

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 101, 207, 215, 305, 3009, 3012-d, and 3012-e of the Education Law and Chapter 143 of the Laws of 2024.

1. The title of Subpart 30-3 is amended to read as follows:

Subpart 30-3. Annual Teacher and Principal Evaluations for the 2019-20 [School Year and Thereafter] through the 2031-2032 School Year

2. Subdivisions (a) and (b) of section 30-3.1 are amended to read as follows:

(a) For classroom teacher and building principal evaluations conducted by districts pursuant to collective bargaining agreement entered into after April 12, 2019 for the 2019-2020 school year [and each school year thereafter] through the 2031-2032 school year, the governing body of each district shall ensure that such evaluations are conducted in accordance with the requirements of Education Law section 3012-d, as amended by Chapter 59 of the Laws of 2019 and this Subpart or, for the 2024-2025 school year through the 2031-2032 school year, in accordance with the requirements of either Education Law §3012-d, as amended by Chapter 59 of the Laws of 2019, and this Subpart or Education Law §3012-e and Subpart 30-4 of this Part. Provided, however, that on and after June 30, 2032, the governing body of each school district shall ensure that evaluations are conducted in accordance with the requirements of Education Law §3012-e and Subpart 30-4.

(b) The requirements of Education Law section 3012-d as enacted by Chapter 56 of the Laws of 2015 and Subpart 30-2 of this Part shall continue to apply to annual professional performance reviews conducted prior to the 2019-2020 school year or for any annual professional performance review conducted on or after the 2019-2020 school

year pursuant to a collective bargaining agreement entered into on or before April 12, 2019 that remains in effect after April 12, 2019 until a successor agreement is reached prior to June 30, 2032. Provided, however, that on and after June 30, 2032, the governing body of each school district shall ensure that evaluations are conducted in accordance with the requirements of Education Law §3012-e and Subpart 30-4 of this Part.

3. Part 30 of the Rules of the Board of Regents is amended by adding a new Subpart 30-4 to read as follows:

Subpart 30-4

STANDARDS-BASED EDUCATOR EVALUATION AND PROFESSIONAL SUPPORT
("STEPS") PLANS BEGINNING IN THE 2024-2025 SCHOOL YEAR AND
THEREAFTER

Section 30-4.1 Applicability

(a) Standards-based Educator Evaluation and Professional Support ("STEPS") plans may be conducted by a local educational agency (LEA) beginning with the 2024-2025 school year pursuant to a collective bargaining agreement entered into on and after June 28, 2024, in accordance with the requirements of Education Law §3012-e and this Subpart. Provided, however, that on and after June 30, 2032, the governing body of each LEA shall ensure that their STEPS plan is conducted in accordance with the requirements of Education Law §3012-e and this Subpart.

(b) The goal of the STEPS evaluation system is to support the professional learning of all teachers and building principals. Reviews performed pursuant to this Subpart shall be a significant factor in teacher and principal development, including but

not limited to coaching, induction support, and differentiated professional development for all teachers and principals.

Section 30-4.2 Definitions

As used in this Subpart:

(a) *Building principal or principal* shall mean a building principal or an administrator in charge of an instructional program at a Board of Cooperative Educational Services (BOCES).

(b) *Classroom teacher or teacher* shall mean a teacher of record as defined by the LEA.

(c) *Cycle* shall mean a period of school years over which an educator will be evaluated on all applicable teaching or leadership standards and receive an overall rating. Under this Subpart, a cycle shall be a single school year for probationary teachers and principals. For tenured teachers and principals, a cycle may be annual or multi-year, provided that evaluators are able to collect evidence and provide teachers and principals with timely, actionable feedback on their practice aligned to each NYS Teaching and Leadership Standard.

(d) *Culturally Responsive-Sustaining Education (CRSE) Framework* shall mean a view of learning and human development in which multiple expressions of diversity are recognized and regarded as assets for teaching and learning. The CRSE Framework was published by the State Education Department in 2018, and is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234.

(e) Evaluator shall mean any trained individual who conducts an evaluation of a classroom teacher or building principal under this Subpart.

(f) Leadership standards shall mean the Professional Standards for Educational Leaders: PSEL 2015 as adopted by the National Policy Board for Educational Administration (1904 Association Drive, Reston, VA 20191 – available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234), as modified by the New York State Board of Regents. The New York State leadership standards provide that an education leader shall:

(1) develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student;

(2) act ethically and professionally and according to professional norms to promote each student's academic success and well-being;

(3) strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being;

(4) develop and support intellectually rigorous, culturally relevant, and coherent systems of curriculum, instruction, and assessment to promote the academic success and well-being of all students;

(5) cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of all students;

(6) develop the professional capacity, cultural competence, and practice of school personnel to promote the love of learning, academic success, and well-being of all students;

(7) foster a professional community of teachers and other professional staff to promote each student's academic success and well-being;

(8) engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being;

(9) manage school operations and resources to promote each student's academic success and well-being; and

(10) act as agents of continuous improvement to promote each student's academic success and well-being.

