

FACT SHEET

Summary of Provisions of Chapter 143 of the Laws of 2024, Section 3012-e Relating to Teacher Annual Professional Performance Reviews (APPR)



Fact Sheet No. 24- 7 Updated

November 2024

This Fact Sheet provides a summary of the changes for teachers in the 2024 APPR reform law signed by the Governor on June 28, 2024, and the corresponding emergency regulations approved by the Board of Regents on November 5, 2024.

Emergency Regulations

The Board of Regents adopted emergency regulations amending the Rules of the Board of Regents relating to the evaluation of classroom teachers and building principals to implement Chapter 143 of the Laws of 2024. **The regulations are in effect as of November 5, 2024.** As required under the State Administrative Procedure Act a Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on November 20, 2024, for a 60-day public comment period. It is possible that changes will be made to these regulations based on the outcome of the public comment. It is anticipated that the proposed

amendments will be presented for permanent adoption at the March 2025 Regents meeting. The regulations indicate that districts can negotiate new plans under these new regulations immediately for the 2024-2025 school year but have an eight-year window, through the 2031-2032 school year, to transition to the new system. SED has said they expect to have the portal open and available for plans to be submitted in December of 2024.

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Eliminate Connections Between APPR scores and the Granting of Tenure and Expedited Discipline

Prior to this change in the law, school districts could not grant tenure if a teacher received an Ineffective rating in their final probationary year or did not receive sufficient Effective or Highly Effective ratings during their probationary period. This requirement is removed going forward for all school districts unless there is specific collective bargaining agreement language or appointment letter language addressing this requirement. As a result, school districts may now grant tenure irrespective of the APPR scores awarded to a probationary teacher.

Previously teachers and substitutes could qualify for a shortened probationary period only if the teacher had proof of tenure and 3012-d APPR ratings in their final year(s) at the previous assignment. The required proof of APPR rating(s) are removed under Chapter 143, allowing previous tenure (one year) or prior substitute (up to two years) service to be the trigger for a shortened probationary period, unless there is local collective bargaining agreement language requiring APPR ratings.

Further, education law previously had an expedited disciplinary process (Section 3020-b) if teachers received multiple Ineffective ratings in a row. These provisions have been eliminated with the enactment of Chapter 143, and these changes apply to both the existing 3012-d plans and all new 3012-e plans, unless there is local language that maintains this requirement.

Eliminate the State Aid Penalty

The State aid penalty for the failure to submit documentation that an APPR plan is in place each year is permanently eliminated for all current and future APPR plans. This is applicable to both 3012-d and 3012-e plans.

New 3012-e APPR System

Section 3012-e plans, dubbed Standards-based Educator Evaluation and Professional Support (STEPS) by the State Education Department (SED), must be collectively bargained and no longer include the previous requirement to use student performance as part of the plan. Instead, these plans will be developed locally and must include multiple measures that are aligned with each State Teaching Standard (Educational Leadership Standards for Principals). The NYS Teaching Standards include knowledge of students and student learning; knowledge of content and instructional planning; instructional practice; learning environment; assessment for student learning; professional responsibilities and collaboration and professional growth.

Rating Bands

Under a STEPS plan there are still four rating levels for APPR but they are numbered 1-4 (4 being the highest), rather than Highly Effective, Effective, Developing, Ineffective (H,E,D,I) as contained in 3012-d plans.

Eight-Year Transition

Districts will be able to transition to their STEPS plans once SED makes available the form and process for submitting a STEPS plan to SED for review. SED anticipates completing this process by December 2024 so that Districts can negotiate a new plan under STEPS for the 2024-2025 school year if they choose. Districts may continue to implement and modify their current evaluation system under 3012-d through the 2031-2032 school year. Districts must negotiate and submit a STEPS plan to the Commissioner of Education by June 30, 2032.

