

## **DISCLOSURE OF ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) DATA**

On June 25, 2012, Chapter 68 of the Laws of 2012 amended Education Law Section 3012-c, requiring public disclosure of the results of Annual Professional Performance Reviews (APPRs) of teachers and principals. This law became effective July 1, 2012. Under this new disclosure law, the Legislature set forth a problematic system that attempts to distinguish between disclosure of aggregate data to the general public versus access to specific final quality ratings and composite effectiveness scores of teachers and principals to parents and legal guardians.

In sum, Education Law Section 3012-c, as amended, states that the Commissioner shall disclose professional performance review data for teachers and principals on the New York State Education Department (NYSED) website, and in any other manner, to make such data widely available to the public; however, the release of such aggregate data shall not include personally identifiable information for any teacher or principal. Such public disclosure shall be suitable for research, analysis and comparison of APPR data for teachers and principals across the state.

In contrast, districts are required to release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and principals to which their child is currently assigned. The Board is required to provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Parents are entitled to receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings, and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. District officials are charged with the task of making reasonable efforts to verify that a request is bona fide and made by a parent or guardian entitled to review the data.

This month's Policy Update utilizes a question and answer format to address the issues related to the APPR disclosure requirements.

### ***What data will be released to the public?***

NYSED is required to post on its website APPR data for teachers and principals in each school district and BOCES. This data is required to be in aggregate form, and no personally identifiable information should be linked to it. This data is expected to be suitable for research, analysis and comparison, and will include the final quality ratings and composite effectiveness scores by school district, by school building, by grade level, by region and a variety of other variables. For example, visitors to the NYSED website could view aggregate data on all 8th grade math teachers in districts across the state by poverty level.

### ***What data will be released to parents?***

As of the 2013-14 school year, and upon request, each school district and BOCES must release to parents/legal guardians the final quality ratings and composite effectiveness scores for each of their student's teachers and principal, who are subject to 3012-c. Upon request, parents will also be given a written summary or oral explanation of the composite scores and ratings bands, and should be offered

the opportunity to understand the scores in the context of teacher evaluation and student performance. Districts may opt to use the standard APPR scoring chart from the SED "Purple Memo", or refer parents to the district's APPR plan, which should be posted online. The past year's scores will be released only for the student's current teachers and principal.

### ***How will Districts meet the notice requirement?***

Districts are required to provide "conspicuous notice" to parents and legal guardians of their right to obtain the final quality ratings and the composite effectiveness scores of their child's teachers and principals. Districts might consider posting this notice on their website or in any other publications, such as the district calendar, where annual notices are published.

### ***How will data be released to parents?***

Parents may review and receive scores by phone or in person. School officials must also make reasonable efforts to verify the identity of the parent/legal guardian, their relationship to the student and their right to such student/teacher data. When requesting scores in person, we suggest schools ask for photo identification and verify the parental relationship through information in the student's records. When requesting scores by phone, we suggest asking for a full name, checking caller ID, and asking the caller for unique information about the student, which would not commonly be known. All requests for scores should be documented in the student's file with name, date, time, identification shown, as well as the name of the school official who released the scores. If the parent is known to the school official, and therefore no identification was shown, that should also be documented. We also suggest that districts designate one or two officials to release scores, such as an assistant superintendent or director of human resources, and that parents be required to make appointments with that designated official to receive the scores in person or by phone.

### ***Are individual APPR scores public information?***

Under Section 10(c) of Education Law 3012-c, the APPR scores of individual teachers and principals are not subject to disclosure under New York's Freedom of Information Law (FOIL).

### ***Can parents share or publish the APPR scores they receive?***

Chapter 68 of the Laws of 2012, amending Education Law 3012-c, is silent on this issue.

### ***Can parents request teachers based on APPR scores?***

Upon release to parents of the final quality ratings and composite effectiveness scores of teachers, some parents might wish to request specific teachers with higher ratings for their children. Districts should already have procedures in place that outline how and if parents can request a teacher for their child. This procedure should be clearly communicated each school year through a letter from the principal and/or inclusion in the student handbook. Most districts do not allow parents to request a specific teacher. Rather, they allow parents to describe the ideal learning environment for their child and attributes for a potential teacher they feel will be beneficial to their student's growth and progress.