(g) *Local Education Agency (LEA)* shall mean a public school district and/or board of cooperative educational services.

(h) *Multiple measures* shall mean the use of more than one different method, technique, or process of collecting evidence and evaluating educator practice aligned to the New York State Teaching or Leadership Standards.

(i) *Measurable* shall mean that which can be classified or estimated in relation to a scale, rubric, or standards.

(j) *Observations* shall mean two or more formal or informal direct, whether in-person or by live or recorded video, observations of a teacher's practice in a classroom or other school-based environment.

(k) *Overall rating* shall mean a rating based on ratings received on each applicable teaching or leadership standard and shall be consistent with the following requirements:

(1) *Level 1* shall indicate performance significantly below an LEA's expectations aligned to teaching or leadership standards;

(2) Level 2 shall indicate performance that partially meets an LEA's expectations aligned to teaching or leadership standards;

(3) Level 3 shall indicate performance that meets an LEA's expectations aligned to teaching or leadership standards; and

(4) Level 4 shall indicate performance that exceeds an LEA's expectations aligned to teaching or leadership standards.

(l) Rubric shall mean a scoring or rating tool that describes characteristics of practice and/or artifacts at different levels of performance.

(m) School building shall mean a school or program identified by its Basic Educational Data System (BEDS) code, as determined by the commissioner.

(n) School Visit shall mean a formal or informal observation of principal practice taking place in a school or other learning environment.

(o) Standards-based Educator Evaluation and Professional Support ("STEPS") plan shall mean an LEA's performance review plan pursuant to Education Law §3012-e.

(p) Superintendent shall mean the chief school officer of a district or the district superintendent of a board of cooperative educational services, provided that in the case of the City School District of the City of New York, superintendent shall mean the Chancellor of the City School District of the City of New York or their designee.

(q) Teacher of record shall mean the educator primarily responsible for providing learning in a content area for a student cohort as determined by an LEA.

(r) Teaching standards shall mean the New York State Teaching Standards as enumerated below:

(1) the teacher acquires knowledge of each student, and demonstrates knowledge of student development and learning to promote achievement for all students;

(2) the teacher knows the content they are responsible for teaching, and plans instruction that ensures growth and achievement for all students;

(3) the teacher implements instruction that engages and challenges all students to meet or exceed the learning standards;

(4) the teacher works with all students to create a dynamic learning environment that supports achievement and growth;

(5) the teacher uses multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction;

(6) the teacher demonstrates professional responsibility and engages relevant stakeholders to maximize student growth, development, and learning; and

(7) the teacher sets informed goals and strives for continuous professional growth.

Section 30-4.3 Requirements for Standards-Based Educator Evaluation and Professional Support (“STEPS”) Plans

(a) Applicability.

(1) The governing body of each LEA shall adopt a STEPS plan (“STEPS plan” or “plan”), in a form and on a timeline prescribed by the commissioner, for the evaluation and professional growth of all the LEA’s classroom teachers and building principals in accordance with the requirements of Education Law section 3012-e and this Subpart.

(2) Any plan submitted to the commissioner shall include a certification on a form prescribed by the commissioner, signed by the superintendent, district superintendent, or chancellor, where applicable; the president of the teachers' association or the president of the administrators' association, where applicable; and the president of the board of education.

(b) Timelines.

(1) Such plan shall be submitted to the commissioner for review and a determination of compliance. Absent a finding by the commissioner of extraordinary circumstances, plans shall be submitted by March 1st of the school year in which the plan will be implemented.

(2) Such plan shall be filed in the LEA's office and made available to the public on the LEA's website no later than September 10th of each school year, or within 10 days after the plan is deemed compliant by the commissioner, whichever shall occur later.

(3) Such plan shall be completed, and ratings shall be provided to the teacher or the principal, prior to the start of the school year following their evaluation, or as soon as practicable thereafter.

