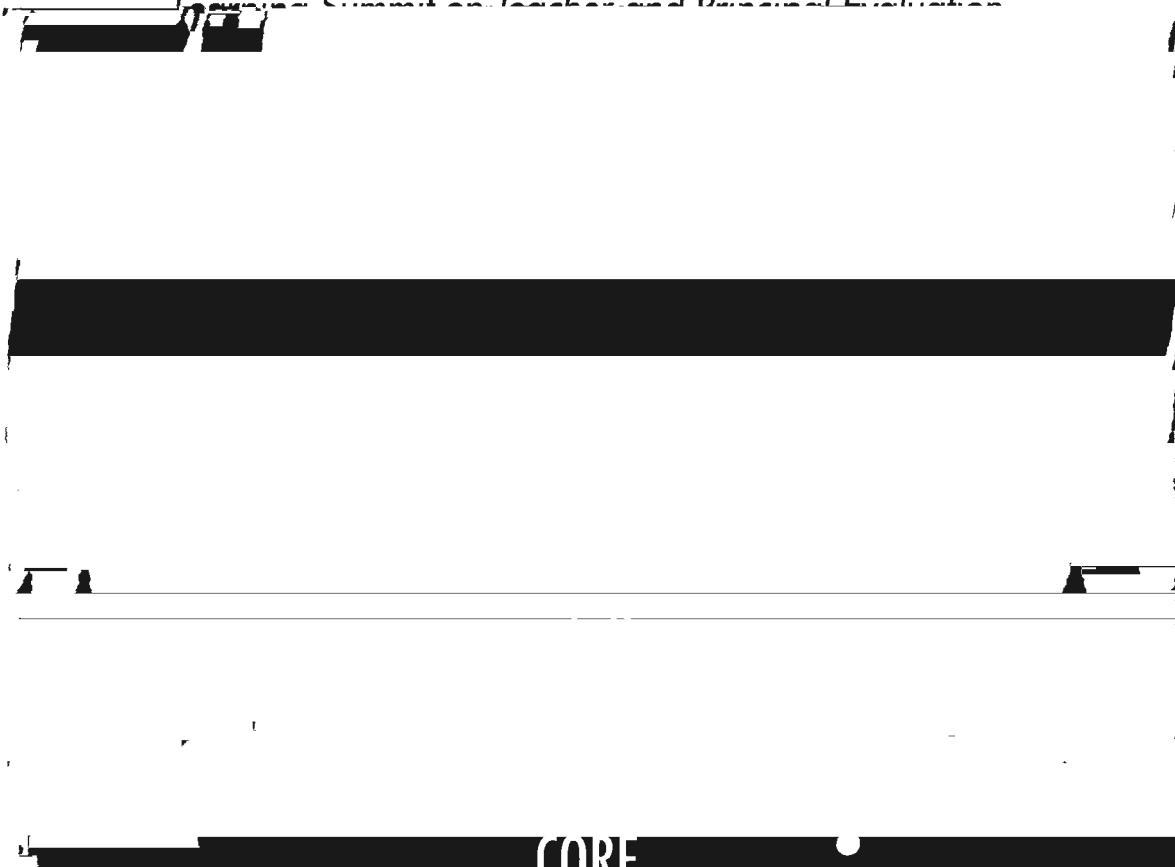


New York State Department of Education

Learning Summit on Teacher and Principal Evaluation



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**New York State Department of Education
Learning Summit on Teacher and Principal Evaluation
May 7, 2015**

**Participants representing New York State School Boards Association (NYSSBA)
and the
New York State Association of School Attorneys (NYSASA)**

1. Lynne Lenhardt, a member of the Bethlehem, Capital Region BOCES and Tech Valley school boards and president of NYSSBA
2. Peggy Zugibe, a member of the North Rockland school board, vice president of the Rockland BOCES board and NYSSBA Area 10 Director
3. Mary Jo O'Hagan, vice president of the Baldwin school board
4. Eleanor-Lynn Brown, a member of the Gloversville school board
5. Ed Marin, a member of the Beekmantown and Champlain Valley Educational Services boards
6. Bob Dana, president of the Kenmore-Tonawanda school board
7. Ron Sommer, president of the Greenwood Lake school board
8. Joe DiMaio, president of the Jamestown school board
9. Margaret Cardona, president of the Fairport school board
10. Karin Campbell, a member of the Westbury school board
11. Michelle Mignano, president of the Syracuse school board
12. Gary Nelson, president of the Oneida-Herkimer-Madison BOCES board
13. Steve Jambor, president of the Brewster school board
14. Robert Cohen, president, (NYSASA)
15. Tim Kremer, executive director, NYSSBA
16. Jay Worona, deputy executive director and general counsel, NYSSBA
17. Julie Marlette, director of governmental relations, NYSSBA
18. Pilar Sokol, deputy general counsel, NYSSBA
19. Kathleen Digan, governmental relations representative, NYSSBA
20. Greg Berck, governmental relations representative, NYSSBA
21. David Albert, director of communications, marketing and research, NYSSBA
22. Cathy Woodruff, senior writer, NYSSBA

