AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to Education Law sections 101, 207, 210, 212, 215, 3001, 3012-d.

1. Subdivision (c) of section 30-2.3 shall be amended, effective September 12, 2016, to read as follows:

(c) (1) Subject to the provisions of Education Law 3012-c(2)(k), the entire annual professional performance review shall be completed and provided to the teacher or the principal as soon as practicable but in no case later than September 1st of the school year next following the school year for which the teacher or principal's performance is being measured. The teacher's and principal's score and rating on the locally selected measures subcomponent, if available, and on the other measures of teacher and principal effectiveness subcomponent for a teacher's or principal's annual professional performance review shall be computed and provided to the teacher or principal, in writing, by no later than the last day of the school year for which the teacher or principal is being measured, but in no case later than September 1st of the school year next following the school year for which the teacher or principal's performance is measured. Nothing in this subdivision shall be construed to authorize a teacher or principal to commence the appeal process prior to receipt of their composite effectiveness score and rating. Each such annual professional performance review shall be based on the State assessments or other comparable measures subcomponent, the locally selected measures of student achievement subcomponent and the other measures of teacher and principal effectiveness subcomponent, determined in accordance the applicable provisions of Education Law section 3012-c and this Subpart, for the school year for which the teacher's or principal's performance is measured.

(2) Notwithstanding any provisions in this subdivision to the contrary, for the 2015-16 school year, teachers or principals whose annual professional performance reviews are based, in whole or in part, on the results of the grades 3-8 English language arts or mathematics State assessments and/or State-provided growth scores on Regents examinations shall be provided with their annual professional performance review transition scores and ratings computed pursuant to section 30-2.14 of this Subpart as soon as practicable but in no case later than September 1st of the school year next following the school year for which the teacher or principal's performance is being measured. During the 2015-16 school year, such teachers and principals shall also be provided with their original composite rating computed pursuant to section 3012-c of the Education Law and this Subpart by September 1st of the school year next following the school year for which the teacher or principal's performance is being measured, or as soon as practicable thereafter.

2. Subdivision (c) of section 30-3.3 of the Rules of the Board of Regents, effective September 12, 2016, is amended to read as follows:

(c) (1) [The] Except as otherwise provided in paragraph (2) of this subdivision, the entire annual professional performance review shall be completed and provided to the teacher or the principal as soon as practicable but in no case later than September 1st of the school year next following the school year for which the teacher or principal's performance is measured. The teacher's and principal's score and rating on the observation/school visit category and in the student performance category, if available, shall be computed and provided to the teacher or principal, in writing, by no later than the last day of the school year for which the teacher or principal is being measured, but

in no case later than September 1st of the school year next following the school year for which the teacher or principal's performance is measured. Nothing in this subdivision shall be construed to authorize a teacher or principal to commence the appeal process prior to receipt of his or her overall rating. Districts shall ensure that there is a complete evaluation for all classroom teachers and building principals, which shall include scores and ratings on the subcomponent(s) of the student performance category and the observation/school visit category and the combined category scores and ratings, determined in accordance with the applicable provisions of Education Law section 3012-d and this Subpart, for the school year for which the teacher's or principal's performance is measured.

(2) Notwithstanding any provisions in this subdivision to the contrary, during the 2015-16 through 2018-19 school years, teachers or principals whose annual professional performance reviews are based, in whole or in part, on the results of the grades 3-8 English language arts or mathematics State assessments and/or State-provided growth scores on Regents examinations shall be provided with their annual professional performance review transition scores and ratings computed pursuant to section 30-3.17 of this Subpart as soon as practicable but in no case later than September 1st of the school year next following the school year for which the teacher or principal's performance is being measured. During the 2015-16 through 2018-19 school years, such teachers and principals shall also be provided with their original composite rating computed pursuant to section 3012-d of the Education Law and this Subpart by September 1st of the school year next following the school year for which the teacher or principal's performance is being measured, or as soon as practicable thereafter.

3. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 30-3.4 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(ii) for a teacher whose course does not end in a State-created or administered test or where less than 50 percent of the teacher's students are covered by a State-provided growth measure, such teacher shall have a student learning objective (SLO) developed and approved by his/her superintendent or his or her designee, using a form prescribed by the commissioner, consistent with the SLO process determined or developed by the commissioner, that results in a student growth score; provided that, for any teacher whose course ends in a State-created or administered assessment for which there is no State-provided growth model, such assessment must be used as the underlying assessment for such SLO. Provided, however, that during the 2015-16 school year, while the Department transitions to a new computer based examination, the district shall determine whether to use the New York State Alternate Assessment (NYSAA) as the underlying assessment for such SLO. In instances where a district determines not to use the NYSAA, the district must determine whether to use SLOs based on a list of approved student assessments, or a district- or-BOCES-wide or school- or program-wide group, team, or linked results based on State/Regents assessments, or other assessments approved by the Department, as defined by the commissioner in guidance. The SLO process determined by the commissioner shall include a minimum growth target of one year of expected growth, as determined by the superintendent or his or her designee. Such targets, as determined by the superintendent or his or her designee, may take the following characteristics into

account: poverty, students with disabilities, English language learners status and prior academic history. SLOs shall include the following SLO elements, as defined by the commissioner in guidance:

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .

(h) . . .

4. Subparagraph (iii) of paragraph (1) of subdivision (b) of section 30-3.4 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(iii) for a teacher whose course does not end in a State-created or administered test or where a State-provided growth measure is not determined, districts may determine whether to use SLOs based on a list of approved student assessments, or a [school-or-BOCES-wide] <u>district or BOCES-wide or school or program-wide</u> group, team, or linked results based on State/Regents assessments <u>or other student assessments approved by the Department</u>, as defined by the commissioner in guidance.

5. Paragraph (2) of subdivision (b) of Section 30-3.4 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(2) Optional second subcomponent. A district may locally select a second measure that shall be applied in a consistent manner, to the extent practicable, across the district based on the State/Regents assessments or State-designed assessments and be either:

(i) a second State-provided growth score on a state-created or administered test; provided that the State-provided growth measure is different than that used in the required subcomponent of the student performance category, which may include one or more of the following measures:

(a) a teacher-specific growth score computed by the State based on percentage of students who achieve a State-determined level of growth (*e.g.*, percentage of students whose growth is above the median for similar students);

(b) school-wide growth results based on a State-provided school-wide growth score for all students attributable to the school who took the State English language arts or math assessment in grades 4-8;

(c) district- or BOCES-wide or school-wide, group, team, or linked growth results using available State-provided growth scores that are locally-computed; or

(ii) a growth score based on a State-designed supplemental assessment, calculated using a State-provided or approved growth model. Such growth score may include [school] district- or BOCES–wide or school- or program-wide group, team, or linked results where the State-approved growth model is capable of generating such a score.

6. Subparagraph (xii) of paragraph (2) of subdivision (d) of section 30-3.4 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(xii) Each subcomponent of the observation category shall be evaluated on a 1-4 scale based on a State-approved rubric aligned to the New York State teaching standards and an overall score for [each] the observation category shall be generated between 1-4. Such subcomponent scores shall incorporate all evidence collected and observed over the course of the school year. [Multiple] Scores for each [observations] subcomponent of the observation category shall be combined using a weighted average pursuant to subparagraph (xiv) of this paragraph, producing an overall observation category score between 1-4. In the event that a teacher earns a score of 1 on all rated components of the practice rubric across all observations, a score of 0 will be assigned.

7. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 30-3.5 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(ii) for a principal where less than 30 percent of his/her students are covered under the State-provided growth measure, such principal shall have a student learning objective (SLO), on a form prescribed by the commissioner, consistent with the SLO process determined or developed by the commissioner, that results in a student growth score; provided that, for any principal whose building or program includes courses that end in a State-created or administered assessment for which there is no State-provided growth model, such assessment must be used as the underlying assessment for such SLO. Provided, however, that during the 2015-16 school year, while the Department

transitions to a new computer based examination, the district shall determine whether to use the New York State Alternate Assessment (NYSAA) as the underlying assessment for such SLO. In instances where a district determines not to use the NYSAA, the district must determine whether to use SLOs based on a list of approved student assessments, or a district- or-BOCES-wide or school- or program-wide group, team, or linked results based on State/Regents assessments, or other assessments approved by the Department, as defined by the commissioner in guidance. The SLO process determined by the commissioner shall include a minimum growth target of one year of expected growth, as determined by the superintendent or his or her designee. Such targets, as determined by the superintendent or his or her designee, may take the following characteristics into account: poverty, students with disabilities, English language learners status and prior academic history. SLOs shall include the following SLO elements, as defined by the commissioner in guidance:

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .

(h) . . .

(8) Subparagraph (iii) of paragraph (1) of subdivision (b) of section 30-3.5 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(iii) For a principal of a building or program whose courses do not end in a State-created or administered test or where a principal growth score is not determined, districts shall use SLOs based on a list of State-approved student assessments. SLOs set for courses in the principal's building which do not end in a State-created or administered test may incorporate district or BOCES-wide or school or program-wide results from State-created or administered tests, or other student assessments approved by the Department.

(9) A new subparagraph (iv) of paragraph (1) of subdivision (b) of section 30-3.5 of the Rules of the Board of Regents is added, effective September 12, 2016, to read as follows:

(iv) districts shall develop back-up SLOs for all principals whose buildings or programs contain courses that end in a State-created or administered test for which there is a State-provided growth model, to use in the event that no State-provided growth score can be generated for such principals.

(10) Paragraph (2) of subdivision (b) of section 30-3.5 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(2) Optional second subcomponent. A district may select one or more other measures for the student performance category that shall be applied in a consistent manner, to the extent practicable, across the district based on either:

(i) a second State-provided growth score on a State-created or administered test; provided that a different measure is used than that for the required subcomponent in the student performance category, which may include one or more of the following measures:

(a) principal-specific growth computed by the State based on the percentage of students who achieve a State-determined level of growth (*e.g.,* percentage of students whose growth is above the median for similar students);

(b) district- or BOCES-wide or school- or program -wide growth results using available State-provided growth scores that are locally-computed; or

(ii) a growth score based on a State-designed supplemental assessment, calculated using a State-approved growth model. Such growth score may include [school] district- or BOCES-wide or school- or program-wide group, team, or linked measures where the State-approved growth model is capable of generating such a score.

(11) Paragraph (13) of subdivision (d) of section 30-3.5 of the Rules of the Board of Regents is amended, effective September 12, 2016, to read as follows:

(13) Each subcomponent of the school visit category shall be evaluated on a 1-4 scale based on a state-approved rubric aligned to the ISLLC standards and an overall score for [each] the school visit category shall be generated between 1-4. Such subcomponent scores must incorporate all evidence collected and observed over the course of the school year in that subcomponent. [Multiple] Scores for each [observations] subcomponent of the school visit category shall be combined using a weighted average, producing an overall [observation] school visit category score between 1-4. In the event that a principal earns a score of 1 on all rated components of the practice rubric across all school visits, a score of 0 will be assigned. Weighting of Subcomponents with Principal School Visit Category. The weighting of the

subcomponents within the principal school visit category shall be established locally within the following constraints:

(i)…

(ii)…

(iii)…

(12) Subdivision (b) of section 30-3.11 shall be amended, effective September 12, 2016, to read as follows:

(b) Such improvement plan shall be developed by the superintendent or his or her designee in the exercise of their pedagogical judgment, and subject to collective bargaining to the extent required under article 14 of the Civil Service Law, and shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which the improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas.

(13) Subdivision (c) of section 30-3.13 of the Rules of the Board of Regents, effective September 12, 2016, is amended to read as follows:

(c) Corrective action plans may require changes to a collective bargaining agreement, subject to collective bargaining under article 14 of the Civil Service Law.