The emergency regulations of November 5, 2024 establish one exception to the eight-year transition. The new regulations require districts who have 3012-d plans that use district-, school-, program-, or BOCES-wide measures for the student performance component to move to a team, linked, or individual and teacher-specific measure for all teachers and principals before the 2028-2029 school year. This change can be made by renegotiating the

current 3012-d plan to align with the requirement or negotiating a new STEPS plan which does not require student performance as one of the measures used in the teacher evaluation system. **NYSUT is aware that most districts have some, if not all, teachers covered under district-, school-, program-, or BOCES-wide measures for the student performance component and that those districts, under the language of the emergency regulations, will have a three-year window to make a change to their current plans. NYSUT believes this regulation is inconsistent with the statute and advocated to SED to remove this provision from the final regulations. SED has in writing stated that this amendment to 3012-d will be removed from the regulations so that all districts will have the eight years to transition to a STEPS plan. NYSUT will also officially comment, during the public comment period, on this to assure it is resolved in the final regulations.**

Observations/Annual Evaluations

Based on the emergency regulations districts with a STEPS plan must negotiate the number of observations with a minimum of two per year for probationary teachers and a minimum of two per one-to-three-year cycle for tenured teachers. **NYSUT believes the statute is clear that STEPS plans, including the number of evaluations and how tenured teachers would be evaluated over time, are to be collectively bargained. NYSUT will be advocating with SED to remove this prescriptive language from the emergency regulations. NYSUT will also formally comment on this item to request that it be removed from the final regulations.**

Evaluations can be differentiated, this allows for a circumstance where negotiations could result in a plan where tenured teachers would not receive an annual composite rating each year, even though some type of evaluation would be undertaken for every teacher each year. The regulations indicate that tenured teachers must be evaluated on a cycle from one to three years, where they are evaluated and scored on a subset of standards on an annual basis but would not receive an overall rating until the end of the one-to-three-year cycle. Probationary teachers must be rated on each teaching standard and must have a composite rating annually. The regulations establish a maximum of a three-year cycle to receive a composite rating. However, the statute specifies that the length of this cycle is the result of collective bargaining and NYSUT is advocating with SED to remove this limitation from the final regulations.

All classroom teachers and building principals and anyone who conducts all or part of a performance review must receive appropriate training. The list of staff positions authorized to perform observations would be collectively bargained. NYSUT recommends including language in the newly developed plan that makes clear that observations are conducted in-person and by a trained administrator, independent evaluator, or peer reviewer (whatever is locally negotiated), and are not done using Artificial Intelligence (AI).

SED Review of Plans

Districts must file their STEPS plan with the Commissioner of Education for review. Once a STEPS plan has been adopted it remains in effect until a new plan is accepted by the Commissioner. SED has developed the following web page with resources on STEPS plans.

[NYS-STEPS | New York State Education Department](#)

Availability of STEPS Plans

STEPS plans must be made available on school district websites. Under Section 3012-e, parents continue to have the right to obtain the composite score (Level 1-4), of the current teachers of their children. This data continues to not be subject to FOIL.

APPR Comparison (Teacher Specific)

Below is a comparison between the previous APPR statute and the new 3012-e system.

3012-d as Amended in 2019 (Plan data reported here is current as of 11/13/24)	3012-e/NYS-STEPS November 2024
APPR Plan	APPR Plan
<p><i>Required</i> – Plan must describe the standards and criteria for conducting APPRs of classroom teachers under the requirements of 3012-d.</p> <p>The law requires classroom teachers of record to be evaluated based on two categories with multiple subcomponents and parameters set by regulation and SED guidance:</p> <ul style="list-style-type: none"> • Student Performance • Teacher Observation <p>School employees that are not teacher of record including Pre-kindergarten Teachers, Pupil Personnel Services (e.g., school psychologists and school social workers), Supplemental School Personnel (e.g., teacher aides and teaching assistants) are not required to be evaluated under 3012-d.</p>	<p><i>Required</i> – Plans must include the criteria by which all classroom teachers shall be reviewed and a description of the review procedures.</p> <p>Does not require all classroom teachers to be evaluated based on the same measures or to receive an overall rating annually; provided that at a minimum, probationary teachers receive a rating on each teaching standard and an overall rating annually. This would allow for plans by which tenured teachers or subsets of tenured teachers would not receive an APPR composite score annually – although some type of evaluation process would be used – without a final “score.” Tenured teachers would be evaluated in a cycle of no more than three years.</p> <p>School employees who are not the teacher of record including Pre-kindergarten Teachers, Pupil Personnel Services (e.g., school psychologists and school social workers), Supplemental School Personnel (e.g., teacher aides and teaching assistants) are not required to be evaluated under 3012-e.</p>
Student Performance	Student Performance
<p><i>Required</i> – State, Regents or State-approved assessments must be used. How they are used, individual or group measures, is locally determined. Student learning objectives (SLOs) must be used (100% or locally determined % if optional student performance is used). State provided growth scores are no longer used for APPR.</p> <p>There are 192 3012-d plans that have not been updated since the 2019 amendment. These plans require specific groups of teachers to have individual</p>	<p><i>Not required</i> – Student performance is not a required component of 3012-e/STEPS plans. The plan may include student performance if agreed to through collective bargaining.</p>