**New York State Department of Education
Learning Summit on Teacher and Principal Evaluation
May 7, 2015**

“Rebuilding the Annual Professional Performance Review Process”

**Presented by the
New York State School Boards Association**

**Timothy G. Kremer, Executive Director
Jay Worona, Deputy Executive Director and General Counsel
Julie M. Marlette, Director of Governmental Relations**

Presentation Outline

- I. NYSSBA’s policy objectives in rebuilding the APPR system:**
 - a. Focus primarily on improving job performance
 - b. Both evaluate and motivate teacher and principal performance
 - c. Confidently assign responsibilities to teachers and principals
 - d. ~~Program research on communications, listening, sharing and trust~~

III. Specific regulatory recommendations

- a. Delay implementation provided there is proper authority to do so without loss of state aid, and extend the delay to all school districts, pursuant to a delay schedule that corresponds to the start of a school year.
- b. Alternatively, establish a default evaluation system.
- c. Any hardship model considered instead of a default system or the implementation of a statewide delay should incorporate factors beyond a school district's control, such as those associated with limitations imposed by the collective bargaining process.
- d. Weights and scoring ranges should be set based on sound educational judgments supported by valid and relevant research, and in a manner that does not predetermine the overall outcome of an evaluation.
- e. Stress that the number of minimum required observations does not constitute a ceiling, and that school districts may in their non-negotiable sole discretion conduct additional observations they deem necessary to ensure the early identification of areas in need of improvement and their ability to make appropriate determinations regarding a teacher's competence.
- f. The minimum number of required observations should be different for probationary teachers and tenured teachers.
- g. The frequency of required observations should be different for regularly scheduled observations, additional observations, and observations conducted under an improvement plan

h. The duration of observations should be dependent on the length of time

May 6, 2015

Honorable Mary Tisch, Chancellor

[Redacted]

NYS Board of Regents

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1. To be meaningful, a teacher and principal evaluation system must serve the ultimate goal of improving student performance.

~~A teacher and principal evaluation system must help to improve the practice of teaching for the~~
~~benefit of both students and educators.~~

Few would disagree, as well, that the new regulations must be simple and in plain language to ensure that all stakeholders, including parents and the public, clearly understand not only their meaning and purpose, but also how they serve to promote and advance student career and college readiness. Furthermore, clear and timely guidance and technical assistance must be made available to facilitate understanding and full implementation of the new teacher and principal evaluation requirements.

With the above principles in mind, the following comments and recommendations are submitted for your consideration as you proceed to develop and adopt section 3012-d regulations. The undersigned will submit additional comments and recommendations they deem relevant throughout the regulatory process.

Comments and recommendations related to their joint concerns over the implementation of ~~changes to the tenure and teacher discipline laws and the Receivership Law will be submitted under~~

4. At the local level, an extension of time would allow school districts to engage in required negotiations that are not only properly informed by state action, but also uncompromised by circumstances beyond their control.

For example, the unavailability of union representatives to engage in negotiations over the summer is common place. But even if it that were not the case, it would be beyond the realm of possibility

for negotiations over section 3012-d to settle before the start of the 2015-2016 school year because unions would not be able to hold ratification votes on a Memorandum of Agreement until staff is

outstanding negotiation issues preventing the completion of section 3012-d negotiation. They also

_____ that would prevent a school district from "unloading" an evaluation

plan that otherwise would be complete except for a union's refusal to provide the required plan certification signature.

7. Furthermore, the operative timelines established by section 3012-d make it a virtual impossibility

_____ fourth, 2015-16 school year with the statute's own

To be eligible to submit a default section 3012-d evaluation plan, school districts would have to submit evidence of good faith efforts to engage in and conclude negotiations regarding the outstanding issues required to be collectively bargained.

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would allow for **full** implementation of the new evaluation system with the start of the 2016-17 school year, with the required notice to all affected.

