***IMPORTANT NOTE: This document is being distributed for the sole purpose of soliciting feedback from this workgroup on issues relating to the implementation of section 3012-C of the Education Law. It is for discussion purposes only and should not be distributed. This document does not constitute the opinion of the Department***

**TLE Data policy Questions**

Existing L(10)

Which students in a course will be included in the growth-score subcomponent of a teacher’s evaluation?

Each student enrolled in a course will contribute toward the learning results measure for all teachers assigned to that course (see L(18)) as long as the student has an assessment score associated with the course, was reported as enrolled in the course to which the teacher was assigned prior to the administration of the assessment, and, in the case of growth calculations, at least one previous, comparable score.

Existing L(13)

Is there a minimum amount of time a teacher must spend with a student to be considered the teacher of record?

No. There is no minimum time. The State expects to weight partial-course enrollment (or teacher assignment) differently than full-course, but does not plan to set a minimum time before a student is included in the course. The weighting of the amount of time of each student’s linkage to the teacher of record for evaluation purposes will be defined through the work of the Task Force and the vendor contracted to perform the value-added analyses.

Existing L(14)

What criteria will be used to “flag out” certain students from the class growth score?

Students will be excluded from teacher of record aggregations for evaluation purposes only in extremely limited situations **to be determined and published at a future date**. Once the rules for the student exclude flag are determined, this data element, like all other date elements used for performance accountability purposes, will need to be certified as accurate by the principal of a charter school or superintendent of a school district.

Options to be considered by task force –

1. Automated flagging when attendance linkage is XX percent lower than enrollment linkage. May not be a good option until we have a better sense of the accuracy of the attendance linkage data.
2. Home-based tutoring for medical circumstances or long-term suspension. These students are supposed to be reported as enrolled. However, districts will mark them absent with a reason 'Homebound Medical' or “Suspended,” etc., which is usually set to not count as a true absence for state reporting.  This is because the student is being tutored at home while out on medical leave or suspension.  The expectation is that the student is continuing with his or her usual education, including in the courses they were in before going out on medical leave or suspension.  However, this student is no longer being directly educated by the teacher who is being held accountable for that time. Rather, the tutor works under the assigned teacher’s supervision.

**#1 New – What does “enrollment linkage” and “attendance linkage” mean?**

Students are reported as linked to a teacher in two ways:

* The amount of time (prior to the administration of the assessment to be used for evaluation purposes) that a teacher is assigned to a class and a student is enrolled in that class (referred to as **“enrollment linkage”**).
* The amount of time (prior to the administration of the assessment to be used for evaluation purposes) that a teacher is assigned to a class, the student is enrolled in the class, and the student attends the class (referred to as **“attendance linkage”**).

How enrollment and attendance linkage are reported depends on whether the class has a generally fixed schedule (i.e., generally meets during a fixed period of time each day) and whether class attendance is taken each time the class meets.

**#2 New - How do I report enrollment and attendance linkage for classes that follow a generally fixed schedule and for which class attendance is taken?**

If a teacher is assigned to a class with a generally fixed schedule (i.e., generally meets during a fixed period of time each day), the enrollment linkage for each student enrolled in that class will be calculated by the student management system based on the beginning and end dates for the teacher assignment, the beginning and end dates for the student enrollment, and the daily start and end times for the class period. For example, if a teacher was assigned to teach a class from September 1 to June 25, the class met 40 minutes per day, and a student was enrolled in that class only one day (March 15), the enrollment linkage between that teacher and student would be 40 minutes.

The attendance linkage for each student enrolled in that class will be calculated by the student management system based on the beginning and end dates for the teacher assignment, the beginning and end dates for the student enrollment, the daily start and end times for the class period, and the daily record of student attendance. For example, if a teacher was assigned to teach a class from September 1 to June 25, the class met 40 minutes per day, and a student was enrolled in that class only one day (March 15), but was absent on that day, the attendance linkage between that teacher and student would be 0 minutes.

**#3 New - How do I report enrollment and attendance linkage for classes that do not follow a fixed schedule?**

In order to support unambiguous teacher evaluation decisions, students, including students in elementary school, must be reported as enrolled in classes on a subject-by-subject basis. For example, if an elementary school student has the same teacher for English language arts, science, social students, and mathematics (typically referred to as a “homeroom” or “common branch” teacher), the students must be reported as enrolled in four courses, with the same teacher assigned to each of these courses. If an elementary school student has one teacher for English language arts and social studies and another teacher for mathematics and science, that student will also be reported in four courses with teachers assigned to these courses as appropriate.

