

Here we go again... (Most) Recent changes to APPR regulations

On May 16, 2016, Board of Regents yet again issued revised emergency regulations related to teacher and principal annual professional performance reviews (APPR). These new regulations go into effect on June 14, 2016.

The newest regulations first clarify that both the “original” composite rating (the rating derived using grades 3 through 8 State ELA and Mathematics assessments or State provided growth scores) and, if applicable, the “transitional” composite rating (the rating derived pursuant to the requirements of 8 N.Y.C.R.R. § 30-3.17, which prohibit the use of the grades 3 through 8 ELA and Mathematics and State provided growth scores in APPR evaluations until the 2019-2020 school year) must both be issued no later than September 1 of the succeeding school year.

All of the substantive changes to the newest regulations apply to “original” composite ratings. First, for the 2015-2016 school year only, while SED is adapting to the new computer-based examination, school districts may locally determine whether the New York State Alternate Assessment (NYSAA) will be used as the underlying assessment for teachers’ student learning objectives (SLOs), where applicable.

In addition, the newest regulations clarify that the SLOs used to determine the mandatory subcomponent for teachers whose courses do not end in a State-created or administered test and those used to determine the optional student performance subcomponent for teachers or principals, may be based upon a list of (a) State approved student assessments or (b) district, BOCES, school or program-wide group, team or linked results using State/Regents assessments or other student assessments approved by SED.

A rare, but welcome, change in the newest regulations provides that the subcomponent scores for the teacher observation category and principal school visit category, “shall incorporate all evidence collected and observed over the course of the school year,” presumably addressing concerns that evaluators would be required to exclude information gleaned outside of “official” observations.

Finally, the newest regulations have reversed a controversial change in the September 2015 version of Part 30-3 challenged by NYSUT in recent litigation. Originally, 8 N.Y.C.R.R. § 30-3.11 and § 30-3.13 allowed the Superintendent to unilaterally develop improvement plans. The newest regulations add language that was included in regulations covering § 3012-c, providing that the development of improvement plans are, “subject to collective bargaining to the extent required under Article 14 of the Civil Service Law.”

If you have any questions about this Information Memo, please contact [Bethany A. Centrone](#), any of the [attorneys](#) in our [School Districts Practice](#), or the attorney in the firm with whom you are regularly in contact.



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