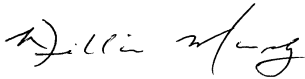


TO: Higher Education Committee

FROM: William P. Murphy 

SUBJECT: Proposed Amendment of the Title of Subpart 30-3 and Sections 30-3.1, 30-3.4, and 30-3.5 and Addition of Subpart 30-4 to 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

DATE: October 24, 2024

AUTHORIZATION(S):





SUMMARY

Issue for Decision

Should the Board of Regents adopt the proposed amendment of the Title of Subpart 30-3 and Sections 30-3.1, 30-3.4, and 30-3.5 and addition of Subpart 30-4 to 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?

Reason for Consideration

Required by State statute.

Proposed Handling

The proposed amendment is presented to the Higher Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at the November 2024 Regents meeting. A copy of the proposed rule (Attachment A) and a statement of facts and circumstances justifying emergency action (Attachment B) are included.

Procedural History

If adopted as an emergency rule at the November 2024 meeting, 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. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

On June 28, 2024, Governor Hochul signed Chapter 143 of the Laws of 2024 (“Chapter 143”), amending, among other provisions, Education Law §3012-d, which currently governs annual teacher and principal evaluations. This law also established Education Law §3012-e, a new framework for locally designed systems of evaluation and professional growth. Accordingly, school districts and boards of cooperative educational services (BOCES) may transition to new teacher and principal evaluation systems beginning in the 2024-2025 school year. Pursuant to Education Law §3012-e, all school districts and BOCES must transition to their new evaluation systems beginning with the 2032-2033 school year. This new law requires the Commissioner to adopt regulations necessary to implement the evaluation system. Consistent with Education Law §3012-e, the key features of the new system include:

Local Flexibility in Design

- x Each local educational agency (LEA) will have the flexibility to design a Standards-based Educator Evaluation and Professional Support (STEPS) plan that reflects their expectations for teaching and learning and school leadership while maintaining fidelity to our State’s [Teaching Standards and Leadership Standards](#), including the [Culturally Responsive-Sustaining Education Framework](#).
- x STEPS plans will consist of multiple measures, at least one of which will be observations for teachers and school visits for principals.
- x Unlike prior evaluation systems, a STEPS plan can be differentiated for different educators, and school leader evaluations are no longer required to

significant factor in teacher and principal development, including but not limited to coaching, induction support, and differentiated professional development for all teachers and principals.

Section 30-4.2 defines several terms used in the new Subpart.

Section 30-4.3 prescribes the requirements for STEPS plans submitted under the new Subpart, which includes applicability, timelines, and the contents of the plan.

Section 30-4.4 describes the criteria for evaluating classroom teachers and building principals on the NYS Teaching and Leadership Standards. The new law requires teachers and principals to be evaluated

Section 30-4.11 addresses the requirement that LEAs shall annually submit data for each standard evaluated and overall ratings, if applicable.

Section 30-4.12 provides for the severability of each section of the new Subpart.

Related Regents Items

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 101, 207, 215, 305, 3009, 3012-d and 3012-e of the Education Law and Chapter 143 of the Laws of 2024.

1. The title of Subpart 30-3 is amended to read as follows:

Subpart 30-3. Annual Teacher and Principal Evaluations for the 2019-20 [School Year and Thereafter] through the 2031-2032 School Year

2. Subdivisions (a) and (b) of section 30-3.1 are amended to read as follows:

(a) For classroom teacher and building principal evaluations conducted by districts pursuant to collective bargaining agreement entered into after April 12, 2019 for the 2019-2020 school year [and each school year thereafter] through the 2031-2032 school year, the governing body of each district shall ensure that such evaluations are conducted in accordance with the requirements of Education Law section 3012-d, as amended by Chapter 59 of the Laws of 2019 and this Subpart or, for the 2024-2025 school year through the 2031-2032 school year, in accordance with the requirements of either Education Law §3012-d, as amended by Chapter 59 of the Laws of 2019, and this Subpart or Education Law §3012-e and Subpart 30-4 of this Part. Provided, however, that on and after June 30, 2032, the governing body of each school district shall ensure that evaluations are conducted in accordance with the requirements of Education Law §3012-e and Subpart 30-4.

