluator and incorporated into the observation score.
  - Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the classroom observation may constitute evidence of professional planning).

**REQUIRED  
Observation by impartial  
independent trained evaluator**

*At least 10%, locally determined*

- At least one observation by impartial independent trained evaluator(s):
  - Observations may occur live or by live or recorded video, as determined locally.
  - Impartial independent trained evaluators are trained and selected by the LEA.
  - May be employed within the LEA, but may not be assigned to the same school building as the teacher being evaluated. This could include other administrators, department chairs, or peers (e.g., teacher leaders on career ladder pathways), so long as they are not from the same building (defined as same BEDS code) as the teacher being evaluated.
  - LEAs may locally determine whether to use more than one observation by impartial independent trained evaluator(s).
  - The frequency and duration of observations are locally determined.
- Evaluators may select a limited number of observable rubric subcomponents for focus within a particular observation so long as all observable Teaching Standards/domains of the selected practice rubric (e.g., Domains 2 and 3 of the Danielson’s 2013 Framework for Teaching) are addressed across the total number of observations.
  - New York State Teaching Standards/domains that are part of the rubric but not observable during the classroom observation may be observed during any optional pre-observation conference or post-observation review or other natural conversations between the teacher and evaluator and incorporated into the observation score.
  - Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the classroom observation may constitute evidence of professional planning).
- If an LEA is granted an annual Independent Evaluator Hardship Waiver by the Department, the process described in the waiver application will be used for the applicable school year to determine both the number of observations and the observer type.

**OPTIONAL  
Observation by trained peer  
teacher**

*Locally determined, consistent with the requirements that at least 80% of the overall Observation category score be based on observations by the principal/other trained administrator and at least 10% of the overall Observation category score be based on observations by impartial, independent trained evaluator(s) selected by the LEA*

- May include at least one observation by trained peer teacher:
  - Trained peer teacher must have received an overall rating Effective or Highly Effective in the prior school year.
  - Observations may occur live or by live or recorded video, as determined locally.
  - Peer teachers are trained and selected by the LEA.
- Evaluators may select a limited number of observable rubric subcomponents for focus within a particular observation so long as all observable Teaching Standards/domains of the selected practice rubric (e.g., Domains 2 and 3 of the Danielson’s 2013 Framework for Teaching) are addressed across the total number of observations.
  - New York State Teaching Standards/domains that are part of the rubric but not observable during the classroom observation may be observed during any optional pre-observation conference or post-observation review or other natural conversations between the teacher and evaluator and incorporated into the observation score.
  - Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent (e.g., a lesson plan viewed during the course of the classroom observation may constitute evidence of professional planning).

## PRINCIPALS: Student Performance Category

All Building Principals

### REQUIRED Growth Using either Student Learning Objectives (SLOs) or an Input Model

*100% (Locally determined, if an optional student performance measure is selected)*

For the required subcomponent of the student performance category, an LEA may select, or if applicable, collectively bargain one or more measures for all principals, *(including those of buildings which administer State assessments or Regents exams)* based on the following options:

#### **SLOs**

##### **Assessments**

- State or Regents assessments
- State-approved assessments consisting of the following:
  - State-approved third-party assessments
  - State-approved district, regional, or BOCES-developed assessments

##### **Measures**

- Principal and building/program-specific (i.e., scores and ratings will be based on the growth of students in the principal's building in the current school year).
  - Measure may also be district- or BOCES-wide if including the results of assessments administered outside of the building/program for which the principal is responsible.

#### **Input Model**

##### **Measures:**

- Evidence of principal practice that promotes student growth related to the Leadership Standards

### Optional Subcomponent: Locally Selected Measures of Student Growth or Achievement

*(percentage weighting to be locally determined, where used)*

For the optional subcomponent of the student performance category, the same locally selected measures of student growth or achievement must be used in a consistent manner across all buildings with the same grade configuration or program in the LEA.

For the optional subcomponent, a second locally selected measure shall be based on the following options:

##### **Assessments**

- State-created or administered assessments
- State-designed supplemental assessments

##### **Measures**

- A second SLO, provided that this SLO is different than that used in the required subcomponent of the principal's evaluation;
- A growth score based on a statistical growth model, where available, for either a State-created or administered assessment or a State-designed supplemental assessment;
- A measure of student growth, other than an SLO, based on State-created or administered assessments or State-designed supplemental assessments;
- A performance index based on State-created or administered assessments or approved student assessments;
- An achievement benchmark on State-created or administered assessments or approved student assessments;
- Four, five, or six-year high school graduation rates;
- An input model where the principal's rating shall be determined based on evidence of principal practice that promotes student growth or achievement related to the Leadership Standards; or
- Any other collectively bargained measure of student growth or achievement as described in the LEA's evaluation plan, subject to approval by the commissioner.

