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April 9, 2015

The Honorable Merryl H. Tisch  
NYS Board of Regents  
Regents Office, 89 Washington Ave.  
Albany NY 12234

Dear Chancellor Tisch:

The new state budget gives the Commissioner and Board of Regents the responsibility to adopt regulations for the implementation of a new APPR system. As you begin to consider regulatory provisions, we wanted you to be aware of NYSUT's work over the past two years on developing improvements to APPR. The attached position statement was adopted by the NYSUT Board of Directors after significant input from our local presidents and rank and file members. While we recognize some of our recommendations would require additional changes in the law, our positions in favor of multiple measures, local control and limiting the impact of the state tests are within your current authority and may serve you well in your process.

The current state growth model with its bell curve that compares teachers to other teachers and requires 6 percent of teachers to be ineffective each year no matter how well their students perform on the tests is clearly an invalid measure of teacher performance. Under this model, it is possible for every student in the state to reach proficiency on the new common core state tests and still have 6 percent of teachers rated ineffective. The attached white paper on the state growth model points out the many problems with the model. I am sure you are all aware of the exemplary Long Island teacher who is suing the state over the growth model because she received a score of 1 despite her students being proficient on the state tests by twice the state average.

This information, along with the new law that requires the continued use of a growth model, points to the need to develop a new model to measure growth that eliminates the use of a bell curve and provides every teacher with the opportunity to reach effective if their students perform well on the test. In the meantime, it is critical to limit the weight of the current growth model, improve it by adding additional factors, that provide a better measure of poverty, district fiscal capacity and student demographics and to provide school districts with real options for local assessments by approving assessments already being used by school districts. This action will ensure testing will not increase. The current plans have a broad array of assessments that districts were using before they were required for APPR. The new optional assessments should include these assessments.

As you know, the real value of teacher evaluation is to help teachers develop and improve their practice. One of the ways this happens is the professional conversation that occurs between the building administrator and the teacher or a peer evaluator and a teacher around observations of the teacher's practice. By definition an independent evaluator from outside the building or even outside the district cannot provide the same kind of in-depth ongoing professional dialogue. Use of an

independent evaluator provides no benefit to the educational process and should be limited in favor of observations by the building principal and where agreed to locally, a peer evaluator.

The third document shows how districts under the current APPR were able to collectively bargain differentiated evaluations based on the needs of teachers. This approach creates a continuum of practice aligned with a continuum of support. We need to make sure this opportunity is not lost when the new system is put in place.

As you develop possible approaches to the regulations, we urge you to hold a public hearing in each judicial district to ensure everyone has an opportunity for input. We stand ready to comment, provide suggested changes and work with you to have an APPR system that de-emphasizes testing and emphasizes teacher development to improve student learning.

Sincerely,

A handwritten signature in black ink that reads "Catalina R. Fortino". The signature is written in a cursive, flowing style.

Catalina R. Fortino  
Vice President