

FREQUENTLY ASKED QUESTIONS:
Sections 30-2.14 and 30-3.17 of the Rules of the Board of Regents

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General information

1. What prompted the new regulations?

In September 2015, Governor Andrew Cuomo formed the Common Core Task Force which was charged with “comprehensively reviewing and making recommendations on reforming the current Common Core system and the way we teach and test our students.” Following multiple meetings, the Task Force made a number of recommendations regarding the implementation of the Common Core Standards.

On December 10, 2015, the Task Force released their report,¹ affirming that New York must have rigorous, high quality education standards to improve the education of all of our students and hold our schools and districts accountable for students’ success but recommended that the Common Core standards be thoroughly reviewed and revised to reflect higher learning standards consistent with the report and that the State assessments be amended to reflect such revisions. In addition, the Task Force recommended that until the new system is fully phased in, the results from the grades 3-8 English language arts (ELA) and math State assessments and the use of any State-provided growth model based on these tests or other State assessments shall not have consequence for teachers or students. Specifically, Recommendation 21 from the Task Force’s Final Report provides as follows:

“...State-administered standardized ELA and Mathematics assessments for grades three through eight aligned to the Common Core or updated standards shall not have consequences for individual students or teachers. Further, any growth model based on these Common Core tests or other state assessments shall not have consequences and shall only be used on an advisory basis for teachers. The transition phase shall last until the start of the 2019-2020 school year.”

In an effort to implement the Task Force’s recommendation, sections 30-2.14 and 30-3.17 of the Rules of the Board of Regents were adopted by the Board of Regents at its December 2015 meeting.²

2. What do the new regulations require?

¹ The New York Common Core Task Force’s Final Report is available at <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NewYorkCommonCoreTaskForceFinalReportUpdate.pdf>.

² The December 2015 Regents item is available at <http://www.regents.nysed.gov/common/regents/files/1215p12a5.pdf> and the accompanying presentation is available at <http://www.regents.nysed.gov/common/regents/files/P12APPRSlidedeck.pdf>. At its February 2016 meeting, the Board of Regents adopted regulatory changes that provide districts implementing APPR plans pursuant to Education Law §3012-d during the 2015-16 school year the same protections that the new transition regulations provide districts implementing APPR plans pursuant to Education Law §3012-c during the 2015-16 school year. The February 2016 Regents item is available at: <https://www.regents.nysed.gov/common/regents/files/216p12a2.pdf>.

The two new sections 30-2.14 and 30-3.17 were added to the regulations to provide for a four year transition period for annual professional performance reviews (APPRs) while the State completes the transition to higher learning standards through new State assessments aligned to the higher learning standards, and a revised State-provided growth model.

During the transition period (2015-16 through 2018-19), transition scores and HEDI ratings will be generated and used to replace the scores and HEDI ratings for teachers and principals whose HEDI scores are based, in whole or in part, on State assessments in grades 3-8 ELA or math (including where State-provided growth scores are used) or on State-provided growth scores on Regents examinations.³

In the case of evaluations conducted pursuant to Education Law §3012-c, the overall transition scores and ratings will be determined based upon the remaining subcomponents of the APPR that are not based on the grade 3-8 ELA or math State assessments or a State-provided growth score on Regents examinations.

In the case of evaluations conducted pursuant to Education Law §3012-d during the 2015-16 school year, transition scores and ratings for the Student Performance Category and the overall transition rating will be determined using the scores/ratings in the remaining subcomponents of the Student Performance Category that are not based on the grade 3-8 ELA or math State assessments or a State-provided growth score on Regents examinations. For evaluations conducted pursuant to Education Law §3012-d during the 2016-17, 2017-18, and 2018-19 school years in instances where no scores or ratings in the subcomponents of the Student Performance Category can be generated, an alternate SLO shall be developed by the district/BOCES consistent with guidelines prescribed by the Commissioner using assessments approved by the Department that are not 3-8 ELA and math State assessments.⁴ This could include any other State assessments, e.g., the grade 4 and 8 State science assessments or Regents examinations. As a reminder, under Education Law §3012-d, all locally-developed and vendor assessments that will be used for evaluation purposes must be submitted through the [Assessment RFQ](#) for approval by the Department.

State-provided growth scores will continue to be computed for advisory purposes only and overall HEDI ratings will continue to be provided to teachers and principals based on such growth scores. However, during the transition period, only the transition score and rating will be used for purposes of employment decisions, including tenure determinations and for purposes of

³ Please note that teachers and principals whose APPRs do not include the grades 3-8 ELA and math State assessments or State-provided growth scores on Regents examinations are not impacted by the transition regulations and their evaluations shall be calculated pursuant to their district's/BOCES' approved APPR Plan without any changes. For example, a building principal of a CTE program whose APPR utilizes CTE assessments as part of the student performance component of their APPR will not be impacted by the transition regulations.

⁴ At its February 2016 meeting, the Board of Regents adopted regulatory changes that provide districts implementing APPR plans pursuant to Education Law §3012-d during the 2015-16 school year the same protections that the new transition regulations provide districts implementing APPR plans pursuant to Education Law §3012-c during the 2015-16 school year.

proceedings under Education Law §§ 3020-a and 3020-b and teacher and principal improvement plans and the individual's employment record.

However, for purposes of public reporting of aggregate data pursuant to Education Law §3012-c(10), for districts implementing APPR plans pursuant to Education Law §3012-c, the original⁵ composite score and rating shall be reported with the transition composite score and rating and an explanation of such transition composite score and rating. Further, for districts implementing APPR plans pursuant to Education Law §3012-d, the original composite rating shall be reported with the overall transition rating and an explanation of such overall transition rating. Parents and guardians, upon request, shall receive their child's teacher's and/or principal's original composite rating and the transition rating, along with an explanation of such transition composite rating.

3. When do the new regulations take effect?

The new regulations became effective on December 15, 2015.

4. What if I have concerns about the requirements under the new regulations?

A Notice of Proposed Rule Making was published in the State Register on December 30, 2015. The initial 45-day public comment period closed as of February 12, 2016.

As a result of the action taken by the Board of Regents at its February 2016 meeting to modify the transition regulations, a Notice of Revised Rule Making will be filed with the Department of State and a new 30-day public comment period will begin to run from the date of publication of such revised rulemaking in the State Register. Members of the public are invited to submit written comments on the proposed emergency regulations during this 30-day public comment period to regcomments@nysed.gov.