(c) Content of the plan. The STEPS plan submitted to the commissioner shall include:

(1) a description of the multiple measures used to evaluate the extent to which the educator meets each of the applicable NYS Teaching Standards or Leadership Standards;

(2) a description of how the selected measures will specifically address each teaching or leadership standard;

(3) a description of the number and frequency of observations and school visits;

(4) a description of the methodology for how educators will receive a level 1-4 rating on each teacher or leadership standard and receive an overall rating of level 1-4;

(5) a description of the frequency with which educators will be evaluated on each teaching or leadership standard and receive an overall rating;

(6) a description of the training process for evaluators of teachers and principals;

(7) a description of the process for developing and implementing a formal professional development plan;

(8) a copy of the LEA's Teacher or Principal Support Plan, the personalized professional development plan for teachers and principals who receive an overall rating of Level 1 or 2;

(9) a description of how the LEA will train teachers and principals on their STEPS plan to ensure educator engagement with the LEA's STEPS plan;

(10) any certifications required under Education Law 3012-e and this Subpart;
and

(11) any other criteria required by the commissioner to determine that the LEA's plan is consistent with the requirements of Education Law 3012-e and this Subpart.

Section 30-4.4 Criteria for Evaluating Classroom Teachers and Principals on the NYS Teaching Standards and Leadership Standards

(a) Evaluating classroom teachers and principals on the NYS Teaching and Leadership Standards.

(1) On an annual basis, all classroom teachers and principals shall be evaluated on the NYS Teaching and Leadership Standards, respectively, using multiple measures consistent with the following:

(i) Probationary teachers and principals shall be evaluated on each of the NYS Teaching and Leadership Standards, respectively, on an annual basis and shall receive an annual overall rating.

(ii) Tenured teachers and principals shall be evaluated on each of the NYS Teaching and Leadership Standards, respectively, but may be evaluated on a subset of standards on an annual basis. If a tenured teacher is not evaluated on each standard annually or does not receive an overall rating on an annual basis, the LEA's plan must include a process for tenured teachers to receive a rating on each standard and an overall rating on an annual or multi-year evaluation cycle; provided that evaluators are able to collect evidence and provide teachers and principals with timely, actionable feedback on their practice aligned to each NYS Teaching and Leadership Standard.

(iii) Nothing in this subpart prohibits all teachers and principals from being evaluated on each standard on an annual basis and receiving an overall rating on an annual basis.

(iv) The educators' performance on the NYS Teaching and Leadership Standards will be rated, and overall ratings determined pursuant to section 30-4.5 of this Subpart.

(b) Using multiple measures to evaluate classroom teachers and principals on the NYS Teaching and Leadership Standards.

(1) All classroom teachers and principals shall be evaluated using multiple measures, provided that one of the measures must be classroom observations for teachers and school visits for principals, consistent with the following requirements:

(i) Required observations/school visits. LEAs shall perform more than one classroom observation/school visit for all teachers and principals across their evaluation cycle consistent with subdivision (c) of section 30-4.2 of this Subpart. Such observations/school visits shall occur with a sufficient number and duration such that the evaluator can collect meaningful evidence of teaching and leadership to evaluate the applicable standard. Nothing in this subparagraph shall require that all teachers and principals have the same number or frequency of observations.

(ii) Additional measures. All teachers and principals shall also be evaluated using one or more of the following measures:

(a) portfolios;

(b) surveys and feedback;

(c) professional goal setting and attainment;

(d) student outcome data, such as student goal setting, attainment, and progress monitoring to evaluate a teacher's or principal's contribution to student growth, student achievement goal setting, a performance index, statistical growth measures, and portfolios of student work;

(e) teacher/principal projects, and/or

(f) another LEA-developed measure.

(2) Any measure selected to evaluate a teacher or principal shall provide direct evidence of such teacher's or principal's practice that appropriately and accurately

assesses the degree to which the educator meets each applicable NYS Teaching or Leadership Standard.

(3) One measure may be used to address more than one teaching or leadership standard, provided that each teacher's or principal's evaluation consists of two or more measures.

Section 30-4.5 Scoring the Standards and Determining the Overall Rating

(a) For each NYS Teaching and Leadership Standard and the overall rating, a Level 1- 4 rating will be assigned consistent with the LEA's expectations for teaching and learning and the following requirements:

(1) Level 1 shall indicate performance significantly below an LEA's expectations aligned to teaching/leadership standards;

(2) Level 2 shall indicate performance that partially meets an LEA's expectations aligned to teaching/leadership standards;

(3) Level 3 shall indicate performance that meets an LEA's expectations aligned to teaching/leadership standards and

(4) Level 4 shall indicate performance that exceeds an LEA's expectations aligned to teaching/leadership standards.

(b) Each measure must result in a score that can be assigned a Level 1-4 rating for each applicable standard.