Failure to comply with the July 1, 2016 deadline for plan approvals would trigger the default system outlined immediately above.

WEIGHTS AND SCORING RANGES

In general – The assignment of weights and scoring ranges for the two categories of evaluation should be set:

TEACHER OBSERVATIONS

Definitions:

The regulations should define "other administrators" authorized to conduct observations under the first subcomponent of the teacher observation category to include districtwide administrators such

[REDACTED]

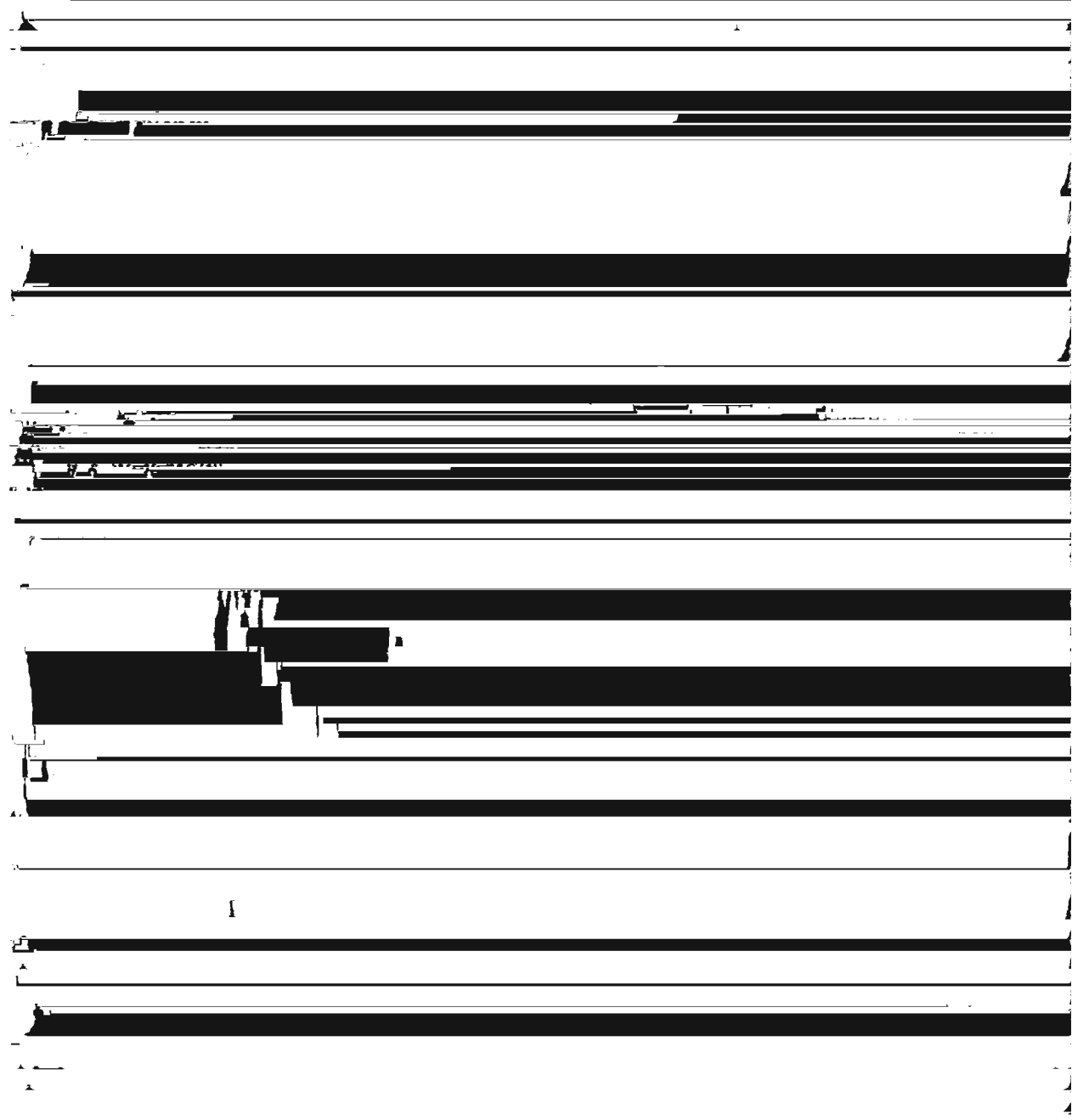
definition is necessary to provide school districts flexibility in the allocation of resources required to comply with the provisions of this subcomponent.