5. What is the timeframe for the transition period for all districts/BOCES?

For districts/BOCES with APPR plans negotiated pursuant to Education Law §3012-c, who continue to implement such plans pursuant to an approved Hardship Waiver, the transition period will only apply to the 2015-16 school year. Thereafter, districts/BOCES will have transitioned to Education Law §3012-d, and an additional three-year transition period (2016-17 through 2018-19) will apply.

For districts/BOCES with APPR plans negotiated pursuant to Education Law §3012-d, who implement such plans beginning in the 2015-16 school year, a four-year transition period will apply from 2015-16 through 2018-19.

⁵ The original APPR score/rating will consist of the subcomponent and Category scores and/or ratings that are calculated pursuant to the district's currently approved APPR plan *without any modifications, substitutions, or replacements as a result of the transition regulations.*

6. What types of measures will make up teachers'/principals' APPRs during the 2015-16 school year?

Districts/BOCES that are implementing an APPR plan aligned to Education Law §3012-c during the 2015-16 school year (pursuant to an approved Hardship Waiver) must continue to fully implement their approved APPR plan and provide scores and ratings based on the approved APPR plan to teachers and principals. However, districts/BOCES must also calculate and provide to teachers and principals transition scores and/or ratings for each subcomponent along with the transition composite score and rating. Please see Questions 10 and 16 for additional information concerning how transition scores and ratings will be calculated.

7. Some of my teachers/principals have appealed their 2014-15 school year APPR results, can they now submit another appeal of those same results?

No. Sections 30-2.14 and 30-3.17 of the Rules of the Board of Regents do not apply to the 2014-15 school year. These sections are only effective for APPRs completed from the 2015-16 school year through the 2018-19 school years.

8. What APPR data do districts/BOCES need to provide to their teachers and principals if implementing an approved §3012-c plan during the 2015-16 school year pursuant to an approved Hardship Waiver?

The original subcomponent and composite scores and/or ratings pursuant to Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents shall be provided along with the transition scores and/or ratings for each subcomponent and the overall transition score and rating. State-provided growth scores will continue to be calculated by the Department and provided to districts/BOCES for advisory purposes only and will have no impact on employment decisions, including tenure determinations, or teacher and principal improvement plans.

9. Our district/BOCES has a number of teachers whose courses end in State assessments (e.g., grades 3-8 ELA and math teachers, grade 4 and 8 science teachers, high school Regents teachers). Are all of these educators impacted by the transition process?

Not necessarily. Sections 30-2.14 and 30-3.17 impact educators whose evaluations are based, in whole or in part, on State assessments or State-provided growth scores on Regents examinations. For the purposes of this regulation, State assessments are defined as grades 3-8 ELA and math State assessments.

Accordingly, the portions of an educator's evaluation that utilize the grades 4 or 8 State science assessments, Regents examinations (so long as the measure is not a State-provided growth score), the NYSAA, and the NYSESLAT will not be excluded from the calculation of transition scores and ratings.

10. Our district's/BOCES' approved APPR plan includes measures that are based on a mix of assessments, some of which cannot be used when calculating transition scores

and ratings and some of which can. Must we continue to use these measures to calculate transition scores and ratings?

Not necessarily. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments. In certain instances, this decision may be subject to collective bargaining where required by Article 14 of the Civil Service Law (e.g., measures used in the Locally Selected Measures subcomponent of a §3012-c APPR plan).

Impact on districts/BOCES implementing Education Law §3012-c

11. How will transition scores and ratings be calculated for districts/BOCES implementing Education Law §3012-c?

For the State Growth or Other Comparable Measures subcomponent:

- 1) For teachers and principals who receive a State-provided growth score (i.e., grades 4-8 ELA and math teachers and principals of buildings that include grades 4-8 or all of grades 9-12), the State-provided growth score shall be excluded from the scores and ratings used to calculate the transition score and rating. Additionally, for grades 4-8 ELA and math teachers and principals of buildings that include those grade levels, the results of any back-up Student Learning Objectives (“SLOs”) that utilize 3-8 ELA or math State assessments must also be excluded.

For principals of buildings that include all of grades 9-12, the State-provided growth score shall be excluded from the scores and ratings used to calculate the transition score and rating. However, SLOs based on Regents assessments may still be used for this purpose.⁶

For teachers and principals who do not receive State-provided growth scores (e.g., grade 3 ELA and math teachers, 6-8 science and social studies teachers, principals of K-2 buildings, etc.), the results of the grades 3-8 ELA and math State assessments and any State-provided growth scores must be excluded when calculating the transition score and rating. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments. In certain instances, this decision may be subject to collective bargaining where required by Article 14 of the Civil Service Law (e.g., measures used in the Locally Selected Measures subcomponent of a §3012-c APPR plan).

⁶ Teachers with SLOs that are based on Regents assessments are not impacted by the new regulations and must continue to be evaluated using such assessments as specified in the approved APPR plan.

Any remaining measures (i.e., SLOs based on State-approved third-party assessments; district, regional, or BOCES-developed assessments; or school-wide measures based on State assessments that are not 3-8 ELA and math State assessments or the State-provided growth score using the Regents examinations) must then be used to calculate the transition scores and ratings. If there are no remaining measures for the State Growth subcomponent, the district/BOCES shall not utilize this subcomponent when determining the overall composite transition score and rating.

For the Locally Selected Measures subcomponent, districts/BOCES shall exclude any portion of the teacher's/principal's local measure that utilizes grades 3-8 ELA and math State assessments or a 9-12 building or building principal's State-provided growth score. The score and rating provided for the Locally Selected Measures subcomponent shall utilize the remaining portions of the Locally Selected Measures subcomponent. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments. In certain instances, this decision may be subject to collective bargaining where required by Article 14 of the Civil Service Law (e.g., measures used in the Locally Selected Measures subcomponent of a §3012-c APPR plan). If there are no remaining measures for the Locally Selected Measures subcomponent, the district/BOCES shall not utilize this subcomponent when determining the overall composite transition score and rating. The district/BOCES shall instead scale up the remaining portions of the evaluation to ensure that a new score out of 100 and corresponding HEDI rating can be reported.⁷

Districts/BOCES shall continue to use the measures outlined in their approved APPR plan for the Other Measures of Educator Effectiveness subcomponent in their entirety when calculating the overall transition score and rating.

12. What are some examples of how the transition score and rating will be calculated for teachers and principals under §3012-c?

A. Common branch teacher who receives a State-provided growth score

Mrs. Smith is a common branch grade 4 teacher with a sufficient number of student scores to receive a State-provided growth score and she does not teach any other courses. For the State Growth or Other Comparable Measures subcomponent, the results of the State-provided growth score (a score of 17 out of 20), because it is based on the grade 4 ELA and math State assessments, will be excluded from the evaluation during the transition period. Since Mrs. Smith does not teach any other courses, there are no remaining measures to be used for this subcomponent of her evaluation, and her school district must exclude this subcomponent when calculating the overall composite transition score and rating.

