

FACT SHEET

Summary of Provisions of Chapter 143 of the Laws of 2024, Section 3012-e Relating to Teacher Annual Professional Performance Reviews (APPR)



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This Fact Sheet provides a summary of the changes for teachers in the 2024 APPR reform law signed by the Governor on June 28, 2024.

Eliminate Connections Between APPR scores and the Granting of Tenure and Expedited Discipline

Prior to this change in the law, school districts could not grant tenure if a teacher received an Ineffective rating in their final probationary year or did not receive sufficient Effective or Highly Effective ratings during their probationary period. This requirement is removed going forward for all school districts unless there is specific collective bargaining agreement language or appointment letter language addressing this requirement. As a result, school districts may now grant tenure irrespective of the APPR scores awarded to a probationary teacher.

Previously teachers and substitutes could qualify for a shortened probationary period only if the teacher had proof of tenure and 3012-d APPR ratings in their final year(s) at the previous assignment. The required proof of APPR rating(s) are removed under Chapter 143, allowing previous tenure (one year) or prior substitute (up to two years) service to be the trigger for a shortened probationary period, unless there is local collective bargaining agreement language requiring APPR ratings.

Further, education law previously had an expedited disciplinary process (Section 3020-b) if teachers received multiple Ineffective ratings in a row. These provisions have been eliminated with the enactment of Chapter 143, and these changes apply to both the existing 3012-d plans and all new 3012-e plans, unless there is local language that maintains this requirement.

Eliminate the State Aid Penalty

The State aid penalty for the failure to submit documentation that an APPR plan is in place each year is permanently eliminated for all current and future APPR plans. This is applicable to both 3012-d and 3012-e plans.

Contents

Eliminate Connections Between APPR scores and the Granting of Tenure and Expedited Discipline	1
Eliminate the State Aid Penalty	1
New 3012-e APPR System.....	2
Rating Bands	2
Eight-Year Transition.....	2
Observations/Annual Evaluations	2
SED Review of Plans.....	2
Availability of STEPS Plans	3
APPR Comparison (Teacher Specific).....	3

New 3012-e APPR System

Section 3012-e plans, dubbed NYS STEPS by the State Education Department (SED), must be collectively bargained and no longer include the previous requirement to use student performance as part of the plan. Instead, these plans will be developed locally and must include multiple measures that are aligned with each State Teaching Standard (Educational Leadership Standards for Principals). The NYS Teaching Standards include knowledge of students and student learning; knowledge of content and instructional planning; instructional practice; learning environment; assessment for student learning; professional responsibilities and collaboration and professional growth.

Rating Bands

Under a STEPS plan there are still four rating levels for APPR but they are numbered 1-4 (4 being the highest), rather than Highly Effective, Effective, Developing, Ineffective (H,E,D,I) as contained in 3012-d plans.

Eight-Year Transition

Districts will be able to transition to their STEPS plans once SED has adopted regulations and made available the form and process for submitting a STEPS plan to SED for review. SED anticipates completing this process by Fall 2024 so that Districts can negotiate a new plan under STEPS for the 2024-2025 school year if they choose. Districts may continue to implement and modify their current evaluation system under 3012-d until the 2031-2032 school year. Districts must negotiate and submit a STEPS plans to the Commissioner of Education by June 30, 2032.

Observations/Annual Evaluations

Districts with a STEPS plan must negotiate the number of observations and evaluations could be differentiated. This allows for a circumstance where negotiations could result in a plan where tenured teachers would not receive an annual composite rating each year, even though some type of evaluation would be undertaken for every teacher each year. Probationary teachers must be rated on each teaching standard and must have a composite rating annually.

All classroom teachers and building principals and anyone who conducts all or part of a performance review must receive appropriate training. The list of staff positions authorized to perform observations would be collectively bargained. NYSUT recommends including language in the newly developed plan that makes clear that observations are conducted in-person and by a trained administrator, independent evaluator, or peer reviewer (whatever is locally negotiated), and are not done using Artificial Intelligence (AI).

SED Review of Plans

Districts must file their STEPS plan with the Commissioner of Education for review. Once a STEPS plan has been adopted it remains in effect until a new plan is accepted by the Commissioner. SED has released the following field guidance on Chapter 143.