Since some courses may not have predictable meeting times, it may not be practicable to capture these dynamic meeting schedules in student management system schedules. If that is the case, in order to ensure that data extracted from student management systems and reported to the state are accurate and fair, districts should schedule students in student management systems to capture the **weekly average amount of time** that courses meet. For example, if a course meets on a schedule that is too variable to accurately capture in a student management system, but meets on average for 150 minutes per week, the course could be scheduled in the student management system for 30 minutes per day in a five-day cycle in order to ensure that accurate linkage data are reported to the state.

Need to add language on minimum amount of instructional time that should be scheduled and reported for each course subject at the elementary, middle, and secondary level.

**#4 New - How do I report attendance linkage for classes in which period attendance is not taken?**

If schools, consistent with state attendance requirements (see 8 NYCRR § 104.1)[[1]](#footnote-1), do not record period attendance in the student management system, the district may elect to have the student management system vendor use the daily attendance value as the period attendance value when reporting attendance linkage data to the state. For example, if a student was marked as “present” for the day, the district may elect to have the daily value of “present” be attributed to each period class in the student’s schedule for that day for the purpose of reporting attendance linkage.

If districts elect to use this method to report attendance linkage for classes during which period attendance is not typically recorded, the district should establish a procedure to guide the actions of an individual teacher who wishes to override period attendance information that is not accurately represented by the daily attendance value (e.g., if a student is marked present for the day, but he or she arrived to school late and was not present for a morning math session).

**#5 New – How should I report enrollment and attendance linkage information for teachers who have a long-term absence or take a leave of absence?**

In order to ensure that enrollment and attendance linkage information is accurate for teachers who have a long-term absence or a leave of absence, districts should end the teacher assignment as of the first day of the long-term absence or leave of absence and begin again the teacher assignment on the date that the teacher returns. For the purpose of reporting enrollment and attendance linkage information, a long-term absence or leave of absence is defined by guiding statute and local policy/practice.

Districts should confirm with their student management system vendor that ending teacher assignments will not delete any gradebook information that the district wishes to retain.

**#6 New - How are student to teacher instructional weightings to be reported?**

Enrollment and attendance linkage information depends on the accuracy of the course schedule in the student management system. As described above for classes that do not follow a fixed daily schedule, the course schedule in the student management system can be established based on the weekly course duration divided by the number of days in the weekly cycle (see section XX).

It may not be practicable to use an electronic student management system to schedule all types of student instructional arrangements, such as pull-out and push-in sessions. Student to teacher instructional weightings are percentages that can be used to weight the student-teacher relationship to account for differences in instructional time that are not captured by the course schedule. These weightings are used for enrollment and attendance linkage reporting purposes to determine the extent to which a teacher’s responsibility for a student’s instruction is equal to or less than the full instructional window allowed by the course schedule.

A student to teacher instructional weighting of 100% indicates that the teacher is responsible for supporting the student’s instruction during all times that the course meets. A value of 100% can be used regardless of whether additional teachers (e.g., co-teachers) are also responsible for supporting a student’s instruction during the times that the course meeting. In other words, more than one teacher can simultaneously have a 100% student-teacher instructional weighting for a student learning outcome.

A student-teacher instructional weighting that is greater than 0% but less than 100% may, depending on the capacity of your student management system, be used for a **push-in** teacher who is assigned to support students in a class for a consistent and recurring portion of the weekly class meeting time over the duration of the class. For example, a push-in teacher assigned to a class one day per week may be assigned a student-teacher instructional weighting of 20% for those students he or she is supporting.

A student-teacher instructional weighting that is greater than 0% but less than 100% may, depending on the capacity of your student management system, be used for a classroom teacher who has certain students who are **pulled out** of the class for a consistent and recurring portion of the class weekly meeting time over the duration of the class. For example, students enrolled in a class who are pulled out one day per week for instructional support may have a student-teacher instructional weighting of 80% for teacher(s) of the class from which they are being pulled.

A student-teacher instructional weighting of 0% may, depending on the capacity of your student management system, be used in the situation where a teacher is assigned to a course, but he or she has no instructional responsibility for certain students enrolled in that course. For example, a push-in reading teacher or a special education consultant teacher who pushes into a course one day a week may have a 20% student-teacher instructional weighting for certain students in a class, but 0% student-teacher instructional weighting for others.

If a teacher’s instructional weight changes over the course of the year in a way that should be factored into evaluation decisions, the composite weight can be calculated and reported. For example, it a teacher had an instructional weight of 80% for a quarter of the year and 100% for the remaining three-quarters, the composite weight would be (.8\*.25) + (1\*.75) = .95, or 95%.

Existing L(18)

How should districts report multiple teachers who are simultaneously assigned to a course section (i.e., co-teachers)?

For the 2011-12 school year, districts are required to report only those teachers who are assigned to a course each day that the course meets. In other words, teachers who push in to courses or pull students out of courses for supplemental instructional are not required to be reported during 2011-12. For example, it is required to report more than one teacher as assigned to a course section if two general education teachers or a general education and a special education teacher share instructional responsibility for a course’s student learning outcomes.