⁷ Districts/BOCES must determine the methodology utilized for scaling up the remaining portions of the evaluation in order to generate a new score out of 100.

For the Locally Selected Measures subcomponent, the district’s approved APPR plan uses a student achievement measure based on a State-approved third-party assessment for ELA and math. Because this measure is not based on a grades 3-8 ELA or math State assessment, this measure must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Based on the processes outlined in the district’s approved APPR plan, Mrs. Smith earns 16 out of 20 points for this portion of her evaluation.

For the Other Measures of Effectiveness subcomponent, the district will assign points based on observations and a structured review of artifacts pursuant to a State-approved practice rubric. Because this subcomponent does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mrs. Smith earns 56 out of 60 points.

Mrs. Smith earned 16 out of 20 points for the Locally Selected Measures subcomponent and 56 out of 60 points for the Other Measures of Effectiveness subcomponent for a total of 72 out of 80 available points. In order to scale up these results to provide the overall composite transition score and rating, the district determines that Mrs. Smith earned 90% of available points. Accordingly, her overall composite transition score is a 90 (100 points x 90%). Using the overall composite scoring bands required by Education Law §3012-c, Mrs. Smith receives an overall composite transition rating of Effective. Further, since districts/BOCES are still required to provide the original composite score and rating (for advisory purposes), Mrs. Smith’s original score is 89 (17 + 16 + 56), which is a rating of Effective.

	Original score/rating	Transition score/rating
State Growth subcomponent	17	---
Local subcomponent	16	16
Other Measures subcomponent	56	56
Overall score/rating	89 (Effective)	72/80, or 90%, which is 90/100 (Effective)

B. High School Regents teacher

Mr. Jones teaches 3 sections of Living Environment culminating in the Regents assessment with a total student population of 75 (25 students per course section). He also teaches a single section of a science elective culminating in a local assessment with student population of 25. Because Mr. Jones’ Living Environment course is his largest course and covers more than 50% of his entire student population, he must write an SLO for this course and is not required to have any additional measures in the State Growth or Other Comparable Measures subcomponent. Because the SLO for the Living Environment course utilizes the Regents assessment as the underlying evidence, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mr. Jones earns 17 out of 20 points.

For the Locally Selected Measures subcomponent, the district’s approved APPR plan utilizes an achievement measure also based on the Living Environment Regents assessment. Because this measure utilizes the Regents assessment and it is not a State-provided growth score, it must

continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mr. Jones earns 15 out of 20 points.

For the Other Measures of Effectiveness subcomponent, the district will assign points based on observations and a structured review of artifacts pursuant to a State-approved practice rubric. Because this subcomponent does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mr. Jones earns 56 out of 60 points.

Mr. Jones earned 17 out of 20 points for the State Growth or Other Comparable Measures subcomponent, 15 out of 20 points for the Locally Selected Measures subcomponent, and 56 out of 60 points for the Other Measures of Effectiveness subcomponent for a total of 88 out of 100 available points. Accordingly, his overall composite transition score is an 88. Using the overall composite scoring bands required by Education Law §3012-c, Mr. Jones receives an overall composite transition rating of Effective. Please note that this is the same score and rating as he will receive pursuant to the approved APPR plan (i.e., his original score and rating) as student achievement measures based on Regents assessments (that are not State-provided growth scores) are not excluded from transition score and rating calculations.

	Original score/rating	Transition score/rating
State Growth subcomponent	17	17
Local subcomponent	15	15
Other Measures subcomponent	56	56
Overall score/rating	88 (Effective)	88 (Effective)

C. Teacher of a non-tested grade and subject whose measure is based on the school-wide results of grades 3-8 ELA or math State assessments

Mrs. Johnson is an art teacher in a K-5 building. For the State Growth or Other Comparable Measures subcomponent, the district’s approved APPR plan indicates that teachers of all K-5 non-tested grades and subjects will have their measure based on a school-wide SLO utilizing the results of the grades 3-5 ELA and math State assessments (a score of 12 out of 20). Because this SLO is based entirely on grades 3-8 ELA or math State assessments, the district must exclude it when calculating the overall composite transition score and rating. Since Mrs. Johnson does not teach any other courses, there are no remaining measures to be used for this subcomponent of her evaluation, and her school district must exclude this subcomponent when calculating the overall composite transition score and rating.

For the Locally Selected Measures subcomponent, the district’s approved APPR plan utilizes a school-wide achievement measure for all teachers based on proficiency rates on the grades 3-5 ELA and math State assessments (a score of 14 out of 20). As in the State Growth subcomponent, this measure must be excluded when calculating the overall composite transition score and rating. Since Mrs. Johnson does not teach any other courses, there are no remaining

measures to be used for this subcomponent of her evaluation, and her district must exclude this subcomponent when calculating the overall composite transition score and rating.

For the Other Measures of Effectiveness subcomponent, the district will assign points based on observations and a structured review of artifacts pursuant to a State-approved practice rubric. Because this subcomponent does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mrs. Johnson earns 56 out of 60 points.

Mrs. Johnson earned 56 out of 60 points for the Other Measures of Effectiveness subcomponent for a total of 56 out of 60 available points. In order to scale up these results to provide the overall composite transition score and rating, the district determines that Mrs. Johnson earned 93% of available points. Accordingly, her overall composite transition score is a 93 (100 points x 93%). Using the overall composite scoring bands required by Education Law §3012-c, Mrs. Johnson receives an overall composite transition rating of Highly Effective. Further, since districts/BOCES are still required to provide the original composite score and rating (for advisory purposes), Mrs. Johnson’s original score is 82 (12 + 14 + 56), which is a rating of Effective.

	Original score/rating	Transition score/rating
State Growth subcomponent	12	---
Local subcomponent	14	---
Other Measures subcomponent	56	56
Overall score/rating	82 (Effective)	56/60, or 93%, which is 93/100 (Highly Effective)

D. Principal of a K-5 building

Ms. Williams is a principal of a K-5 building with a sufficient number of student scores to receive a State-provided growth score. For the State Growth or Other Comparable Measures subcomponent, the results of the State-provided growth score (a score of 15 out of 20), because it is based on the grades 4 and 5 ELA and math State assessments, will be excluded from the evaluation during the transition period. Since at least 30% of the student population is covered by State-provided growth measures, there are no remaining measures to be used for this subcomponent of her evaluation, and her school district must exclude this subcomponent when calculating the overall composite transition score and rating.