[Implementation of Teacher and Principal Evaluation Systems for the 2024-25 School Year and Thereafter Pursuant to Education Law §§3012-d and 3012-e as Amended by Chapter 143 of the Laws of 2024 \(nysed.gov\)](https://www.nysed.gov/implementation-of-teacher-and-principal-evaluation-systems-for-the-2024-25-school-year-and-thereafter-pursuant-to-education-law-3012-d-and-3012-e-as-amended-by-chapter-143-of-the-laws-of-2024)

Availability of STEPS Plans

STEPS plans must be made available on school district websites. Under Section 3012-e, parents continue to have the right to obtain the composite score (Level 1-4), of the current teachers of their children. This data continues to not be subject to FOIL.

APPR Comparison (Teacher Specific)

Below is a comparison between the previous APPR statute and the new 3012-e system.

3012-d as Amended in 2019 (Plan data reported here is current as of 4/23/24)	3012-e/NYS-STEPS July 2024
APPR Plan	APPR Plan
<p><i>Required</i> – Plan must describe the standards and criteria for conducting APPRs of classroom teachers under the requirements of 3012-d.</p> <p>The law requires classroom teachers of record to be evaluated based on two categories with multiple subcomponents and parameters set by regulation and SED guidance:</p> <ul style="list-style-type: none"> • Student Performance • Teacher Observation <p>School employees that are not teacher of record including Pre-kindergarten Teachers, Pupil Personnel Services (e.g., school psychologists and school social workers), Supplemental School Personnel (e.g., teacher aides and teaching assistants) are not required to be evaluated under 3012-d.</p>	<p><i>Required</i> – Plans must include the criteria by which all classroom teachers shall be reviewed and a description of the review procedures.</p> <p>Does not require all classroom teachers to be evaluated based on the same measures or to receive an overall rating annually; provided that at a minimum, probationary teachers receive a rating on each teaching standard and an overall rating annually. This would allow for plans by which tenured teachers or subsets of tenured teachers would not receive an APPR composite score – although some type of evaluation process would be used – without a final “score.”</p> <p>School employees who are not the teacher of record including Pre-kindergarten Teachers, Pupil Personnel Services (e.g., school psychologists and school social workers), Supplemental School Personnel (e.g., teacher aides and teaching assistants) are not required to be evaluated under 3012-e.</p>
Student Performance	Student Performance
<p><i>Required</i> – State, Regents or State-approved assessments must be used. How they are used, individual or group measures, is locally determined. Student learning objectives (SLOs) must be used (100% or locally determined % if optional student performance is used). State provided growth scores are no longer used for APPR.</p> <p>There are 205 3012-d plans that have not been updated since the 2019 amendment. These plans require specific groups of teachers to have individual SLOs using their state assessment and their roster of students.</p>	<p><i>Not required</i> – Student performance is not a required component of 3012-e/STEPS plans. The plan may include student performance if agreed to through collective bargaining.</p>

3012-d as Amended in 2019 (Plan data reported here is current as of 4/23/24)	3012-e/NYS-STEPS July 2024
<p>The 2019 amendment allows student performance to be locally negotiated and allows group measures for all teachers. There are 519 plans that have been negotiated since the 2019 amendment 417 of those negotiated agreements use group measure(s) (SLOs) for all teachers. One hundred two of the newly negotiated agreements have at least some teachers with individual SLOs.</p> <p><i>Optional</i> – Locally selected measure of student growth or achievement (locally determined weighting where used). Same measures must be used in a consistent manner across all classrooms in same grade/subject, to the extent practicable. State created or administered assessments or state designed supplemental assessments must be used. Many options on how they are used (SLO, growth model, performance index...)</p> <p>Very few plans include this optional student performance measure.</p> <p>Scoring SLOs – Each student performance measure must result in a 0-20, SED has set the HEDI 0-20 break down and % of students meeting SLO goals for each HEDI category (0-59% ineffective, 60-74% developing, 75-89% effective & 90-100% highly effective).</p>	
Teaching Standards	Teaching Standards
<p>Teacher Observation <i>Required</i> – State approved rubric must be used; the list can be found here: Rubrics New York State Education Department (nysed.gov)</p> <p>All approved rubrics are aligned with NYS Teaching Standards.</p> <p>All observable teaching standards must be addressed across the total number of observations.</p> <p>At least one observation must be unannounced.</p> <p>Rubrics and number of plans using each (there are different versions/updates of the rubrics this count is by provider): Danielson 453 (63%)</p>	<p><i>Required</i> – Plans must address each state teaching standard.</p> <p>The NYS Teaching Standards</p> <ul style="list-style-type: none"> I. Knowledge of Students and Student Learning II. Knowledge of Content and Instructional Planning III. Instructional Practice IV. Learning Environment V. Assessment for Student Learning VI. Professional Responsibilities and Collaboration VII. Professional Growth <p>Each standard has four to six Elements, and each Element has Performance Indicators. The New York State Teaching Standards (nysed.gov)</p>