For the 2011-12 school year, districts may, depending on the capacity of their student management system, report teachers who are assigned to courses only some of the days that the course meets, including push-in and pull-out reading and math teachers, AIS teachers, etc. If reported, these teachers may be assigned with a student-teacher instructional weighting that is greater than 0% but less than 100% for the students whose instruction he or she supports. For example, a push in teacher who supports a class one day a week would be assigned a 20% student-teacher instructional weighting for those students to which he or she offers instructional services and a 0% student-teacher instructional weighting for those students for whom the teacher does not provide instructional support.

**#7 New – What is the student-teacher instructional weighting between a special education inclusion teacher and the general education students enrolled in the course section to which he or she is assigned?**

For evaluation purposes, special education teachers assigned to a course as part of an integrated co-teacher inclusion model are responsible for the learning outcomes of all students enrolled in the course. Therefore, the appropriate student-teacher instructional weights should be reported to reflect the percentage of the scheduled course time that the student and teacher are present in the course. As with the general education teacher assigned to the course, these weights will generally be 100%.

A special education teacher assigned to work with a student on an incidental basis (i.e, one day per week) as part of a consultant teacher model may, for example, be assigned a 20% student-teacher instructional weighting for those students to which he or she offers instructional services and a 0% student-teacher instructional weighting for those students for whom the teacher does not provide instructional support.

**#8 New – Are long-term substitutes reported for teacher evaluation purposes?**

Substitute teachers hired on a per diem basis are not reported for teacher evaluation purposes. Substitute teachers who are appointed by the Board of Education to vacancies created by a leave of absence are reported for teacher evaluation purposes.

**#9 New – In the APPR Guidance document is says, “In order for a teacher to be evaluated under the new law in the 11-12 school year, at least 50% of the teacher’s students must be in grades 4 through 8 ELA and/or math, and there must be enough such students with sufficient state assessment data to enable the state to generate a student growth score.” How will it be determined if there is sufficient data, and when? Some districts are adopting different evaluation procedures for teachers that will be evaluated and it would be helpful to know in advance if someone will not fit the requirements.**

If less than 50% of a teacher’s students are covered by state-provided growth measures, the teacher will construct Student Learning Objectives (SLOs) for their growth component.

a.       SLOs must first be built around the state-provided measures. These SLOS will match this example:

                                                               i.      The students in my [e.g. seventh grade ELA classes] will demonstrate growth greater than or equal to the average growth of similar students state-wide as determined by the state-provided measures for this course.

                                                             ii.      The state will provide state growth results and a teacher effectiveness score (in points from 0-20) based on the growth achieved by those students compared to similar student state-wide.

b.      These teachers will also construct SLOs around their largest courses (combining sections of a course with a common assessment into the same SLO) until 50% or more of their students are covered by SLOs.

c.       The growth subcomponent score for these teachers will be made up of the results of all the SLOs for a teacher, weighted proportionally to students covered by each SLO.

All other teachers

a.       These teachers will construct SLOs around their largest courses (combining sections with common assessments into the same SLO) until 50% or more of their students are covered by SLOs.

***b.      If any of the largest courses lead to a state assessment (e.g. a Regents exam), SLOs must be built around the state assessments. (If the teacher has more than 50% of their students covered by SLOS before reaching the course that ends in a state assessment, e.g. a Regents exam, the teacher is NOT required to include an SLO in their growth component built around that state assessment. (CHANGE from current documents)***

c.       The growth component score for these teachers will be made up of the results of all the SLOs for a teacher, weighted proportionally to students in each SLO.

*Teachers who must construct any SLOs AND who have more than 10 students taking NYSAA or English/ESL/Bilingual teachers who must construct any SLOS and have more than 10 teachers taking NYSELAT SLIGHTLY Different for current SLO documents*

         *At least one SLO must be built around NYSAA performance assessment using the task and result from the previous year as a baseline.*

         *At least one SLO must be built around NYSELAT.*

**#10 New – Are there any reporting requirements for classes that contain all students for the NYSAA? Should they be mapped to the appropriate NYS course code without a corresponding state assessment or should there be no reporting for classes that are NYSAA students only?**

For 2011-12, students taking the NYSAA should be reported if they are enrolled in courses included in the 2011-12 school year collection. A course for which only students taking the NYSAA are enrolled will not likely be one of the courses included in the 2011-12 collection. When all courses are collected in 2012-13, students should be reported as enrolled in the appropriate course code that best matches the course curriculum. All students enrolled in a course that leads to one of the NYSTP assessments should be reported, even if they ultimately do not take the corresponding assessment.