For the Locally Selected Measures subcomponent, the district’s approved APPR plan uses a student achievement measure based on a BOCES-developed assessment for ELA and math. Because this measure is not based on a grades 3-8 ELA or math State assessment, this measure must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Based on the processes outlined in the district’s approved APPR plan, Ms. Williams earns 14 out of 20 points for this portion of her evaluation.

For the Other Measures of Effectiveness subcomponent, the district will assign points based on at least two school visits pursuant to a State-approved principal practice rubric. Because this subcomponent does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Ms. Williams earns 55 out of 60 points.

Ms. Williams earned 14 out of 20 points for the Locally Selected Measures subcomponent and 55 out of 60 points for the Other Measures of Effectiveness subcomponent for a total of 69 out of 80 available points. In order to scale up these results to provide the overall composite transition score and rating, the district determines that Ms. Williams earned 86% of available points. Accordingly, her overall composite transition score is an 86 (100 points x 86%). Using the overall composite scoring bands required by Education Law §3012-c, Mrs. Smith receives an overall composite transition rating of Effective. Further, since districts/BOCES are still required to provide the original composite score and rating (for advisory purposes), Mrs. Smith’s original score is 84 (15 + 14 + 55), which is a rating of Effective.

	Original score/rating	Transition score/rating
State Growth subcomponent	15	--
Local subcomponent	14	14
Other Measures subcomponent	55	55
Overall score/rating	84 (Effective)	69/80, or 86%, which is 86/100 (Effective)

13. Can my district/BOCES submit a material change to our currently approved §3012-c APPR plan so that our teachers/principals can still receive a complete evaluation including an overall composite score and rating that is based on all three subcomponents?

No, pursuant to Education Law §3012-d(12), all collective bargaining agreements entered into after April 1, 2015 must be consistent with the requirements of Education Law §3012-d. As this date has already passed, districts/BOCES cannot make material changes to their approved Education Law §3012-c APPR plans.

14. Is my district/BOCES required to develop alternate SLOs based on assessments that are not 3-8 ELA or math State assessments to ensure that affected teachers and principals have a complete evaluation pursuant to Education Law §3012-c during the 2015-16 school year?

No. Pursuant to section 30-2.14 of the Rules of the Board of Regents, districts/BOCES must continue to implement the approved §3012-c APPR plan during the transition period, including all SLOs. For the purposes of calculating the overall composite transition score and rating, any results from the grades 3-8 ELA and math State assessments and/or a State-provided growth score on Regents examinations shall be excluded from such calculation during the transition period. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA

State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments. In certain instances, this decision may be subject to collective bargaining where required by Article 14 of the Civil Service Law (e.g., measures used in the Locally Selected Measures subcomponent of a §3012-c APPR plan). If there are no remaining measures for a particular subcomponent, then the district/BOCES shall not utilize such subcomponent when determining the overall composite transition score and rating. The district/BOCES shall instead scale up the remaining portions of the evaluation to ensure that a new score out of 100 and corresponding HEDI rating can be reported.⁸

15. Do districts still need to negotiate a §3012-d APPR plan by September 1, 2016?

Yes, if districts wish to maintain their eligibility for a State aid increase, they must receive approval from the Department for an APPR plan consistent with the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents by September 1, 2016 as required by Education Law §3012-d and corresponding appropriations language in Chapter 56 of the Laws of 2015.⁹

16. For districts that are currently operating under a Hardship Waiver, will a second and third waiver need to be submitted during the 2015-16 school year?

In order to minimize the burden on districts as they work to collectively bargain and implement a new evaluation system that aligns with Education Law §3012-d, the Department is granting an automatic renewal of existing Hardship Waivers for all districts that are currently implementing a §3012-c APPR plan pursuant to a Hardship Waiver that was approved by the November 15, 2015 deadline.

Please note that all districts must have a §3012-d APPR plan approved by September 1, 2016 in order to be eligible for an increase in State aid for the 2016-17 school year. Districts/ BOCES without a §3012-d APPR plan should submit their plan, with all the necessary signatures, by July 1, 2016 in order to ensure approval by the Department by the September 1, 2016 deadline.

Impact on districts/BOCES implementing Education Law §3012-d

17. How will transition scores and ratings be calculated for districts/BOCES implementing Education Law §3012-d?

During the 2015-16 school year only

For the **required** subcomponent of the Student Performance Category:

⁸ Districts/BOCES must determine the methodology utilized for scaling up the remaining portions of the evaluation in order to generate a new score out of 100.

⁹ The Hardship Waiver process established by the Department for the 2015-16 school year will not apply for the 2016-17 school year and thereafter.

- 1) For teachers and principals who receive a State-provided growth score (i.e., grades 4-8 ELA and math teachers and principals of buildings that include grades 4-8 or all of grades 9-12), the growth score shall be excluded from the scores and ratings used to calculate the transition score and rating. Additionally, for grades 4-8 ELA/math teachers and principals of buildings that include those grade levels, the results of any back-up SLOs that utilize the grades 3-8 ELA and math State assessments must also be excluded.

For principals of buildings that include all of grades 9-12, while the State-provided growth score shall not be used to calculate the transition score and rating, SLOs based on Regents assessments, including the Common Core ELA and math Regents assessments, may still be used for this purpose.¹⁰

- 2) For teachers and principals who do not receive their own State-provided growth scores (e.g., grade 3 ELA and math teachers, 6-8 science and social studies teachers, principals of K-2 buildings, etc.), the results of the grades 3-8 ELA and math State assessments and any State-provided growth scores must be excluded when calculating the transition score and rating. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments. In certain instances, this decision may be subject to collective bargaining where required by Article 14 of the Civil Service Law (e.g., measures used in the optional subcomponent of the Student Performance category of a §3012-d APPR plan).

Any remaining measures (i.e., SLOs based on State-approved third-party assessments; State-approved district, regional, or BOCES-developed assessments; or school-wide measures based on State assessments that are not 3-8 ELA and math State assessments or the State-provided growth score using the Regents examinations) must then be used to calculate the transition scores and ratings.

For the **optional** subcomponent of the Student Performance Category:

- 1) Any district/BOCES who locally negotiated the use of a second State-provided growth score must exclude the results of such measure from the calculation of the transition score and rating for the Student Performance Category.
- 2) Any district/BOCES who locally negotiated the use of a supplemental assessment with a corresponding growth model may utilize the results of such measure for the calculation of the transition score and rating for the Student Performance Category (provided that such model is not the State-provided growth model).