We have suggested wording in the sample regulation, Student Placement, included in the Administrative Update. Procedures should stress that the final decision on class placement is up to the principal, with input from a variety of sources, and that students will not be moved after placement is complete except in unusual circumstances. Moving a student at any time during the school year is disruptive. Our sample policy, Student Evaluation, suggests that districts do not honor teacher preference requests.

***Where can the District obtain additional information?***

Unfortunately, there is no guidance from NYSED regarding the disclosure law. However, Section 3012-c of Education Law revisions from Chapter 68 of the Laws of 2012 may be viewed at: <http://public.leginfo.state.ny.us/menuf.cgi>.

(Use the drop down box to enter 2012 and follow the prompts to "Chapters" for Chapter Law 68)

**Summary**

Enclosed for your review and consideration is the revised policy on Evaluation of Personnel (recommended #6130). This entire policy has been updated and should replace the current policy for all districts, including those who received the revisions concerning the section on "APPR Ratings" in the September 2012 Quarterly Policy Revisions. We are also suggesting a minor revision to Student Evaluation (recommended #7210) to address teacher preference requests, which may become problematic once scores are released. We recommend that your current policies be reviewed and revised/replaced as necessary. The additions to the policies have been highlighted for ease of review. While the law must be followed regarding the disclosure of APPR data, districts may determine their own philosophy and practices relating to how such disclosure will be carried out and what their practices should be regarding teacher preference requests. These policies are not intended to be adopted "as is", but are meant to be utilized as a resource and framework for developing your own district standards. Districts are encouraged to review these samples with administrative teams and legal counsel, as appropriate.

School districts that also subscribe to our Administrative Update service will receive under separate cover two newly developed sample regulations on Disclosure of Annual Professional Performance Review (APPR) Data (recommended #6130R) and Student Placement (recommended #7210R) to aid in implementation of the policies. Also included is 6130R.1 -- Annual Professional Performance Review (APPR) Scoring, a chart that districts can use to summarize APPR scores to parents, if requested.

*Please note that the Policy Manual numbers correlate with the Erie 1 BOCES numbering system, and that your numbers may vary.*

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**NOTE:** It is important to note the sample Policy Updates are not to be interpreted as the rendering of legal advice. You may wish to add or delete text in the enclosed policy document, in accordance with law and after consultation with your administrators/school attorney, to better reflect your district's needs and practices.

## **SUBJECT: EVALUATION OF PERSONNEL**

The \_\_\_\_\_ School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and Principals shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

### **APPR Ratings**

For those teachers and Principals subject to Education Law 3012-c, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and final quality rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- a) 20% - student growth on state assessments or other comparable measures of student growth (increases to 25% upon implementation of a value-added growth model);
- b) 20% - locally selected measures of student growth or achievement that are determined to be rigorous and comparable across classrooms as defined by the Commissioner (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/Principal effectiveness consistent with standards prescribed by the Commissioner in regulation.

The ratings scale based on composite scores has been established as follows:

- a) Highly Effective = composite effectiveness score of 91-100
- b) Effective = composite effectiveness score of 75-90
- c) Developing = composite effectiveness score of 65-74
- d) Ineffective = composite effectiveness score of 0-64

(Continued)

**SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)**

If a teacher or Principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or Principal improvement plan (TIP or PIP). Tenured teachers and Principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The School District will ensure that all evaluators are appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.

**Disclosure of APPR Data**

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and Principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or Principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and Principals across the state.

Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and Building Principals subject to Education Law 3012-c. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

Annual professional performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law Section 3012-c  
Public Officers Law Sections 87 and 89  
8 NYCRR Sections 30-2 and 100.2(o)

Adoption Date

# REGULATION

2013

6130R

Personnel

## **SUBJECT: DISCLOSURE OF ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) DATA**

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law Section 3012-c, New York State Education Department (NYSED) is required to release professional performance review data for teachers and Principals in aggregate form. NYSED is required to ensure that public release of Annual Professional Performance Review (APPR) data does not include any personally identifiable information for any teacher or Principal.