**PRINCIPALS: School Visit Category**

**Principals’ professional performance shall be evaluated based on a State-approved rubric using multiple sources of evidence collected and incorporated into the school visit protocol. Where appropriate, such evidence may be aligned to building or district goals; provided, however, that professional goal-setting may not be used as evidence of teacher or principal effectiveness. Such evidence shall reflect school leadership practice aligned to the Leadership Standards and selected practice rubric.**

**Requirements and options based on practice rubric:** All school visits for a principal for the year, and across observer types, must use the same State-approved rubric; provided that LEAs may locally determine whether to use different rubrics for a principal assigned to different grade level configurations or building types. At least one school visit must be unannounced.

**REQUIRED  
School visit by  
supervisor or other  
trained administrator**

*At least 80%, locally  
determined*

- At least one school visit by supervisor or other trained administrator:
  - LEAs may locally determine whether to use more than one school visit by superintendent or other trained administrator.
  - Nothing shall be construed to limit the discretion of a board of education or superintendent of schools from conducting additional school visits for non-evaluative purposes.
  - The frequency and duration of school visits are locally determined.
  - School visits may not occur by live or recorded video.
- Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all observable ISLLC 2008 standards<sup>5</sup> are addressed across the total number of annual school visits.
  - Leadership Standards and their related functions that are part of the rubric but not observable during the course of the school visit may be observed through other natural conversations between the principal and the evaluator and incorporated into the school visit score.
  - Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of a rubric subcomponent observed during a school visit.
  - Professional goal-setting is a prohibited element of principal evaluations under Education Law §3012-d as amended. However, organizational goal-setting may be used to the extent that it is evidence from the school visit and related to a component of the selected practice rubric.

**REQUIRED  
School visit by impartial  
independent trained  
evaluator**

*At least 10%, locally  
determined*

- At least one school visit by impartial independent trained evaluator(s):
  - Impartial independent trained evaluators are trained and selected by the LEA.
  - May be employed within the LEA but may not be assigned to the same school building as the principal being evaluated. This could include other administrators, department chairs/directors, or peers, so long as they are not from the same building (defined as same BEDS code) as the principal being evaluated.
  - LEAs may locally determine whether to use more than one school visit by impartial independent trained evaluator(s).
  - The frequency and duration of school visits are locally determined.
  - School visits may not occur by live or recorded video.
- Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all observable ISLLC 2008 standards<sup>6</sup> are addressed across the total number of annual school visits.
  - Leadership Standards and their related functions that are part of the rubric but not observable during the course of the school visit may be observed through other natural conversations between the principal and the evaluator and incorporated into the school visit score.
  - Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of a rubric subcomponent observed during a school visit.
  - Professional goal-setting is a prohibited element of principal evaluations under Education Law §3012-d as amended. However, organizational goal-setting may be used to the extent that it is evidence from the school visit and related to a component of the selected practice rubric.
- If an LEA is granted an annual Independent Evaluator Hardship Waiver by the Department, the process described in the waiver application will be used for the applicable school year to determine both the number of school visits and the observer type.

<sup>5</sup> For APPRs conducted commencing with the 2022-2023 school year, all rubrics must be aligned to the 2015 Professional Standards for Educational Leaders (PSELs).

<sup>6</sup> For APPRs conducted commencing with the 2022-2023 school year, all rubrics must be aligned to the 2015 Professional Standards for Educational Leaders (PSELs).

|   |   |
|---|---|
| <p><b>OPTIONAL</b><br/><b>School visit by trained peer principal</b></p> <p><i>Locally determined, consistent with the requirements that at least 80% of the overall School Visit category score be based on school visits by the superintendent/other trained administrator and at least 10% of the overall School Visit category score be based on school visits by impartial, independent trained evaluator(s) selected by the LEA</i></p> | <ul style="list-style-type: none"> <li>• May include at least one school visit by trained peer principal: <ul style="list-style-type: none"> <li>○ Trained peer principals must have received an overall rating of Effective or Highly Effective in the prior school year.</li> <li>○ Trained peer principals are trained and selected by the LEA</li> <li>○ School visits may not occur by live or recorded video.</li> </ul> </li> <li>• Evaluators may select a limited number of observable rubric subcomponents for focus within a particular school visit, so long as all <u>observable</u> ISLLC 2008 standards<sup>7</sup> are addressed across the total number of annual school visits. <ul style="list-style-type: none"> <li>○ Leadership Standards and their related functions that are part of the rubric but not observable during the course of the school visit may be observed through other natural conversations between the principal and the evaluator and incorporated into the school visit score.</li> <li>○ Points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of a rubric subcomponent observed during a school visit.</li> <li>○ Professional goal-setting is a prohibited element of principal evaluations under Education Law §3012-d. However, organizational goal-setting may be used to the extent that it is evidence from the school visit and related to a component of the selected practice rubric.</li> </ul> </li> </ul> |
|---|---|