3012-d as Amended in 2019 (Plan data reported here is current as of 4/23/24)	3012-e/NYS-STEPS July 2024
NYSUT 181 (25%) Marshall 32 (5%) Marzano 33 (5%) Thoughtful Classroom 17 (2%) NYSTCE 3 (.4%) Variance 4 (1%)	One measure in a plan may be used to address more than one teaching standard. Performance reviews may assess a subset of the teaching standards in a given year, provided that probationary teachers are rated on each teaching standard annually.
Multiple Measures	Multiple Measures
<p><i>Required</i> – Student performance and classroom observation</p> <p><i>Not Permissible</i> – The following elements may no longer be used in any evaluation subcomponent:</p> <ul style="list-style-type: none"> • 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. 	<p><i>Required</i> – Multiple measures; provided, however, that one measure shall be classroom observations of teachers.</p> <p>Other, optional multiple measures may include (but not limited to):</p> <ul style="list-style-type: none"> • Self-assessments and reflection • Teaching artifacts (e.g., lesson plans, multiple follow-up activities per lesson designed to meet the varied ability levels of the students, student-developed rubrics) • Professional development • Surveys of students and/or parents • Student learning measures, (e.g., exit tickets to elicit evidence of individual student understanding, students evaluate a piece of their writing against the writing rubric and confer with the teacher about how it could be improved) • Student yearly progress using teacher identified assessments • Independent project based review • Individualized teacher practice focused activities • Domain specific focused evidence sharing
Teacher Observation	Teacher Observation
<p><i>Required</i> – Observation by principal or other trained administrator (at least 80%, locally determined)</p> <p><i>Required</i> – Observation by impartial independent trained evaluator (at least 10%, locally determined). Waivers are available.</p> <p><i>Optional</i> – Observation by trained peer teacher</p>	<p><i>Required</i> – Plan shall describe the number and frequency of observations (no requirement that all teachers have the same number or frequency of observations).</p> <p><i>Required</i> – Provide teacher with timely, actionable feedback on their practice based on the information collected as part of the performance review.</p>

3012-d as Amended in 2019 (Plan data reported here is current as of 4/23/24)	3012-e/NYS-STEPS July 2024
<p>Scoring Observations - Each set of observations (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 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 will be combined using a weighted average, producing an overall Observation/School Visit category score between 1-4.</p>	<p>Ratings</p> <p><i>Required</i> – Assign ratings on each applicable teaching standard and an overall rating of Level 4, Level 3, Level 2, Level 1:</p> <ul style="list-style-type: none"> • Level 1 shall indicate performance significantly below a school district’s or board of cooperative educational services’ expectations aligned to teaching standards; • Level 2 shall indicate performance that partially meets a school district’s or board of cooperative educational services’ expectations aligned to teaching standards; • Level 3 shall indicate performance that meets a school district’s or board of cooperative educational services’ expectations aligned to teaching standards; • Level 4 shall indicate performance that exceeds a school district’s or board of cooperative educational services’ expectations aligned to teaching standards.
APPR Final Rating	APPR Final Rating
<p>Overall Rating – Determined by HEDI scores in each category and where they intersect on the matrix created from the text of the statute.</p> <p>Ratings for each category (student performance & observation) and an overall rating are submitted to SED annually.</p>	<p>Overall Rating – Ratings for each teaching standard, as well as the overall rating for each teacher, where available, will be submitted to SED annually.</p>
Professional Support	Professional Support
<p>Teacher Improvement Plan (TIP)</p> <p><i>Required</i> – Teachers receiving an overall rating of Developing or Ineffective must have a TIP issued and implemented beginning by October 1 of the following school year or as soon as practicable.</p> <p>Required elements of TIP:</p> <ul style="list-style-type: none"> • the identification of areas that need improvement; • a timeline for achieving improvement; • the manner in which improvement will be assessed; and, • where appropriate, differentiated activities to support improvement in these areas. 	<p><i>Required</i> – APPRs shall be a significant factor in teacher development including but not limited to coaching, induction support, and differentiated professional development for all teachers. Plans shall include a process for each teacher to receive formal support for professional growth each year.</p> <p>Teachers who receive an overall rating of Level 1 or 2 shall have a personalized professional development plan, consistent with a locally determined growth goal setting process.</p>

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