If there are no remaining measures for the Student Performance Category in the required or optional subcomponents, the district/BOCES shall not utilize this Category and the

¹⁰ Teachers with SLOs that are based on Regents assessments will not be impacted and must continue to use SLOs with such assessments.

teacher's/principal's overall composite transition score and rating shall be based solely on their Teacher Observation/Principal School Visit Category rating.

Districts/BOCES shall continue to use the measures outlined in the approved APPR plan for the Teacher Observation/Principal School Visit Categories in their entirety when determining the overall transition rating.

During the 2016-17 through 2018-19 school years

For the **required** subcomponent of the Student Performance Category:

- 1) For teachers and principals who receive a State-provided growth score (i.e., grades 4-8 ELA and math teachers and principals of buildings that include grades 4-8 or all of grades 9-12), the growth score shall be excluded from the scores and ratings used to calculate the transition score and rating. Additionally, during the 2016-17 through 2018-19 school years, the requirement that back-up SLOs be developed for grades 4-8 ELA/math teachers and principals of buildings that include those grade levels is being suspended and such measures do not need to be developed. Provided, however, that alternate SLOs must continue to be developed in instances where there are no remaining student performance measures for purposes of calculating transition scores and ratings.

For principals of buildings that include all of grades 9-12, while the State-provided growth score shall not be used to calculate the transition score and rating, SLOs based on Regents assessments may still be used for this purpose.¹¹

- 2) For teachers and principals who do not receive their own State-provided growth scores (e.g., grade 3 ELA and math teachers, 6-8 science and social studies teachers, principals of K-2 buildings, etc.), the results of the grades 3-8 ELA and math State assessments and any State-provided growth scores must be excluded when calculating the transition score and rating. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments. In certain instances, this decision may be subject to collective bargaining where required by Article 14 of the Civil Service Law (e.g., measures used in the optional subcomponent of the Student Performance category of a §3012-d APPR plan).

For the **optional** subcomponent of the Student Performance Category:

- 3) Any district/BOCES who locally negotiated the use of a second State-provided growth score must exclude the results of such measure from the calculation of the transition score and rating for the Student Performance Category.

¹¹ Teachers with SLOs that are based on Regents assessments will not be impacted and must continue to use SLOs with such assessments.

- 4) Any district/BOCES who locally negotiated the use of a supplemental assessment with a corresponding growth model may utilize the results of such measure for the calculation of the transition score and rating for the Student Performance Category.

If, after excluding the results of grades 3-8 ELA and math State assessments or State-provided growth scores for 9-12 principals, there are no remaining measures for the optional subcomponent of the Student Performance Category, the district/BOCES will not utilize this subcomponent when determining the transition score and rating for the Student Performance Category.

In instances where the above would result in no student performance measure for a teacher or principal in either of the subcomponents within the Student Performance Category, districts/BOCES must develop an SLO consistent with the requirements specified in sections 30-3.4 and 30-3.5 of the Rules of the Board of Regents for teachers and principals, respectively, using assessments approved by the Department that are not 3-8 ELA and math State assessments.¹² Such an SLO can include a school- or district-wide measure based on State or Regents assessments other than the grades 3-8 ELA and math assessments or the State-provided growth score for the building. Additionally, during the transition period, districts/BOCES may utilize school- or district-wide measures based on State-approved third party or locally developed assessments for purposes of developing the alternate SLO.

Districts/BOCES will continue to use the measures outlined in the approved APPR plan for the Teacher Observation/Principal School Visit Categories in their entirety when calculating the overall transition rating.

The below chart illustrates the requirements for districts/BOCES implementing a §3012-d APPR plan during the 2015-16 school year as well as the remainder of the transition period (2016-17 through 2018-19 school years).

	2015-16	2016-17 through 2018-19
Student Performance Category	<ul style="list-style-type: none"> • Scores/ratings excluded where teachers'/principals' required and/or optional subcomponent measures are based on the grades 3-8 ELA and math assessments or State-provided growth scores based on Regents assessments. • No further SLOs shall be developed if the teacher/principal has no remaining measures in the Student Performance Category. 	<ul style="list-style-type: none"> • Scores/ratings excluded where teachers'/principals' required and/or optional subcomponent measures are based on the grades 3-8 ELA and math assessments or State-provided growth scores based on Regents assessments. • If no measures remain in the Student Performance Category, the district/BOCES must develop an alternate SLO using an assessment other than the

¹² Districts/BOCES that are implementing an APPR plan pursuant to Education Law §3012-d during the 2015-16 school year are not required to take this step until the 2016-17 school year.

		grades3-8 ELA and math State assessments.
Teacher Observation/Principal School Visit Category	This Category is not impacted by the transition regulations.	This Category is not impacted by the transition regulations.
	2015-16	2016-17 through 2018-19
Overall Transition Rating	<ul style="list-style-type: none"> • Use the evaluation matrix if any scores/ratings are available in the Student Performance Category. • The overall transition rating is based on the Teacher Observation/Principal School Visit Category if no scores/ratings are available in the Student Performance Category. • 	<ul style="list-style-type: none"> • Use the evaluation matrix.
Data reported to State	Original and transition scores and ratings, including overall composite rating	Original and transition scores and ratings, including overall composite rating
Data reported to parents	Overall original and transition ratings	Overall original and transition ratings
Basis for Teacher/Principal Improvement Plans	Overall transition ratings	Overall transition ratings
Data reported on employment records	Overall transition ratings	Overall transition ratings

18. What are some examples of how the transition score and rating will be calculated for teachers and principals under §3012-d?

Please note that the below examples apply to districts that are implementing an APPR plan pursuant to Education Law §3012-d during the 2016-17 through 2018-19 school years.

A. High School Regents teacher

Mr. Jones teaches 3 sections of Algebra culminating in the Regents assessment with a total student population of 75 (25 students per course section). He also teaches a single section of a math elective culminating in a local assessment with student population of 25. Because Mr. Jones' Algebra course is his largest course and covers more than 50% of his entire student population, he must write an SLO for this course and is not required to have any additional

measures in the required subcomponent of the Student Performance Category. Because the SLO for the Algebra course utilizes the Regents assessment as the underlying evidence, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mr. Jones earns 18 out of 20 points.

For the optional subcomponent of the Student Performance Category, the district’s approved APPR plan utilizes a second State-provided growth score based on the student growth percentiles assigned to the high school building as part of the State-provided growth score (a score of 16). Because this measure utilizes the high school building’s State-provided growth score, it will be excluded from the evaluation during the transition period.

For the Teacher Observation Category, the district will assign points based on observations by a lead evaluator and an independent evaluator pursuant to a State-approved practice rubric. Because this Category does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mr. Jones earns an average rubric score of 3.4.