Discretionary authority:

1. The regulations should indicate that school districts will, in their non-negotiable sole discretion,

[REDACTED]

of the rubric used to conduct the required observation are indeed observed. This clarification, and the flexibility confirmed by it, is necessary to avoid otherwise "incomplete" observations that would negatively affect the calculation of a teacher's annual observation and overall rating.



2. Additional observations conducted at the sole discretion of the school district will be conducted as deemed necessary by the school district.
3. Additional observations in the case of teachers with an improvement plan will be conducted as set forth in such plan.

Department for statewide use, in consultation with stakeholders and at no cost to school districts and BOCES including costs associated with evaluator training on the use of such a rubric.

ADMINISTRATORS

Regarding the principal evaluation system, generally, the status quo should be maintained, except as otherwise expressly directed by section 3012-d.

Nonetheless, as in the case of teacher observations, the regulations should provide that school districts have non-negotiable sole discretionary authority to conduct, as they deem necessary, school visits in excess of the minimum number of visits required by regulation.

[Redacted signature block]

Robert H. Cole

[Redacted text block]

ADDENDUM

January 9, 2015

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

You have made known your readiness to address issues critical to ensuring that all New

[REDACTED]

Recommendations for change will often present varying perspectives that are informed by a myriad of situational experiences and circumstances. Nonetheless, there are certain principles that few would disagree should guide the effectuation of any reform proposals in the present context.

1. The approach to reform must be holistic. Its focal point must be the improvement of student

learning, supported by (a) an educator evaluation system that effectively helps to improve the practice of teaching for the benefit of both students and educators, (b) a process that facilitates the removal of educators who perform poorly notwithstanding remediation efforts, and (c) the reinforcement of state and local human and financial resources essential to the successful implementation of any adopted reforms.

2. Statutory language codifying APPR and Section 3020-a reforms, and regulatory provisions implementing such reforms, must be simple and in plain language to ensure that all stakeholders, including parents and the public, clearly understand the nature of the reforms, their purpose, and

effectiveness. It affects as well the scoring of such measures and the levels of differentiation among the various categories of effectiveness. Thus, the impact of the collective bargaining requirements is not insignificant. This is particularly so given that inherent in the collective bargaining process are "give and takes" which often have to yield to expediencies that depend on the practical and financial realities at play during the bargaining process. Entrusting such issues to the collective bargaining process has instead yielded a system that makes it impossible to get an accurate picture of educator levels of effectiveness on a statewide basis.

- Not only the selection of local measures and educator effectiveness rubrics, but also the scoring bands, with ranges that define the levels of differentiation used for rating an educator's performance under those two sets of measures, are subject to negotiations. Given the proportion of the scales, the collective bargaining requirements ultimately affect the overall composite score of an educator's effectiveness, as well. As a result, it can be challenging to gain a complete and accurate picture of an educator's effectiveness.

- The APPR law sets up an educator evaluation system that was intended to ensure **all** public school students have access to effective educators able to convey the most basic knowledge and



[REDACTED]

- benchmarks, and differentiated rating requirements in accordance with the expectations of their respective communities.

To the extent that some aspects of the APPR process might be deemed to remain subject to ~~collective bargaining~~ establish procedures to expedite final resolution of outstanding issues that

[REDACTED]

otherwise impede agreement and the prompt full implementation of the APPR evaluation system.

However, any review of the APPR system also must acknowledge the continued and ongoing academic and public debate regarding the reliability of using student performance on standardized testing in both student growth analysis and value-added models. Related concerns include, for example, the impact of factors beyond an educator's control on student learning and, thus, on an educator's evaluation; the accompanying possibility of a diminishing willingness on the part of educators to serve special student populations; and the impact of undue emphasis on tested