**#11 New – Can the teacher be evaluated if he/she has different grades in the same class? For example, a few kids will take the grade 4 assessment, a few will take the grade 5, and a few will take the grade 6 assessment?**

In order to ensure data quality for those elementary/middle-level courses in which a state assessment is offered (grades 3-8 ELA and math; grades 4/8 science), districts can report data to the state only for those students who are enrolled in the grade level identified by the state course code or are ungraded. For example, a grade 6 student cannot be reported as enrolled in a grade 8 math class for state reporting purposes. Students who are enrolled in a local course code that allows for multiple grades of enrollment should be reported to the state as enrolled in separate state course codes.

**#12 New - For 8th grade students who take both the Grade 8 math assessment and the Integrated Algebra Regents examination, which assessment will be used for teacher evaluation purposes?**

When a student has taken both the Grade 8 math assessment and the Integrated Algebra Regents exams, the Grade 8 math assessment will be used for teacher evaluation purposes.

**#12 New - What are best practices in verifying TLE information?**

Because of the complexity and importance of the information, it is critical that teachers be involved in the verification of teacher-student data linkage information and that data are reviewed and verified throughout the school year, rather than immediately prior to the verification deadline.

In order to ensure the accuracy of the teacher-student linkage, two types of information must be reviewed and verified:

1. Rosters, or which students are attached to which teachers with what beginning and end dates.
2. Linkage Duration, or how long were students linked (i.e., enrollment and attendance linkage) to teachers prior to the administration of the assessment used for evaluation purposes.

Daily Verification of Rosters

Teachers review and verify their student rosters each time they take accurate class attendance or, if class attendance is not taken, consistent with district policy and state regulation, each time they take daily attendance. If rosters are verified on a class and/or daily basis, the task of verification becomes much more manageable.

Weekly

In addition to daily verification through the taking of class or daily attendance, teachers will have access to teacher-student data linkage verification reports that will be updated weekly. These reports will provide directly to teachers the information that the state will use for evaluation purposes once the data are certified as complete and accurate.

Prior to the administration of the assessment to be used for evaluation purposes, these reports will include only roster information (student name, linkage start date, and, if applicable, linkage end date). Once the assessment window has occurred, these reports will also include enrollment and attendance linkage duration information.

These state reports will be available to teachers shortly. As with all other access to confidential student and teacher data, and consistent with the Family Educational Rights and Privacy Act (FERPA), superintendents and charter school principals will be responsible for ensuring that only authorized personnel access these accounts through the secure distribution of teacher activation keys prior to initial view of the reports.

End of Cycle

Consistent with the reporting of all other school data, superintendents and charter school principals will be responsible for certifying the completeness and accuracy of all teacher-student data linkage information. To do so, and consistent with other data collection and reporting processes, superintendents and charter school principals will need to create and support internal processes to gather assurances from stakeholders, including teachers and principals who have reviewed the data, that the information to be certified is complete and accurate and will be used for the performance accountability purposes.

In order to allow for the review of duration information, the verification deadline for teacher-student data linkage information will occur approximately two weeks after the assessment window.

Data Correction

As with all other school data, if the information displayed in state reports is incomplete or inaccurate, the data should be corrected in the source system (e.g., the student management system) and sent again to the state. Superintendents and charter school principals are responsible, in coordination with their district or school data coordinators and their data teams, for establishing data verification processes to review and correct data prior to the verification deadline. Regional data center staff with whom the LEA has contracted can assist with these processes.

Vendor Auditing

Since enrollment and attendance linkage duration calculations are created by the district’s student management system consistent with state rules, and not directly by the state, LEAs, in coordination with their regional data centers, are strongly encouraged to request periodic evidence from student management system vendors that the duration calculations are accurate. Although the state will likewise request these assurances, it must remain clear that LEA’s have the controlling business interest with these vendor services.

Appeals

Evaluation appeals are subject to local collective bargaining. However, the failure to submit complete and accurate student teacher data linkage information prior to the verification deadline is not a valid basis for an appeal of state performance measures, including growth and value-added calculations.

1. “Commencing July 1, 2003, attendance shall be taken and recorded in accordance with the following:

   (i) for pupils in non-departmentalized kindergarten through grade eight such pupil's presence or absence shall be recorded after the taking of attendance once per school day, provided that if pupils in such schools are dismissed from school grounds during a lunch period, each such pupil's presence or absence shall also be recorded after the taking of attendance a second time upon the pupil's return from the lunch period each school day;

   (ii) for pupils in grades 9 through 12 or in departmentalized schools at any grade level, each such pupil's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction except that where such pupils do not change classrooms for each period of scheduled instruction attendance shall be taken in accordance with subparagraph (i) of this paragraph” [↑](#footnote-ref-1)