Mr. Jones earned 18 out of 20 points for the Student Performance Category once the optional subcomponent is excluded during the transition period, which results in a rating of Highly Effective for this Category of the evaluation and an average rubric score of 3.4 for the Teacher Observation Category, which, based on the scoring ranges specified in the approved APPR plan, results in a rating of Effective for this Category of the evaluation. Using the overall composite matrix required by Education Law §3012-d, Mr. Jones receives an overall composite transition rating of Highly Effective.

Further, since districts/BOCES are still required to provide the original composite score and rating (for advisory purposes only), Mr. Jones’ original score will be Effective as such scores and ratings must include both subcomponents of the Student Performance Category, i.e., a score of 17 (18 and 16, combined through a 50%/50% weighting), which is Effective. The Teacher Observation Category rating of Effective will remain. Thus, using the overall composite matrix required by Education Law §3012-d, Mr. Jones receives an original overall composite rating of Effective.

	Original score/rating	Transition score/rating
Student Performance Category: Required subcomponent	18	18
Student Performance Category: Optional subcomponent	16	---
Overall Student Performance Category rating	17 (Effective)	18 (Highly Effective)
Teacher Observation Category	3.4 (Effective)	3.4 (Effective)
Overall rating	Effective	Highly Effective

B. Teacher of a non-tested grade and subject whose measure is based on the school-wide results of grades 3-8 ELA and math State assessments

Mrs. Johnson is an art teacher in a K-5 building. For the required subcomponent of the Student Performance Category, the district's approved APPR plan indicates that K-5 teachers of all non-tested grades and subjects will have their measure based on a school-wide SLO utilizing the results of the grades 3-5 ELA and math State assessments (a score of 15 out of 20). Because this SLO is based entirely on grades 3-8 ELA and math State assessments, the district must exclude it when calculating the overall composite transition score and rating. Since Mrs. Johnson does not teach any other courses, there are no remaining measures to be used for this subcomponent of her evaluation, and her school district must exclude this subcomponent when calculating the overall composite transition score and rating.

For the optional subcomponent of the Student Performance Category, the district's approved APPR plan utilizes the building-wide State-provided growth score based on the results of the 4-5 ELA and math State assessments administered in her building (a score of 17 out of 20). As in the required subcomponent, this measure must be excluded when calculating the overall composite transition score and rating. Since Mrs. Johnson does not teach any other courses, there are no remaining measures to be used for this subcomponent of her evaluation, and her district must exclude this subcomponent when calculating the overall composite transition score and rating.¹³

Because the results of grades 3-8 ELA and math State assessments have been excluded from the required and optional subcomponents of the Student Performance Category during the transition period, Mrs. Johnson no longer has any scores and ratings in this Category of her evaluation. Accordingly, as required by section 30-3.17 of the Rules of the Board of Regents, an alternate SLO shall be developed by the district consistent with guidelines prescribed by the Commissioner using assessments approved by the Department that are not based on the grades 3-8 ELA and math State assessments. In this instance, Mrs. Johnson's district has determined that all art teachers who require an additional SLO will use the results of the students' summative performance task, the final exam already administered in those classrooms, as the underlying evidence for the SLO.¹⁴ Mrs. Johnson earns a score of 17 out of 20 on this SLO.

For the Observation Category, the district will assign points based on observations by a lead evaluators and an independent evaluator pursuant to a State-approved practice rubric. Because this subcomponent does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Mrs. Johnson earns a weighted average rubric score of 3.4.

Mrs. Johnson earned a score of 17 out of 20 for the Student Performance Category based on the required transition SLO, which results in a rating of Effective for this Category of her evaluation, and a weighted average rubric score of 3.4 for the Teacher Observation Category, which, based on the scoring ranges specified in the approved APPR plan, results in a rating of Effective for

¹³ In instances where no scores/ratings in Student Performance Category can be generated, an alternate SLO shall be developed by the district/BOCES using assessments approved by the Department that are not the grades 3-8 ELA and math State assessments. Districts implementing an APPR plan pursuant to Education Law §3012-d during the 2015-16 school year are not required to take this step until the 2016-17 school year.

¹⁴ Please remember that all non-State assessments must be approved through the [Assessment RFQ](#).

this Category of the evaluation. Using the overall composite matrix required by Education Law §3012-d, Mrs. Johnson receives an overall composite transition rating of Effective.

Further, since districts/BOCES are still required to provide the original composite score and rating (for advisory purposes), Mrs. Johnson’s original score will also be Effective but would include both subcomponents of the Student Performance Category, i.e., a score of 16 (15 and 17, combined through a 50%/50% weighting), which is Effective. The Observation Category rating of Effective will remain. Thus, using the overall composite matrix required by Education Law §3012-d, Mrs. Johnson receives an original overall composite rating of Effective.

	Original score/rating	Transition score/rating
Student Performance Category: Required subcomponent	15	*Alternate SLO used, 17
Student Performance Category: Optional subcomponent	17	---
Overall Student Performance Category rating	16 (Effective)	17 (Effective)
Teacher Observation Category	3.4 (Effective)	3.4 (Effective)
Overall rating	Effective	Effective

C. Principal of a K-5 building

Ms. Williams is a principal of a K-5 building with a sufficient number of student scores to receive a State-provided growth score. For the required subcomponent of the Student Performance Category, the results of the State-provided growth score (a score of 15 out of 20), because it is based on the grades 4 and 5 ELA and math State assessments, will be excluded from the evaluation during the transition period. Since at least 30% of the student population is covered by State-provided growth measures, there are no remaining measures to be used for this subcomponent of her evaluation, and her school district must exclude this subcomponent when calculating the overall composite transition score and rating.¹⁵

The district had collectively bargained to not include an optional subcomponent for principals of K-5 buildings so Ms. Williams does not have a score for this subcomponent. Thus, since Ms. Williams does not utilize any other measures, there are no remaining measures to be used for this subcomponent of her evaluation, and her district must exclude this category when calculating the overall composite transition rating.¹⁶

¹⁵ Please note, during the 2016-17 through 2018-19 school years, the requirement that back-up SLOs be developed for grades 4-8 ELA/math teachers and principals of buildings that include those grade levels is being suspended and such measures are not required to be included in the calculation of original or transition scores and ratings. Provided, however, that alternate SLOs must be continue to developed in instances where there are no remaining student performance measures for purposes of calculating transition scores and ratings.