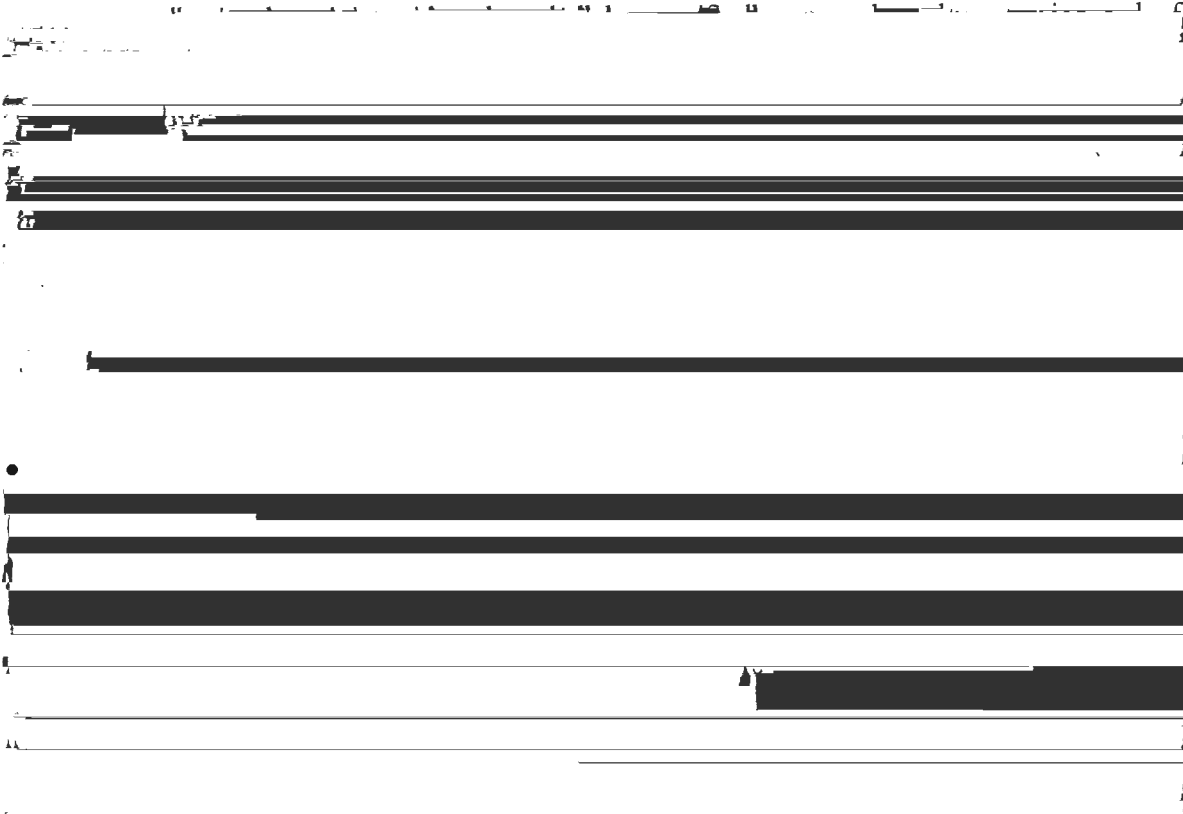
subjects and test-based skills at the expense of both the instruction of other subjects and the

evaluators are trained and certified by the State Education Department on its use, at no cost to the school district and BOCES.

Authorize school districts and BOCES, to gather observational evidence on an ongoing basis rather than at a set number of times throughout the school year, and to conduct all APPR related observations without advance notice to teachers. This authority shall not be subject to collective bargaining.

This proposal addresses two key objectives. First, it permits a more accurate scoring of the rubric based on a more comprehensive set of data. Second, it facilitates the early identification and resolution of possible problem areas in need of attention, rather than having to wait until after a teacher receives an overall score of developing or ineffective for the development and implementation of an improvement plan.

- o Activities undertaken to remediate any identified problem areas shall not be subject to



THE APPR – SECTION 3020-a CONNECTION

attention based on administrative review of the observational evidence and interactive

The Issues:

- The APPR law limits the definition of what constitutes a pattern of ineffective teaching or performance to two **consecutive** ineffective ratings pursuant to APPRs conducted under the APPR educator evaluation system. As a result, an tenured educator who, for example, receives two ineffective ratings in a three year period, but not in a consecutive sequence,

[REDACTED]

- A pattern of ineffective teaching or performance, as defined under the APPR law, constitutes only “very significant evidence of ineffective teaching or performance”.

[REDACTED]

[REDACTED]

- Require tenured educators who are the subject of a Section 3020-a to provide “reciprocal discovery” to their employing school district.
- Establish a state panel of hearing officers to hear and decide Section 3020-a cases.

As mentioned above, both organizations are available to answer any questions you might have.

[REDACTED]

Robert

and for a more in-depth discussion of any issues you might want to discuss further.

Thank you for your consideration.