**TEACHERS AND PRINCIPALS: Category and Overall Ratings**

**Student Performance Category**

|  |  |   |   |  |
|--|--|---|---|--|
| <p><b>Scoring<sup>8</sup> SLOs</b></p> <p><i>Each performance measure (Student Learning Objectives, optional student performance measures) must result in a score between 0-20.</i></p> <p><i>Multiple measures will be combined using a weighted average to produce an overall Student Performance category score between 0-20.</i></p> | <b>Rest of State</b>   |   |   |  |
|  | <b>Highly Effective</b>  | <b>Effective</b>  | <b>Developing</b>   | <b>Ineffective</b>   |
|  | 18-20 points   | 15-17 points  | 13-14 points  | 0-12 points  |
|  | 90-100% of students meeting or exceeding expected growth targets | 75-89% of students meeting or exceeding expected growth targets | 60-74% of students meeting or exceeding expected growth targets | 0-59% of students meeting or exceeding expected growth targets |
|  | <b>New York City<sup>9</sup></b>                                 |   |   |  |
|  | <b>Highly Effective</b>  | <b>Effective</b>  | <b>Developing</b>   | <b>Ineffective</b>   |
| 16-20 points   | 11-15 points   | 6-10 points   | 0-5 points  |  |
| 90-100% of students meeting or exceeding expected growth targets   | 75-89% of students meeting or exceeding expected growth targets  | 60-74% of students meeting or exceeding expected growth targets | 0-59% of students meeting or exceeding expected growth targets  |  |

|   |                      |                |                |
|---|----------------------|----------------|----------------|
| <p><b>HEDI Ratings</b></p> <p><i>The overall Student Performance score will be converted into a HEDI rating based on the ranges listed.</i></p> | <b>Rest of State</b> |                |                |
|   |                      | <b>Minimum</b> | <b>Maximum</b> |
|   | <b>H</b>             | 18             | 20             |
|   | <b>E</b>             | 15             | 17             |
|   | <b>D</b>             | 13             | 14             |
|   | <b>I</b>             | 0              | 12             |
|   | <b>New York City</b> |                |                |
|   |                      | <b>Minimum</b> | <b>Maximum</b> |
|   | <b>H</b>             | 16             | 20             |
|   | <b>E</b>             | 11             | 15             |
| <b>D</b>  | 6                    | 10             |                |
| <b>I</b>  | 0                    | 5              |                |

**Teacher Observation/Principal School Visit Category**

|  |   |
|--|---|
| <p><b>Scoring Observations/School Visits</b></p> | <p>Each set of observations/school visits (by supervisor/other trained administrator, independent, or peer) will be completed using a rubric with rating categories that are aligned to HEDI ratings and 1-4 levels. The 1-4 score for each set of observations/school visits will incorporate all evidence collected and observed over the course of the school year.</p> <p>Once all evaluations are complete, the different types of observations/school visits will be combined using a weighted average, producing an overall Observation/School Visit category score between 1-4.</p> |
|--|---|

<sup>7</sup> For APPRs conducted commencing with the 2022-2023 school year, all rubrics must be aligned to the 2015 Professional Standards for Educational Leaders (PSELs).

<sup>8</sup> All assessments used for APPR purposes must be capable of generating a growth score from 0-20.

<sup>9</sup> For SLOs calculated based on the percentage of students meeting a target.

|   |          |                    |              |
|---|----------|--------------------|--------------|
| <b>HEDI Ratings</b><br><br><i>The overall Observation/ School Visit score will be converted into a HEDI rating based on locally determined ratings consistent with the ranges listed.</i> |          | <b>Min</b>         | <b>Max</b>   |
|   | <b>H</b> | 3.50 to 3.75       | 4.0          |
|   | <b>E</b> | 2.50 to 2.75       | 3.49 to 3.74 |
|   | <b>D</b> | 1.50 to 1.75       | 2.49 to 2.74 |
|   | <b>I</b> | 0.00 <sup>10</sup> | 1.49 to 1.74 |