(c) Overall ratings shall be based on the ratings received for each of the standards; overall ratings may not be based on a subset of standards.

(d) An LEA's process for assigning a Level 1-4 rating on each standard and an overall rating shall ensure that it is possible for a teacher or principal to obtain a rating of Level 1, 2, 3, or 4 on each standard and as an overall rating pursuant to this Subpart.

Section 30-4.6 Training of Evaluators

(a) The governing body of each LEA shall ensure that all evaluators have received appropriate training before conducting a teacher's or principal's evaluation under this Subpart.

(b) To qualify as an evaluator, individuals shall successfully complete a training course that meets the minimum requirements prescribed in this subdivision. Such training shall occur periodically as determined by the LEA. The training course shall provide training on:

(1) the New York State Teaching Standards and Leadership Standards and their related elements and performance indicators, as applicable;

(2) evidence-based observation techniques that are grounded in research, including controlling for evaluator bias;

(3) the LEA's process for maintaining inter-rater reliability amongst evaluators, if applicable;

(4) application and use of any locally selected methodology to evaluate its teachers or principals;

(5) application and use of any instrument(s) selected by the LEA for use in evaluations, including training on the effective application of such instrument(s) to evaluate a teacher's or principal's practice;

(6) the scoring methodology used by the LEA to evaluate a teacher or principal under this Subpart, including how overall ratings are generated within the framework prescribed by this subpart for the four designated rating categories; and

(7) specific considerations for evaluating teachers and principals based on their specific context (e.g., student populations served, content areas taught, grade levels).

Section 30-4.7 Supporting Professional Growth for All Teachers and Principals.

(a) The governing body of each LEA shall ensure that there is a system in place for each teacher and principal to receive formal support for professional growth. Such support shall include:

(1) the LEA maintaining a comprehensive system of professional learning for all educators to improve their practice and support the success of all students;

(2) the LEA's designing of its formal professional learning and growth system to address needs identified from a variety of sources including, but not limited to, a formal needs analysis, data from the STEPS plan evaluation process, and other available student and educator information;

(3) the LEA using data including, but not limited to, data from the evaluation system to monitor student progress, sustain professional growth, and inform, plan, and assess the effectiveness of the professional learning system; and

(4) the LEA providing timely and actionable feedback to teachers and principals from the professional learning system.

(b) Upon receiving an overall rating of a Level 1 or 2 through a STEPS plan, the LEA shall formulate a personalized professional support plan for the teacher or principal by October 1st of the following school year, or as soon as practicable thereafter. Such a

personalized professional support plan shall be designed by the superintendent or their designee in the exercise of their pedagogical judgment and shall include the identification of areas in need of growth and support, how the LEA will support growth in the identified areas, measurable goals, and timelines.

Section 30-4.8 Building Engagement and Participation Among Teachers, Building Principals, and Administrators

The governing body of each LEA shall ensure that classroom teachers, building principals, and any individual who conducts all or part of an evaluation shall receive periodic training on the evaluation system and the LEA's STEPS plan. This training shall include, but not be limited to:

(a) the purpose of the evaluation system;

(b) the options for developing the LEA's STEPS plan found within the evaluation system and this Subpart;

(c) the LEA's goals and beliefs relating to teaching, leadership, and student learning;

(d) the decisions made by the LEA and its collective bargaining units for evaluating teachers and principals, and how those decisions support the LEA's goals and beliefs, and

(e) an overview of how the LEA's STEPS plan will be used to support the professional learning of educators within the LEA.

Section 30-4.9 Educator Comment

LEAs shall ensure there is a process in place for each teacher and principal who is reviewed in accordance with this section to provide written comment on their

performance review in addition to any collectively bargained grievance or appeal procedures.

Section 30-4.10 Department Review and Support

The commissioner may require additional documents and/or artifacts for review of an LEA's STEPS plan to determine compliance with Education Law §3012-e, as well as to provide feedback and recommendations to support teacher and principal growth. The commissioner may require modification of a STEPS plan if it does not adhere to the requirements of Education Law §3012-e.

Section 30-4.11 Reporting Data

On an annual basis, each LEA shall submit to the commissioner the ratings for each classroom teacher and building principal on each applicable teaching and leadership standard, as well as the overall rating for each teacher and principal, where available, on a form and in a manner prescribed by the commissioner. Such data shall be collected and used to the extent necessary to comply with any applicable state and federal statutory requirements.

Section 30-4.12 Severability

If any provision of this Subpart or its application to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of the Subpart or their application to other persons and circumstances, and those remaining provisions shall not be affected but shall remain in full force and effect.