THE COUNCIL of SCHOOL SUPERINTENDENTS
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MEMORANDUM

To: NYSCOSS APPR Task Force Members

From: Bob Reidy, Bob Lowry, & Terry Pratt

RE: Questions Regarding Implementation of APPR Law Changes

Date: April 17, 2015

New section 3012-d of the education law establishes the general parameters for teacher (and principal) evaluations and directs the State Education Department (SED) to adopt implementing regulations by June 30, 2015.

On April 15, Council representatives met with the SED Acting Commissioner, Deputy Commissioner, Assistant Commissioner, and Director of Governmental Relations to discuss SED's role in establishing the regulations required by the new law. What follows below is a series of questions that resulted from that meeting, both from SED and from our analysis of the new law.

Please read the questions below to formulate ideas for discussion on a conference call to take place next Monday. SED's requested timeline for input on the process is to have information from us by the end of next week (April 24).

Question 1: How should SED establish the appropriate measures for use of student assessments in the evaluation?

The law provides that all teachers will receive two ratings, one based on student performance, one based on observations. For the student performance category, all teachers will have either a state-provided growth score or an SLO and may have an optional second measure, if agreed to through collective bargaining.

1-A. SED has been tasked with establishing weights, metrics, and scoring bands for a student performance measure. How should they go about approaching this most efficiently in the next few weeks?

1-B. Should the scoring ranges copy those currently in place for the composite effectiveness score (0-64 = I; 65-74 = D; 75-90 = E; 91-100 = HE), or something else?

1-C. The law requires that teachers whose class does not end with a state test have an SLO "consistent with a goal-setting process determined or developed by the commissioner." Does this require changes in current state policy or should there be changes in current state policy?

1-D. Should the scoring ranges be the same for both state-provided growth scores and SLOs?

1-E. The law requires SED to set parameters for appropriate growth targets on student performance measures and to approve district-developed growth targets (for example, Chancellor Tisch's December 31 response to the Governor suggested that one year's growth be set as a minimum valid target). How should student growth targets be developed?

Question 2: How should a second alternative assessment be developed/approved/measured?

As noted above, the new law allows for use of a second alternative assessment (from which a growth score will be derived) to be used as a part of the student performance category in addition to the state growth score or SLO, if chosen in the collective bargaining process by the district and its union.

2-A. How should SED approach choosing and approving assessments to be used as this second alternative measure?

2-B. How should the optional second assessment be weighted in comparison with the required state growth score or SLO as a measure of student performance? More, less, same?

2-C. How should SED establish a uniform statewide growth model for the many different assessments that may be locally developed or purchased by districts (differing from district to district)?

Question 3: How should SED structure observation measures to make the measures most effective and least onerous?

The law prescribes that "teacher observations" comprise the second category in the new evaluation structure and that this category include two subcomponents: (1) observations by a principal or other trained administrator (presumably the teacher's supervisor) and (2) observations by an "impartial, independent evaluator" – someone not employed within the same building. In addition, the category may include a subcomponent based on peer observations done by a teacher rated effective or highly effective.

3-A. SED must establish approved observation rubrics and uniform statewide scoring bands and must set the weights given to the subcomponents within this category.

-Should all currently approved rubrics continue to be allowed or should the number of allowable rubrics be minimized?

-What are the appropriate scoring bands? Should they be the same ranges as now used for the composite effectiveness score or something different?

-Should the same scoring bands be used for both observations conducted by a principal or independent evaluator?

-Should independent observations be conducted using the same rubric as principal-conducted observations?

-How should principal-conducted and independent observations be weighted in computing this rating (equal or one more than the other)?

-If used, how should peer observations be weighted?

3-B. How should SED execute the express requirement for use of independent evaluators?

-Minimize its weight within the overall observation category?

-Explore options to require specific triggers to initiate the independent observation measure (i.e. not every teacher/school/district would be independently evaluated)? (The executive seems likely to resist an interpretation that would not require an independent observation for every teacher)?

-Use random or spot-evaluations to measure the overall teaching staff?

3-C. The law requires this category of the evaluation to be collectively bargained. To the extent the scope of bargaining might be narrowed, what elements should be collectively bargained within this category, and what should be expressly established by SED?

3-D. The law requires SED to determine the minimum number of observations to be conducted annually as well as their frequency and duration, and the weightings given to the traditional and independent observation subcomponents. What are your recommendations on these points?

Question 4: How should SED approach the process of accepting and approving documents establishing district compliance with the new law?

The law requires school districts to file documentation that they are in compliance with the law and have that documentation approved by SED by November 15, 2015 or forgo any increase in state aid allocated for the 2015-16 school year.

4-A. What are some ways that the current APPR plan approval process could be streamlined or otherwise improved upon?

4-B. What amount of lead time should SED adopt between the plan submission deadline and the plan approval deadline (November 15, 2015)?

4-C. What are your opinions of the feasibility of the following filing/review options and how they might operate:

-A "file and use" standard (attestation to compliance with the law upon filing; instant approval subject to SED ability to audit/review after the fact)? (Note: the law expressly requires SED approval of some specific APPR plan components -e.g., growth targets).

-Precursory plan review by BOCES with anomalies/questionable filings being kicked up to SED for further review?

-Utilizing independent contractors (attorneys?) to conduct review of plans (Note: $1 million has been appropriated to SED to establish the new evaluation system)?

-Full thorough review by SED staff (current review room)?

Question 5: How should SED establish a comparable evaluation system for Principals?

The law requires SED to "adopt regulations to align the principal evaluation system" with the new teacher evaluation system.

5-A. Should the evaluation system for principals be identical to that for teachers? How should it differ?

5-B. What different issues arise with requiring independent observations for principals as opposed to teachers?

-Should school districts be able to access a waiver process to cover districts without in-house independent evaluators or where a superintendent is also a principal?

-Do you think SED could legitimately exclude the independent evaluation subcomponent from principal evaluations?

Question 6: How should SED structure a waiver process to provide exemption from the requirement that students not be subjected to two consecutive ineffective teachers?

6-A. The new law prohibits school districts from placing a student into a classroom with an ineffective teacher for two consecutive years, subject to a waiver where that would be "impracticable." What should constitute impracticability?

6-B. How can districts practically comply with this when teacher effectiveness ratings are not known until around the start of the new school year?

6-C. How should SED address this mandate in the case of students who are in multiple classrooms throughout the day, particularly high school students?

Question 7: What experts should be consulted in this process?

7-A. The law requires SED to consult "experts" in the fields of education, economics and psychometrics in developing their regulations. Who are the experts in these fields we would recommend they should engage?

7-B. Should SED host a "summit" to engage these experts in a public way?

Question 8: Additional questions:

8-A. Are there other questions we should be discussing?

8-B. Are there questions we should pose to SED or executive and legislative contacts?