(b) The requirements of Education Law section 3012-d as enacted by Chapter 56 of the Laws of 2015 and Subpart 30-2 of this Part shall continue to apply to annual professional performance reviews conducted prior to the 2019-2020 school year or for any annual professional performance review conducted on or after the 2019-2020 school year pursuant to a collective bargaining agreement entered into on or before April 12,

5. Part 30 of the Rules of the Board of Regents is amended by adding a new Subpart 30-4 to read as follows:

Subpart 30-4

STANDARDS-BASED EDUCATOR EVALUATION AND PROFESSIONAL SUPPORT
("STEPS") PLANS BEGINNING IN THE 2024-2025 SCHOOL YEAR AND
THEREAFTER

Section 30-4.1 Applicability

(a) Standards-based Educator Evaluation and Professional Support ("STEPS") plans may be conducted by a local educational agency (LEA) beginning with the 2024-2025 school year pursuant to a collective bargaining agreement entered into on and after June 28, 2024, in accordance with the requirements of Education Law §3012-e and this Subpart. Provided, however, that on and after June 30, 2032, the governing body of each LEA shall ensure that their STEPS plan is conducted in accordance with the requirements of Education Law §3012-e and this Subpart.

(b) The goal of the STEPS evaluation system is to support the professional learning of all teachers and building principals. Reviews performed pursuant to this
Subpart

(3) strive for equity of educational opportunity and culturally responsive practices

(j) Observations shall mean two or more formal or informal direct, whether in-person or by live or recorded video, observations of a teacher's practice in a classroom or other school-based environment.

(1) The governing body of each LEA shall adopt a STEPS plan ("STEPS plan" or "plan"), in a form and on a timeline prescribed by the commissioner, for the evaluation and professional growth of all the LEA's classroom teachers and building principals in accordance with the requirements of Education Law section 3012-e and this Subpart.

(2) Any plan submitted to the commissioner shall include a certification on a form prescribed by the commissioner, signed by the superintendent, district superintendent, or chancellor, where applicable; the president of the teachers' association or the president of the administrators' association, where applicable; and the president of the board of education.

(b) Timelines.

(1) Such plan shall be submitted to the commissioner for review and a determination of compliance. Absent a finding by the commissioner of extraordinary circumstances, plans shall be submitted by March 1st of the school year in which the plan will be implemented.

(2) Such plan shall be filed in the LEA's office and made available to the public on the LEA's website no later than September 10th of each school year, or within 10 days after the plan is deemed compliant by the commissioner, whichever shall occur later.

(3) Such plan shall be completed, and ratings shall be provided to the teacher or the principal, prior to the start of the school year following their evaluation, or as soon as practicable thereafter.

(1) a description of the multiple measures used to evaluate the extent to which the educator meets each of the applicable NYS Teaching Standards or Leadership Standards;

(2) a description of how the selected measures will specifically address each teaching or leadership standard;

(3) a description of the number and frequency of observations and school visits;

(4) a description of the methodology for how educators will receive a level 1-4 score on each teacher or leadership standard and receive an overall rating of level 1-4;

(5) a description of the frequency with which educators will be evaluated on each teaching or leadership standard and receive an overall rating;

(6) a description of the training process for evaluators of teachers and principals;

(7) a description of the process for developing multiple measures for each standard and receiving an overall rating.