¹⁶ In instances where no scores/ratings in Student Performance Category can be generated, an alternate SLO shall be developed by the district/BOCES using assessments approved by the Department that are not the grades 3-8 ELA and math State assessments. Districts implementing an APPR plan pursuant to Education Law §3012-d during the

Since Ms. Williams’ Student Performance Category now has no measures in either subcomponent, the district shall use the results of a transition SLO based on a State-approved regionally-developed assessment (a score of 14 out of 20) since at least 30% of the students in Ms. Williams’ building take this assessment.¹⁷

For the School Visit Category, the district will assign points based on school visits by a lead evaluators and an independent evaluator pursuant to a State-approved principal practice rubric. Because this category does not rely on assessments, it must continue to be used in its entirety for the purposes of calculating the overall composite transition score and rating. Ms. Williams earns a weighted average rubric score of 3.4.

Ms. Williams earned a score of 14 out of 20 for the Student Performance Category based on the required transition SLO, which results in a rating of Developing for this Category of her evaluation, and a weighted average rubric score of 3.4 for the School Visit Category, which, based on the scoring ranges specified in the approved APPR plan, results in a rating of Effective for this Category of the evaluation. Using the overall composite matrix required by Education Law §3012-d, Ms. Williams receives an overall composite transition rating of Effective.

Further, since districts/BOCES are still required to provide the original composite score and rating (for advisory purposes), Ms. Williams’ original score will also be Effective based on the results of her State-provided growth measure. The School Visit Category rating of Effective will remain. Thus, using the overall composite matrix required by Education Law §3012-d, Mrs. Johnson receives an original overall composite rating of Effective.

	Original score/rating	Transition score/rating
Student Performance Category: Required subcomponent	15	*Alternate SLO used, 14
Student Performance Category: Optional subcomponent	n/a	n/a
Overall Student Performance Category rating	15 (Effective)	14 (Developing)
School Visit Category	3.4 (Effective)	3.4 (Effective)
Overall rating	Effective	Effective

19. My district/BOCES received approval from the Department for a §3012-d plan prior to the new regulations going into effect. Do we need to submit a material change to our approved §3012-d plan to now align with the new regulations?

For the 2015-16 school year only, districts/BOCES that are implementing an APPR plan pursuant to Education Law §3012-d are not required to submit any material changes in order to

2015-16 school year are not required to develop such additional SLOs. Implementation of alternate SLOs will begin in the 2016-17 school year.

¹⁷ Please see Question D42 of the [§3012-d APPR Guidance document](#) for more information about the 30% rule.

align with the transition regulations and shall implement their APPR plans according to the process discussed in Question 16 above.¹⁸ These districts/BOCES shall only use those portions of their teachers' and principals' evaluations that are not based on the grades 3-8 ELA and math State assessments or the State-provided growth score based on Regents assessments.

For the 2016-17 through 2018-19 school years, in order to minimize the burden on the administration and potential collective bargaining issues, for districts/BOCES that have no measures in the Student Performance Category and are required to develop alternate SLOs, these districts/BOCES shall be required to submit their alternate SLOs during the transition period on a supplemental form to their currently approved §3012-d APPR plans (rather than re-opening their plan in the Review Room portal). These districts/BOCES will need to submit the supplemental form to the Department on or before March 1, 2017 for implementation starting in the 2016-17 school year. Please see Question C8 of the [§3012-d APPR Guidance document](#) for additional information regarding material changes.

The Department will provide further information regarding the supplemental form on its website

20. My district is currently operating under a Hardship Waiver and is actively collectively bargaining a §3012-d APPR plan, do we have to incorporate the new regulations into our negotiations?

While the requirement to develop an alternate SLO will not take effect in the 2015-16 school year, the Department strongly recommends that your district consider the measures that will be used during the remainder of the transition period. For the 2016-17 through 2018-19 school years, in instances where no scores/ratings in the Student Performance Category can be generated, an alternate SLO shall be developed by the district/BOCES consistent with guidelines prescribed by the Commissioner using assessments approved by the Department that are not the grades 3-8 ELA and math State assessments.

21. Can a district/BOCES describe the alternate assessments/measures that will be used during the transition period in the APPR plan submitted to the Department?

Yes, Tasks 2 and 7 of the Review Room portal will be updated to accommodate the entry of alternate assessments for teachers of grades 3-8 ELA and math and principals of buildings that include grades 3-8 or all of 9-12 for the 2016-17 through 2018-19 school years. For teachers of other grades and subjects and principals of other building configurations, the Department recommends that your district/BOCES enter the assessments that will be used during the transition period (2016-17 through 2018-19). Following the transition period, i.e., the 2019-20 school year and thereafter, if your district/BOCES would like to make material changes to its approved APPR plan to, e.g., include the use of school-wide measures aligned with grades 3-8 ELA and math State assessments or State-provided growth scores for 9-12 principals, you may

¹⁸ At its February 2016 meeting, the Board of Regents adopted regulatory changes that provide districts implementing APPR plans pursuant to Education Law §3012-d during the 2015-16 school year with the same protections that the new transition regulations provide districts implementing APPR plans pursuant to Education Law §3012-c during the 2015-16 school year.

do so as long as such changes are submitted to the Department on or before March 1 of the school year for which they will be implemented. Please see Question C8 of the [§3012-d APPR Guidance document](#) for additional information regarding material changes.

22. My district's/BOCES' §3012-d APPR plan currently uses SLOs based on the grades 3-8 ELA and math State assessments. During the transition period, what alternate assessments can we use?

Districts/BOCES must choose a State-approved district, regional, or BOCES-developed assessment, a State-approved third-party assessment, or a school- or district-wide measure based on a State assessment other than the grades 3-8 ELA and math assessments. Additionally, during the transition period, districts/BOCES may utilize school- or district-wide measures based on State-approved third party or locally developed assessments for purposes of developing the alternate SLO. The list of currently approved assessments for use in the required subcomponent of the Student Performance Category (under Education Law §3012-d) is available at: <http://usny.nysed.gov/rtt/teachers-leaders/assessments/approved-list-3012-d.html>.

If your district/BOCES has locally developed assessments that you wish to use, an application must be submitted through the RFQ for Supplemental Assessments and Corresponding Growth Models and/or Assessments for Use with SLOs to Be Used by New York State School Districts and Boards of Cooperative Educational Services (BOCES) in Teacher and Principal Evaluations for approval by the Department, available at: <http://www.p12.nysed.gov/comcontracts/rfq-15-001-assessments/home.html>. A corresponding webinar to assist applicants as well as answers to common questions are also available at the above link. For additional questions related to the Assessment RFQ, please email: AssessRFQ@nysed.gov.