3012-d as Amended in 2019 (Plan data reported here is current as of 11/13/24)	3012-e/NYS-STEPS November 2024
<p>SLOs using their state assessment and their roster of students.</p> <p>The 2019 amendment allows student performance to be locally negotiated and allows group measures for all teachers. There are 532 plans that have been negotiated since the 2019 amendment 432 of those negotiated agreements use group measure(s) (SLOs) for all teachers. One hundred of the newly negotiated agreements have at least some teachers with individual SLOs.</p> <p>The 2024 emergency regulations provide that districts (and BOCES) using district-, school-, or program-wide measures a three-year window to move to a team, linked, or individual and teacher-specific measure for all teachers. (NYSUT is advocated to have this removed from the final regulations and SED has indicated that it will be removed.)</p> <p><i>Optional</i> – Locally selected measure of student growth or achievement (locally determined weighting where used). Same measures must be used in a consistent manner across all classrooms in same grade/subject, to the extent practicable. State created or administered assessments or state designed supplemental assessments must be used. Many options on how they are used (SLO, growth model, performance index...)</p> <p>Very few plans include this optional student performance measure.</p> <p>Scoring SLOs – Each student performance measure must result in a 0-20, SED has set the HEDI 0-20 break down and % of students meeting SLO goals for each HEDI category (0-59% ineffective, 60-74% developing, 75-89% effective & 90-100% highly effective).</p>	
Teaching Standards	Teaching Standards
<p>Teacher Observation <i>Required</i> – State approved rubric must be used; the list can be found here: Rubrics New York State Education Department (nysed.gov)</p>	<p><i>Required</i> – Plans must address each state teaching standard.</p> <p>The NYS Teaching Standards I. Knowledge of Students and Student Learning</p>

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<p>All approved rubrics are aligned with NYS Teaching Standards.</p> <p>All observable teaching standards must be addressed across the total number of observations.</p> <p>At least one observation must be unannounced.</p> <p>Rubrics and number of plans using each (there are different versions/updates of the rubrics this count is by provider):</p> <ul style="list-style-type: none"> Danielson 453 (63%) NYSUT 181 (25%) Marshall 32 (5%) Marzano 33 (5%) Thoughtful Classroom 17 (2%) NYSTCE 3 (.4%) Variance 4 (1%) 	<ul style="list-style-type: none"> II. Knowledge of Content and Instructional Planning III. Instructional Practice IV. Learning Environment V. Assessment for Student Learning VI. Professional Responsibilities and Collaboration VII. Professional Growth <p>Each standard has four to six Elements, and each Element has Performance Indicators. The New York State Teaching Standards (nysed.gov)</p> <p>One measure in a plan may be used to address more than one teaching standard.</p> <p>Performance reviews may assess a subset of the teaching standards in a given year, provided that probationary teachers are rated on each teaching standard annually.</p>
Multiple Measures	Multiple Measures
<p><i>Required</i> – Student performance and classroom observation</p> <p><i>Not Permissible</i> – The following elements may no longer be used in any evaluation subcomponent:</p> <ul style="list-style-type: none"> • Evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department; • Use of an instrument for parent or student feedback; • Use of professional goal-setting as evidence of teacher or principal effectiveness; • Any district or regionally-developed assessment that has not been approved by the department; and • Any growth or achievement target that does not meet the minimum standards as set forth in Commissioner’s regulations. 	<p><i>Required</i> – Multiple measures; provided, however, that one measure shall be two or more classroom observations of probationary teachers annually and of tenured teachers in a cycle.</p> <p>Additional measures. All teachers shall also be evaluated using one or more of the following measures:</p> <ul style="list-style-type: none"> • Portfolios • Surveys and feedback • Professional goal setting and attainment • Student outcome data <ul style="list-style-type: none"> ○ Student goal setting, attainment, and progress monitoring to evaluate a teacher’s contribution to student growth ○ Student achievement goal setting ○ A performance index ○ Statistical growth measures ○ Portfolios of student work • Teacher projects • Another locally developed measure

