



**NYSUT RECOMMENDATIONS TO
THE BOARD OF REGENTS ON APPR
REGULATIONS**

**NEW YORK STATE EDUCATION
DEPARTMENT LEARNING SUMMIT ON
TEACHER AND PRINCIPAL EVALUATION**

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NYSUT Recommendations to the Board of Regents on APPR Regulations

Overall Principles

In developing new regulations, we recommend the Regents use the following principles to guide decisions about the regulations.

- A. The annual professional performance review system should focus on professional evaluation and professional growth and development taking into account the conditions of teaching and learning in the teacher's district.
- B. The APPR system should be based on multiple measures and other sources of qualitative data to inform teaching practices and student learning. The results of each measure must inform teaching practice. Measures that cannot meet these criteria should not be employed in a teacher and principal evaluation and professional growth system.
- C. Teachers, principals and their respective evaluators should be well trained to ensure that both parties have the requisite skills and knowledge to meaningfully participate in the districts' APPR process.
- D. The APPR should be a standards-based evaluation system and should accommodate differences in the evaluation process based on the strengths and needs of the teacher and principal. Annual professional performance reviews should provide all teachers with regular feedback and opportunities for ongoing targeted professional learning that helps them grow as professionals and hold principals accountable for supporting all teachers' development, regardless of their ability level or years of experience.
- E. Annual evaluations recognize that a teacher's effectiveness and developmental needs change over time and should be supported in their profession. Without a foundation in professional growth, the evaluation process ends with a rating, not an improvement and support experience.

Recommendations

The State Budget enacted significant changes to the teacher evaluation system. A number of the provisions of the current APPR law have worked well since their enactment several years ago and should remain intact moving forward. In addition, the Legislature gave the Regents specific authority to determine how various provisions of the current law will operate under the new APPR system.

Given the timeframe provided by the Legislature for Regents action and collective bargaining at the local level, it is critical for the Board of Regents to adopt regulations that

limit the number of changes required in the local plans. In order to make the local process manageable, we support changing the deadline for approval of plans to September 1, 2016 from November 15, 2015.

The regulations should respect local control of education and collective bargaining rights. Local control of education by parents and elected school boards is a right enshrined in the Education Article of the State Constitution. Similarly, the right of educators to bargain concerning their terms and conditions of employment is a fundamental right, and was a main foundation of Education Law 3012-c. Every new regulation should be written to respect and preserve these rights to greatest possible extent.

The recommendations we are making are designed to accomplish these goals as well as to be responsive to the concerns of parents who have made a strong statement this spring by opting their children out of the state tests.

Parts of 3012-c to be Continued by the Regents

The new Section 3012-d gives the Regents the authority to continue several key components of the old law. We recommend the Regents take the following actions regarding these components.

1. **Teacher Improvement Plans.** The teacher improvement plan process is well established in each district. The process is working well and provides teachers with the opportunity to improve their practice. The Regents should not make any changes to this subdivision.
2. **Training of Evaluators.** The requirement for the training of lead evaluators should be continued. The requirement should be extended to the independent evaluators to ensure they are properly trained on the rubric of the district they are working in.
3. **Appeals.** Districts and locals have negotiated appeals processes in place. Teachers should be afforded the opportunity to appeal their rating given the potential consequences for a poor rating. This subdivision should be continued to ensure the appeals process does not have to be re-negotiated.
4. **Privacy.** This subdivision should be continued. However, it does require one modification to eliminate the reference to the release of a teacher's composite score which no longer exists under the new law. The replacement provision should allow for the release only of the teacher's overall rating to parents.

Student Performance Category

The Regents have the following responsibilities for the subcomponents in this category.

1. Weights of the subcomponents
2. Scoring ranges to determine the rating for each subcomponent
3. Combining the ratings for the subcomponents into a single rating
4. Set parameters for the growth model
5. Set parameters for the SLO process
6. Approve assessments for the optional supplemental assessments