Respectfully Submitted,

Timothy G. Kremer
Executive Director
New York State School Boards Association, Inc.
24 Century Hill Drive, Suite 200

Robert H. Cohen
President
New York State Association of School
Attorneys

OTHER MATERIALS



21 a i a o r e c e

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The current Annual Professional Performance Review (APPR) system is not yielding the desired

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SCHOOL SUPERINTENDENTS

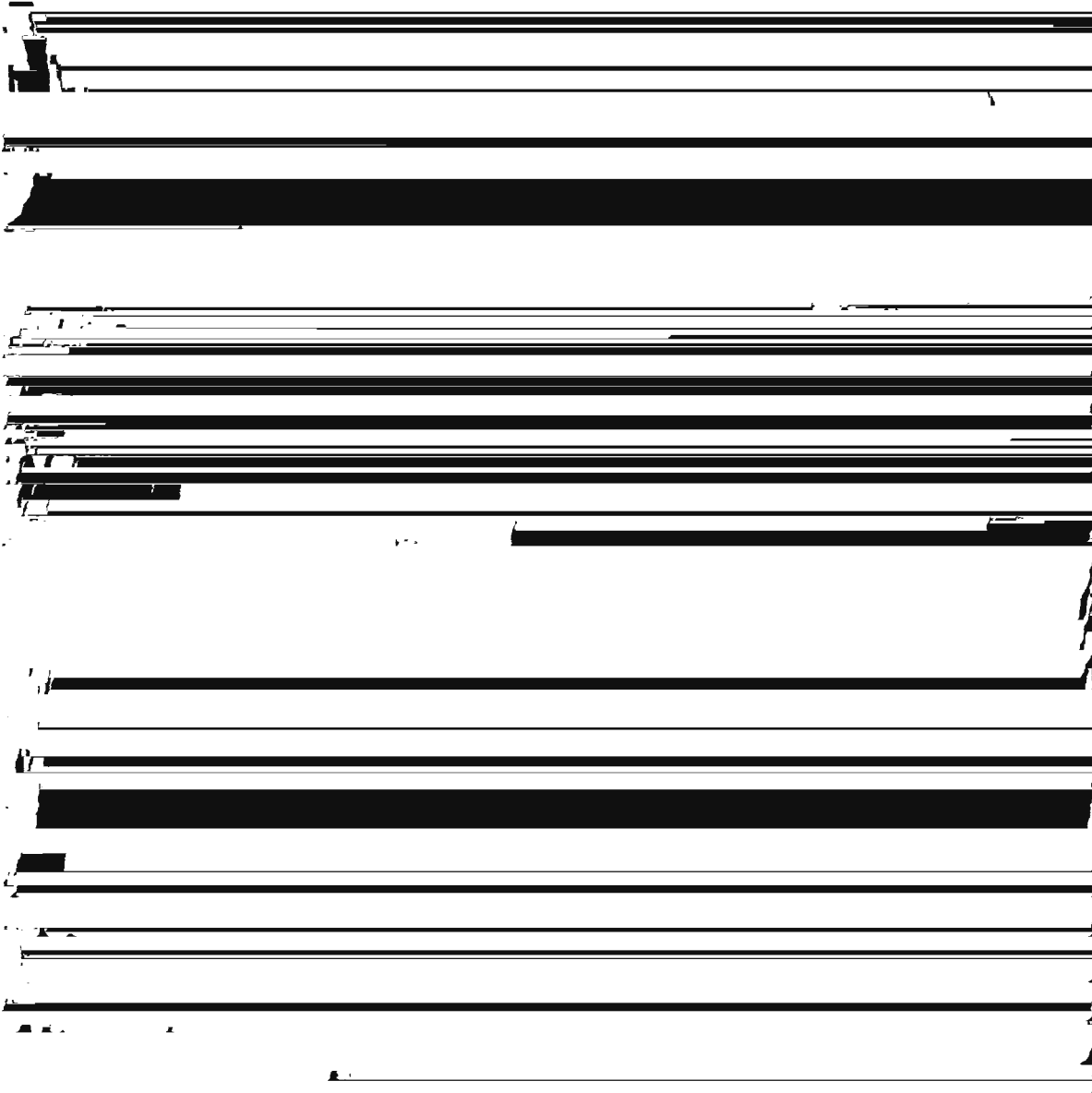
1000 State Street, Albany, NY 12243

New York State
School Boards
Association

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David Albert, NYSSBA 518-783-3716 (w), 518-320-2221(c)

518-783-3716 (w), 518-320-2221(c)



Superintendents and Timothy Kremer, Executive Director of the New York State School Boards Association regarding announced details of a new teacher evaluation law within the New York State Budget:

7 Elk Street, 3rd Floor
Albany, NY 12207

"The well-known definition of insanity is doing the same thing over and over and expecting a different

518.449.1005