**Overall Rating**

The overall rating for an educator shall be determined according to a methodology as follows:

|                     |                      | Observations/School Visits |               |                |                 |
|---------------------|----------------------|----------------------------|---------------|----------------|-----------------|
|                     |                      | Highly Effective (H)       | Effective (E) | Developing (D) | Ineffective (I) |
| Student Performance | Highly Effective (H) | H                          | H             | E              | D               |
|                     | Effective (E)        | H                          | E             | E              | D               |
|                     | Developing (D)       | E                          | E             | D              | I               |
|                     | Ineffective (I)      | D                          | D             | I              | I               |

**What Is State Determined**

**What Is Locally-Established through Collective Bargaining**

- Minimum growth targets for SLOs under the Required subcomponent of the Student Performance category representing at least one year of expected student growth and following State guidance.
- Scoring ranges for the Required and Optional subcomponents of the Student Performance Category to determine an educator’s rating category of Highly Effective, Effective, Developing, and Ineffective (HEDI).
- The minimum and maximum scores aligned to each of the HEDI rating categories for the Teacher Observation/Principal School Visit categories.
- The weights for all subcomponents of the Student Performance and Teacher Observation/Principal School Visit categories to assign a final rating category of HEDI.
- Pursuant to section 30-3.16 of the Rules of the Board of Regents, an LEA may request a variance from one or more of the regulatory provisions described above to implement new and innovative approaches to educator evaluation so long as such approaches are consistent with the requirements of the Education Law and meet the standards set forth in the regulations.

- The selection and use of the assessment(s) used in a teacher’s or principal’s evaluation.
- Whether to use an SLO or input model for the required student performance category for principals.
- Whether to use the optional subcomponent of the student performance category, and which option will be used.
- Whether to use the optional subcomponent of the teacher observation/principal school visit category.
- How to implement the teacher observation/principal school visit categories, consistent with the corresponding Commissioner’s Regulations, including, but not limited to, the scoring ranges aligned to each HEDI category within the parameters determined by the State.

<sup>10</sup> In the event that an educator earns a score of 1 on all rated components of the practice rubric across all observations, a score of 0 will be assigned.

## Additional Notes

- The process by which weights and scoring ranges are assigned to subcomponents and categories must be transparent and available to those being rated before the beginning of each school year.
- LEAs and collective bargaining units, where one exists, must certify that the process for assigning ratings will use the scoring bands and weighting processes specified in the regulations.
- Pursuant to Education Law §3012-d(6), the following elements may no longer be used in any evaluation subcomponent:
  - Evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department;
  - Use of an instrument for parent or student feedback;
  - Use of professional goal-setting as evidence of teacher or principal effectiveness;
  - Any district or regionally-developed assessment that has not been approved by the department; and
  - Any growth or achievement target that does not meet the minimum standards as set forth in Commissioner's regulations.
- The entire Annual Professional Performance Review shall be completed and provided to the teacher or the principal as soon as practicable but in no case later than September 1 of the school year next following the school year for which the teacher or principal's performance is measured.
- The requirements of Education Law section 3012-d as enacted by Chapter 56 of the Laws of 2015 and Subpart 30-2 of the Rules of the Board of Regents shall continue to apply to APPRs conducted prior to the 2019-2020 school year or for any annual professional performance review conducted on or after the 2019-2020 school year pursuant to a collective bargaining agreement entered into on or before April 12, 2019 that remains in effect after April 12, 2019 until a successor agreement is reached. During the implementation of such plans, the transition scores and ratings described in the approved APPR plan will replace the original student performance measures based on the grades 3-8 ELA and math State tests and/or any State-provided growth scores.
- Upon a teacher or a principal receiving an overall rating of Developing or Ineffective for a school year, an LEA shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal by October 1 in the school year following the school year for which such teacher's or principal's performance is being measured or as soon as practicable thereafter.
- A variance from one or more of the requirements of the regulations and the LEA's approved APPR plan may be granted to an LEA that seeks to develop and implement new and innovative approaches to evaluation that meets the specific needs of the applicant.
  - An LEA may only seek a variance from provisions of the regulations and their approved APPR plan that have been delegated to the commissioner under Education Law §3012-d.
  - An LEA must collectively bargain the terms and conditions of the variance request where required pursuant to Article 14 of the Civil Service Law.
  - Prior to or with the submission of a variance application, the LEA must submit and receive approval of an APPR plan that complies with all requirements of Education Law 3012-d as amended and the regulations provided, however, that an LEA may, subject to collective bargaining, notify the Department in its variance application that it intends to carry forward its currently approved APPR plan in lieu of submitting a new plan to the Department.