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<p style="text-align: center;">Teacher Observation</p> <p><i>Required</i> – Observation by principal or other trained administrator (at least 80%, locally determined)</p> <p><i>Required</i> – Observation by impartial independent trained evaluator (at least 10%, locally determined). Waivers are available.</p> <p><i>Optional</i> – Observation by trained peer teacher</p>	<p style="text-align: center;">Teacher Observation</p> <p><i>Required</i> – Plan shall describe the number and frequency of observations (no requirement that all teachers have the same number or frequency of observations). The minimum number of observations is 2 annually for probationary teachers and 2 per cycle for tenured teachers. <i>(NYSUT is advocating to have the minimum removed as it is part of the plan and should be collectively bargained.)</i></p> <p><i>Required</i> – Provide teacher with timely, actionable feedback on their practice based on the information collected as part of the performance review.</p>
<p>Scoring Observations - Each set of observations (by supervisor/other trained administrator, independent, or peer) will be completed using a rubric with rating categories that are aligned to HEDI ratings and 1-4 levels. The 1-4 score for each set of observations will incorporate all evidence collected and observed over the course of the school year. Once all evaluations are complete, the different types of observations will be combined using a weighted average, producing an overall Observation/School Visit category score between 1-4.</p>	<p>Ratings</p> <p><i>Required</i> – Assign ratings on each applicable teaching standard and an overall rating of Level 4, Level 3, Level 2, Level 1:</p> <ul style="list-style-type: none"> • Level 1 shall indicate performance significantly below a school district’s or board of cooperative educational services’ expectations aligned to teaching standards; • Level 2 shall indicate performance that partially meets a school district’s or board of cooperative educational services’ expectations aligned to teaching standards; • Level 3 shall indicate performance that meets a school district’s or board of cooperative educational services’ expectations aligned to teaching standards; • Level 4 shall indicate performance that exceeds a school district’s or board of cooperative educational services’ expectations aligned to teaching standards.
<p style="text-align: center;">APPR Final Rating</p>	<p style="text-align: center;">APPR Final Rating</p>
<p>Overall Rating – Determined by HEDI scores in each category and where they intersect on the matrix created from the text of the statute. Ratings for each category (student performance & observation) and an overall rating are submitted to SED annually.</p>	<p>Overall Rating – Ratings for each teaching standard, as well as the overall rating for each teacher, where available, will be submitted to SED annually. Tenured teachers will receive overall ratings at the end of their 1–3-year cycle. <i>(NYSUT is advocating to have the maximum of a 3-year cycle removed as it is part of the plan and should be collectively bargained.)</i></p>

3012-d as Amended in 2019 (Plan data reported here is current as of 11/13/24)	3012-e/NYS-STEPS November 2024
Professional Support	Professional Support
<p>Teacher Improvement Plan (TIP) <i>Required</i> – Teachers receiving an overall rating of Developing or Ineffective must have a TIP issued and implemented beginning by October 1 of the following school year or as soon as practicable. Required elements of TIP:</p> <ul style="list-style-type: none"> • the identification of areas that need improvement; • a timeline for achieving improvement; • the manner in which improvement will be assessed; and, • where appropriate, differentiated activities to support improvement in these areas. 	<p><i>Required</i> – APPRs shall be a significant factor in teacher development including but not limited to coaching, induction support, and differentiated professional development for all teachers. Plans shall include a process for each teacher to receive formal support for professional growth each year.</p> <p>Teachers who receive an overall rating of Level 1 or 2 shall have a personalized professional development plan, consistent with a locally determined growth goal setting process.</p>

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