




Senior Deputy Commissioner
Educational Policy

April 2015

TO: BOCES District Superintendents
Superintendents of Public Schools
Principals of Public Schools

FROM: Ken Wagner 

SUBJECT: Commissioner's Regulations to Implement Changes to the Teacher and Principal Evaluation System included in the 2015-16 Enacted Budget

The 2015-2016 Enacted Budget establishes or modifies several programs that will require action by the Board of Regents and/or the State Education Department.¹

In particular, the enacted budget creates a new teacher and principal evaluation system to be administered by the Department in accordance with Commissioner's Regulations approved by the Board.

The regulations to administer the new system must be issued by June 30, 2015. Once Commissioner Regulations have been adopted, districts must submit to the Department by **September 1** an updated Annual Teacher and Principal Evaluation plan in order to ensure that the plans will be reviewed and approved **by the November 15, 2015** deadline established by the Governor and Legislature in subdivision 11 of §3012-d of the Education Law to receive state aid increases for the 2015-16 school year.

The new evaluation system will be comprised of two categories that determine educator ratings – Student Performance and Observations:

- **The Student Performance category** requires use of a State-provided growth score for teachers whose course ends in a State test for which a growth model is used; or student learning objectives (SLOs), consistent with a process determined by the Department for all other teachers (SLOs must use State assessments, where available). In addition, there is an *optional subcomponent* that could be bargained locally and would be comprised of a second State-provided growth score on a State test or a growth score based on a State-designed supplemental assessment, calculated using a State-provided or approved growth model, chosen by the district and the collective bargaining unit.
- **The observations category** would include up to three subcomponents, including mandatory classroom observations conducted by a supervisor (or other trained

¹ A summary can be found at <http://www.regents.nysed.gov/meetings/2015Meetings/April/415p12d10.pdf> and <http://www.regents.nysed.gov/meetings/2015Meetings/April/BudgetPolicy.pdf>.

administrator), mandatory observations by an independent trained evaluator or evaluators selected by the district, and an *optional subcomponent* that could be bargained locally and include observations by a trained peer teacher who has been rated Highly Effective or Effective.

The Department must establish scoring ranges for and weights among these subcomponents of the Student Performance and Observation categories.

The statute also mandates the following matrix to determine a teacher’s composite score based on the two categories of the evaluation (see §3012-d (5)):

		Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D ²	D ²	I	I

Furthermore, districts may not assign a student to a teacher rated Ineffective for two consecutive school years (provided that districts may seek a waiver from the Department).

Field Engagement

As requested by the Board of Regents, a Learning Summit on teacher and principal evaluation will be held at New York State Museum on Thursday, May 7, to include invited participants from our statewide parent, teacher, principal, superintendent, and school board member organizations, as well as practitioners and experts in the fields of education, economics and psychometrics, with a specific focus on providing recommendations to the Department and the Board in the areas required by the new statute to be addressed through Commissioner’s Regulations, including, but not limited to:

- Scoring ranges for the subcomponents of the Student Performance and Observation categories;

² If a teacher is rated Ineffective on the Student Performance category, and a State-designed supplemental assessment was included as an optional subcomponent of the Student Performance category, the teacher can be rated no higher than Ineffective overall (see §3012-d (5)(a) and (7)).

- Weights among the subcomponents of the Student Performance and Observation categories;
- Parameters for appropriate student growth targets for subcomponents of Student Performance category;
- Parameters for optional locally-selected State-designed supplemental assessments;
- Minimum number of annual observations, including frequency, duration, and any other parameters;
- Observation rubrics;
- Alignment of the principal evaluation system to the new teacher evaluation system established in Education Law §3012-d;
- Parameters of potential waivers from the general prohibition against assigning a student to a teacher rated Ineffective for two consecutive schools years; and
- The extent to which provisions in Education Law §3012-c should apply to the new evaluation system;
- Other relevant comments and recommendations.

Tickets to the event will be limited by seating capacity and will be distributed by invited stakeholders only. The event will be simulcast to the public, with the opportunity for the public to submit comments and presenters to submit informational materials.

Following the Learning Summit, Department staff will present initial recommendations and options to the Board at its May meeting. Following discussion at the May meeting, Department staff will draft and present proposed final Commissioner’s Regulations for emergency adoption by the Board at its June meeting.

In addition, the Department is required to request advice from the United States Department of Education (USDOE) on weights, measures and ranking of evaluation categories and subcomponents and publicly post the USDOE response.

Public comments and recommendations on the evaluation law can be submitted at eval2015@nysed.gov.

Thank you for your continued support with this important and challenging work.