Upon request, parents/legal guardians have the right to review and receive the final quality ratings and composite effectiveness scores of individual teachers and Principals of their children. The District will provide conspicuous notice to parents/legal guardians of their right to obtain the final quality rating and composite effectiveness score for each of the teachers and the Principal for the child's assigned school building and the methods by which such data can be obtained. Such notice may be provided on the District's website and/or with other annual notifications.

### **Disclosure of Data to Parents/Guardians**

Upon request, the District shall release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their child is currently assigned. Parents/legal guardians may contact the \* \_\_\_\_\_ (fill in title of school official/administrator/s) to set up an appointment to receive, in person or by phone, the final quality ratings and composite effectiveness scores for their child's designated teacher(s) and Principal.

In accordance with the law, prior to the release of any data, school officials shall make reasonable efforts to verify that any request to receive such data is a bona fide request by a parent/guardian entitled to review the data. If requesting the information in person, parents/legal guardians may be asked to produce photo identification to verify their relationship to the student. If requesting the information by phone, parents/legal guardians may be asked to relay personally identifiable information from their student's file that is not commonly known, in order to verify their relationship.

With the disclosure of scores, parents/legal guardians may also request an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings, and be offered opportunities to understand such scores in the context of teacher evaluation and student performance. The District may distribute a written summary that explains the composite scores and designates the ranges for Highly Effective, Effective, Developing and Ineffective ratings. The District may also refer parents to the APPR plan, located on the District's website.

Annual performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

*\*Customize to District*

# REGULATION

2013

6130R.1

Personnel

## SUBJECT: ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) SCORING

<b>Standards for Rating Categories (Only score that can be released)</b>	<b>Growth or Comparable Measures</b>	<b>Locally-selected Measures of growth or achievement</b>	<b>Other Measures of Effectiveness (Teacher and Leader standards)</b>
Highly Effective (91-100)	Results are well-above state average for similar students (or District goals if no state test).	Results are well-above District or BOCES - adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.
Effective (75-90)	Results meet state average for similar students (or District goals if no state test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
Developing (65-74)	Results are below state average for similar students (or District goals if no state test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
Ineffective (0-64)	Results are well-below state average for similar students (or District goals if no state test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.

<http://engageny.org/sites/default/files/resource/attachments/nys-evaluation-plans-guidance-memo.pdf>

Note: Scoring chart is for the 2013-2014 school year. It is expected that the Commissioner will review scoring ranges annually before the start of each school year and recommend any changes to the Board of Regents for consideration.

## **SUBJECT: STUDENT EVALUATION**

### **Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may request, in writing, teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

### **Promotion and Retention**

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

### **Testing Program**

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

### **Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.



**SUBJECT: STUDENT EVALUATION (Cont'd.)****Reporting to Parents/Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.  
Education Law Section 1709(3)  
8 NYCRR Sections 100.2(g), 117 and 154

Adoption Date

# REGULATION

2013

7210R

Students

## **SUBJECT: STUDENT PLACEMENT**

Principals are responsible for student placement in classes and courses for the subsequent school year. Class assignments are based on a variety of factors, including class size, student learning needs, and demographics. Teacher and parent input are vital to ensuring well-balanced classes that meet the needs of all learners. While the District does not honor parent requests for specific teachers, parents may provide the Principal with information on teacher attributes that best support the learning needs of their children. For example, Principals may take into account information on student interests and activities, academic factors, learning styles, social skills, classroom environment, and academic goals. If desired, parents can submit such requests, in writing, to the Building Principal addressing the learning needs of their children. Such requests must be submitted by \*May 15 of each year for the next school year. If such letters include requests for specific teachers, the letter will be returned to the parents with instructions to revise the letter with a focus on the child's learning needs.

In an effort to communicate this process to parents, Principals may choose to remind parents of the established placement process in the newsletter each spring, on the school website, in the student handbook, and/or on the parental portal if the school has one. Parents and students will be notified of class placement in \*August.

Once student schedules have been finalized and released, requests for changes in student placement will not be honored unless there are extenuating circumstances. Moving students at any time during the school year is disruptive and not conducive to student academic progress. The final decision regarding student placement lies with the Principal.

*\*Customize to District -- Dates may be customized*