In order to minimize the burden on districts/BOCES implementing their evaluation systems during the transition period, the Department will permit districts/BOCES to use district-wide measures based on State assessments other than the grades 3-8 ELA and math assessments, State-approved third-party assessments, or State-approved locally developed assessments. Such district-wide measures may utilize the results of assessments that are administered outside of the teachers' buildings during the transition period, e.g., district-wide measures based on the grade 4 or 8 State Science assessments or a Regents examination.

23. What will districts/BOCES be required to do for the 2019-20 school year?

Districts/BOCES must continue to implement their approved APPR plan during and after the transition period. Beginning in the 2019-20 school year, districts/BOCES will no longer be required to calculate transition scores and ratings and will only be required to provide scores and ratings aligned with their approved APPR plan.

24. How can my district/BOCES avoid double testing students in grades/subjects that previously used the grades 3-8 State ELA and math State assessments or State-provided growth scores on Regents examinations for the teachers' APPR?

Districts/BOCES should consider utilizing any other assessments that are currently being administered in those classrooms. In many instances, the use of formative and diagnostic assessments in combination with a summative assessment or performance task are already in use and can be authentic and meaningful measures of student performance. However, please remember that all non-State assessments must be approved through the [Assessment RFQ](#) (see Question 21 above for more information).

Further, districts/BOCES have the option to use school- or district-wide measures based on State assessments that are not the grades 3-8 ELA and math State assessments, e.g., the grades 4 and 8 State Science assessments or the Regents examinations. Please see pages 15-20 of the [§3012-d SLO Guidance document](#) for more information.¹⁹ Additionally, during the transition period, districts/BOCES may utilize school- or district-wide measures based on State-approved third party or locally developed assessments for purposes of developing the alternate SLO.

25. Must my district/BOCES continue to develop back-up SLOs for teachers of grades 4-8 ELA and math and principals of buildings which include these grade levels in the event that they do not, for any reason, receive a State-provided growth score?

For the 2015-16 school year, districts/BOCES implementing APPR plans consistent with the requirements of Education Law §3012-d should have already developed back-up SLOs for these educators, and these measures should continue to be used for purposes of calculating original scores and ratings where needed.

During the remainder of the transition period (i.e., the 2016-17 through 2018-19 school years), in order to minimize the burden on districts and BOCES, the Department is suspending the requirement that back-up SLOs be developed for teachers of grades 4-8 ELA and math and principals of buildings which include these grade levels.

Please note that high school principals of buildings which include all of grades 9-12 whose back-up SLOs are based on Regents assessments shall continue to use those back-up SLOs for the purposes of calculating both original and transition scores and ratings during the entirety of the transition period.

As a reminder, in instances where excluding the results of the grades 3-8 ELA and math State assessments results and any State-provided growth scores results in no student performance measure for a teacher or principal in the Student Performance Category, districts/BOCES must develop an alternate SLO using assessments approved by the Department that are not the grades 3-8 ELA and math State assessments.

¹⁹ Please note that for purposes of developing alternate SLOs, the requirement that principals and common branch teachers have one SLO for ELA (literacy and writing) and one SLO for math – as illustrated in the chart on pages 17-20 of the §3012-d SLO Guidance document – shall be replaced with a single required SLO (the content area will be determined by the district/BOCES).

State-provided growth scores

26. Will teachers and principals still receive their State-provided growth scores during the transition period?

Yes. Teachers and principals will continue to receive their State-provided growth scores during the transition period for advisory purposes only and such scores will have no impact on employment decisions, including tenure determinations, or teacher and principal improvement plans.

Teacher and principal improvement plans

27. Which HEDI rating must a district/BOCES use during the transition period in order to determine whether a teacher/principal must be put on a TIP/PIP?

Districts/BOCES must use the overall composite transition rating to determine which educators must be put on an improvement plan.

Data submission and reporting

28. What data will districts/BOCES be required to submit to the Department each October during the transition period?

For purposes of reporting data to the Department, the original subcomponent scores or category scores, and composite scores and/or ratings pursuant to Education Law §3012-c or §3012-d (as applicable) and Subpart 30-2 or 30-3 of the Rules of the Board of Regents (as applicable) shall be reported to the Department along with the transition scores and ratings. Additional information about the submission process is forthcoming.

29. What APPR data will districts/BOCES need to report to the public during the transition period?

For purposes of public reporting of aggregate data and disclosure to parents pursuant to Education Law §3012-c(10)(b), as made applicable to Subpart 30-3, the original composite score and/or rating pursuant to Education Law §3012-c or §3012-d (as applicable) and Subpart 30-2 or 30-3 of the Rules of the Board of Regents (as applicable) shall be reported along with the overall transition score and/or rating and an explanation of the overall transition score and/or rating.

For districts implementing Education Law §3012-c for the 2015-16 school year pursuant to an approved Hardship Waiver, in instances where the transition score and rating has resulted in no remaining student performance measures, the Other Measures subcomponent score may be scaled up to determine the transition Overall Composite score and rating. However, the determination of the Other Measures subcomponent rating should be based on the original Other Measures score consistent with the HEDI ratings included in the approved APPR plan. For example, if the Ineffective range in the approved APPR plan is 0-49, and this educator earned a

score of 49, that should correspond to an Ineffective rating for the Other Measures subcomponent. When the score of 49 is scaled up to calculate the transition Overall Composite score and rating, this may result in a different Overall Score and rating; however, the transition Other Measures subcomponent rating should be the same as the original Other Measures subcomponent rating.

30. Which HEDI ratings will be posted to the Public Data Site during the transition period – the original HEDI ratings or the transition HEDI ratings?

For purposes of public reporting of aggregate data pursuant to Education Law §3012-c(10)(b), as made applicable to Subpart 30-3, the original subcomponent and/or category ratings, and composite ratings pursuant to Education Law §3012-c or §3012-d (as applicable) and Subpart 30-2 or 30-3 of the Rules of the Board of Regents (as applicable) shall be posted to the [Public Data Site](#) along with the transition ratings. This shall be done for the entire transition period, i.e., 2015-16 through 2018-19.

31. Which HEDI ratings will districts/BOCES be required to provide to parents/guardians upon their request during the transition period?

For purposes of disclosure to parents/guardians upon request pursuant to Education Law §3012-c(10)(b), as made applicable to Subpart 30-3, the original composite rating pursuant to Education Law §3012-c or §3012-d (as applicable) and Subpart 30-2 or 30-3 of the Rules of the Board of Regents (as applicable) shall be reported along with the overall transition rating and an explanation of such overall transition rating. This shall be done for the entire transition period, i.e., 2015-16 through 2018-19.