(i) Required observations/school visits. LEAs shall perform more than one classroom observation/school visit for all teachers and principals across their evaluation cycle consistent with subdivision (c) of section 30-4.2 of this Subpart. Such observations/school visits shall occur with a sufficient number and duration such that the evaluator can collect meaningful evidence of teaching and leadership to evaluate

Section 30-4.5 Scoring the Standards and Determining the Overall Rating

(a) For each NYS Teaching and Leadership Standard and the overall rating, a Level 1- 4 score will be assigned consistent with the LEA's expectations for teaching and learning and the following requirements:

(1) Level 1 shall indicate performance significantly below an LEA's expectations aligned to teaching/leadership standards;

(2) Level 2 shall indicate performance that partially meets an LEA's expectations aligned to teaching/leadership standards;

(3) Level 3 shall indicate performance that meets an LEA's expectations aligned to teaching/leadership standards; and

(4) Level 4 shall indicate performance that exceeds an LEA's expectations aligned to teaching/leadership standards.

(b) Each measure must assign a Level 1-4 score for each applicable standard.

(c) Overall ratings shall be based on the scores received for each of the standards; overall ratings may not be based on a subset of standards.

(d) An LEA's process for assigning a Level 1-4 score on each standard and an overall rating shall ensure that it is possible for a teacher or principal to obtain a rating of

Level 1, 2, 3, or 4 on each standard and as an overall rating pursuant to this Le0 [d610 (s)J 0ll r71 or h

training shall occur periodically as determined by the LEA. The training course shall provide training on:

(1) the New York State Teaching Standards and Leadership Standards and their related elements and performance indicators, as applicable;

(2) evidence-based observation techniques that are grounded in research, including controlling for evaluator bias;

(3) the LEA's process for maintaining inter-rater reliability amongst evaluators, if applicable;

(4) application and use of any locally selected methodology to evaluate its teachers or principals;

(5) application and use of any instrument(s) selected by the LEA for use in evaluations, including training on the effective application of such instrument(s) to evaluate a teacher's or principal's practice;

(6) the scoring methodology used by the LEA to evaluate a teacher or principal under this Subpart, including how overall ratings are generated within the framework prescribed by this subpart for the four designated rating categories; and

(7) specific considerations for evaluating teachers and principals based on their specific context (e.g., student populations served, content areas taught, grade levels).

Section 30-4.7 Supporting Professional Growth for All Teachers and Principals.

(a) The governing body of each LEA shall ensure that there is a system in place for each teacher and principal to receive formal support for professional growth. Such support shall include:

(1) the LEA maintaining a comprehensive system of professional learning for all educators to improve their practice and support the success of all students;

(c) the LEA's goals and beliefs relating to teaching, leadership, and student learning;

(d) the decisions made by the LEA and its collective bargaining units for evaluating teachers and principals, and how those decisions support the LEA's goals and beliefs; and

(e) an overview of how the LEA's STEPS plan will be used to support the professional learning of educators within the LEA.

Section 30-4.9 Educator Comment

LEAs shall ensure there is a process in place for each teacher and principal who is reviewed in accordance with this section to provide written comment on their performance review in addition to any collectively bargained grievance or appeal procedures.

Section 30-4.10 Department Review and Support

The commissioner may require additional documents and/or artifacts for review of a LEA's STEPS plan to determine compliance with Education Law §3012-e, as well as to provide feedback and recommendations to support teacher and principal growth. The commissioner may require modification of a STEPS plan if it does not adhere to the requirements of Education Law §3012-e.

Section 30-4.11 Reporting Data

On an annual basis, each LEA shall submit to the commissioner the ratings for each classroom teacher and building principal on each applicable teaching and leadership standard, as well as the overall rating for each teacher and principal, where available, on a form and in a manner prescribed by the commissioner. Such data shall be collected and used to the extent necessary to comply with any applicable state and federal statutory requirements.

Section 30-4.12 Severability

If any provision of this Subpart or its application to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of the Subpart or their application to other persons and circumstances, and those remaining provisions shall not be affected but shall remain in full force and effect.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the March 2025 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the March Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the January 2025 Regents meeting.