Recommendations regarding the Student Performance Category

1. Weights of the Subcomponents. Given the current movement by parents to refuse the state tests and the fact the current growth model requires 6 percent of teachers to be rated ineffective no matter how their students perform, the weight of the state growth subcomponent should be minimized and set at no more than 20% of the category for districts that choose to use two subcomponents. The optional supplemental assessment subcomponent should be weighted at the remaining percentage or 80% of the category.
2. Scoring ranges to determine the rating for each subcomponent. The scoring range should relate to the percentage of a teacher's students reaching the target. We recommend the following scoring ranges 0 to 29% ineffective, greater than 29% to 54% developing, greater than 54% to 84% effective and greater than 84% to 100% highly effective. This range would apply to SLOs and the optional second assessment. Individual student targets should be set by the teacher based on student performance data and approved by the principal. The growth model has its own rating system and will be covered in number 4 below.
3. Combining the ratings for the subcomponent into a single rating. A matrix which combines the two weighted ratings should produce a final rating for the student performance category.
4. Set Parameters for the Growth model. The Regents should make two changes to the current growth model. Due to the volatility of the current model and the increase in opt outs, the cut points should be adjusted to reduce the number of teachers that will be ineffective. The line for ineffective could be moved from 1.5 standard deviations from the mean to 2 standard deviations from the mean reducing ineffectives from 6 to 4 percent. With this change the results will be closer to the results produced by the SLO process. In addition, factors should be included to capture additional outside influences on student performance in the model. The following factors should be added:
 - Need Resource Capacity index and Combined Wealth Ratio by decile to account for community and school resources.
 - The size of the class (not the course) the teacher is teaching which has an impact on the amount of individual attention each student can receive.
 - Amount of instructional time to account for variation from district to district to refine the "similar students" definition to students being taught more or less time than other similar students.
 - Gradations of economic disadvantage
 - Gradations in the severity of students' disabilities
 - Gradations in levels of English Language Learners

- Adjust the minimum number of scores to a weighted student growth percentile.

For the future, the Regents should direct SED to develop a new criterion referenced growth model that does not rank teachers against each other creating winners and losers, but provides clear information on what is expected to be an effective teacher. The current model does not provide teachers with information that helps improve instruction or understand how their rating is determined.

5. Set Parameters for the SLO Process. The Regents should continue the current SLO process with the above referenced targets.
6. Approve assessments for the optional supplemental assessments. In order to ensure testing does not increase and to make the optional supplemental assessment a viable option, the Regents should approve all of the local assessments currently being used by school districts including those that use achievement measures. These assessments were selected because they are relevant and aligned to the local curriculum. Making the optional supplemental assessment a viable option will ensure multiple measures are used to determine a teacher's student performance rating. This decision will ease the transition to the new system within the compressed timeframe.

Observations Category

The Regents have the following responsibilities in the observations category. All observation procedures beyond the requirements of the law should be left to collective bargaining.

1. Weights for the subcomponents
2. The number and duration of the observations
3. List of approved Rubrics
4. Combining the ratings for the subcomponents into a single rating
5. Scoring ranges to determine the rating for each subcomponent

Recommendations Regarding the Observation Category

1. Weights for the subcomponents. Teacher evaluation should be about teachers improving their practice. The professional conversations that occur between a teacher and their principal or a peer evaluator and the teacher are the best way to ensure ongoing meaningful professional growth. The requirement for an independent evaluator offers no real value to the evaluation or to the teacher. It is an unfunded mandate and should receive no real weight in the evaluation. The principal observation should be weighted at 99% to 95% for districts that do not use a peer evaluator. The independent evaluator should be weighted from 1% to 5%. The final percentages should be determined through collective

bargaining. Districts using a peer evaluator should be given a range of weightings with the final percentage determined through collective bargaining.

2. The Number and Duration of Observations. The Regents should set minimums of one observation by the principal and one observation by the independent evaluator and allow districts and local unions determine the best number for their district. The minimum duration should be 20 minutes with the districts and local unions determining the duration of each for their district beyond the minimum through collective bargaining.
3. List of Approved Rubrics. The Regents should continue the current list of approved rubrics. Districts have invested significant resources in training on the selected rubrics. Any change would lead to another unfunded mandate.
4. Scoring ranges to determine the rating for each subcomponent. The Regents should have districts use a 1 to 4 rating system for the components of the rubric.
5. Combining the ratings for the subcomponent into a single rating. A weighted average score on the rubric shall be developed for each subcomponent. The final numerical rating for the category should be converted to a rating using the following chart:

Ineffective	1-1.49
Developing	1.5-2.49
Effective	2.5-3.49
Highly Effective	3.5-4

Prohibition on students having 2 consecutive teachers who have received an ineffective rating

Many districts have situations where they employ only one teacher of a particular subject. The waiver process should allow those schools to receive a waiver provided the district shows that it is implementing a TIP.

The current system needs to be improved. This new law should not be the final product. We have provided the legislature with comprehensive legislation to create a better teacher evaluation system.