**Summary of Informal Q and A on APPR**

**Ken Slentz and Network Team/Evaluation Training Participants March 12, 2012\***

**Q:** **Latest guidance document and scoring bands**-We are concerned that around page 20 - remaining 60 points (0-29) appears to be exclusionary language.

**A:** That is not the intention - budget language should be read in conjunction with 3012-c and this represents only those that were changed; an earlier section of both law and regulation talks about the other 60 being grounded in NYS Teaching Standards and use of the rubric; point taken and we will work to make that intention more clear in the ultimate regulations.   
  
**Q:** The next section talks about one of the four ways to evaluate other than 31 points, the **analysis of artifacts** through structured review process.  Will that be prescribed?

**A:** SED will provide some guidance on how NYSED would describe that (referenced National Board Cert and artifact binders); unlike survey instruments, there are not necessarily research based models for this.   
  
**Q:** Not all of **the lead evaluator criteria** are being met (i.e. new data system) - getting questions re: how we can become lead certified evaluators if can’t meet all 9.

**A:** our expectation is we will get to all of the 9 in some form although will not spend as much time on all of those. SED will look back at that with the team and through guidance may provide what constitutes adequate training.  
  
**Q:** Re: **probationary teacher dismissal** - while an appeal is being pursued, district cannot dismiss based on performance

**A:** SED has every intention to protect discretion of school districts to dismiss probationary teachers. However, evaluations must be considered when making employment decisions. The intention is evaluation will be considered when making decision re: termination but intention is not to diminish the rights of school districts to dismiss the employee.  School attorneys have varying views of this - governor and NYSED clear on what this means and will issue additional guidance.  Language that performance be considered is not changed from 3012-c and the initial regs (or the RTTT application)  
  
**Q:** Is it your belief that we can still **release a probationary teacher prior to the end of the year** if the situation warrants that?  
**A:** This is where we count on a super to test the line between legal and hypothetical! In a hypothetical case where reason for termination was based specifically on the eval and that eval was subject to appeal. That is different than when it is not the case. This is fact specific and would require consultant with legal counsel (as we would advise any time there is this decision like this to be made).  
  
**Q:** **School principals remaining 29 points**, goals and the criteria around goals, must there always be a goal related to teacher performance or can the full 60 points be based on the observation?  
**A:** There is the intention for teacher effectiveness to be a goal, how that falls in the calculation of points may depend on the rubric (the principal rubric a district chooses) and where it falls. SED will try to be clear on that in upcoming guidance.

**Q:** **Assessment** Choice of district, regional, BOCES developed needs “smart people around table and absent vested interest” - seeking clarity on what that looks like: can all 7th grade SS teachers from region come together to create?  
**A:** A district/BOCES must certify the rigor of the assessment, which raises the question as to how we determine what should be on the assessment and then give it. This would raise issues of vested interest, (but) the provision is really around scoring.

**Q:** Can you clarify re: **deadline** **dates**?  
**A:** APPR should be submitted by July 1 with SED to review/approve by September 1. State aide loss does not kick in until January 2013. If no approved process is in place by then, you risk the aide.  
  
**Q:** Follow up – The law reads that there must be documentation that new standards are being implemented - deadline for January 2013. Is it really that plan must be approved or approved and implemented  
**A:** SED will collect data from implementation at the end of the school year, approval process is based on the assumption that people will be implementing (once it is approved).   
  
**Q:** As schools are working through the nuances of scoring the 60 points, increasingly we are hearing questions re: **latitude to change a rubric**.  Example “what if we don’t count some of the indicators is that a problem”  
**A:** I believe the language talks about covering all standards and flexibility re: prioritization - somewhat novel question but SED will try to address it.   
  
**Q:** Re: **spring 2012 4-8 assessments**.  What is expected of districts still working on formation of the APPR for 11-12?  
**A:** The budget language does try to address 11-12, that process still applies where districts have negotiated it or need to negotiate as a course of collective bargaining.  There is no state aide connection to 11-12.   
  
**Q:** Re: **local assessment** – a district embarked on common formative assessments 3 years ago, they are teacher created. Might those not stand muster based upon the rigor?  
**A:** Developed at district level (yes) - the rigor/comparability is at the district level, in example earlier, expressing concern about design process where it does not seem rigorous because of the timeline between development and actual administration.  District must certify the process has been rigorous and comparable.  
  
Two high schools using different assessments is comparability issue.  Rigor components (serve to tell) whether assessment will help differentiate performance, relevant to NYS standards, etc.  Pay careful attention to rigor of design process to defend the local measure that you have chosen.  
  
**Q:** **Teacher of record** - to what extent is it determined by the state versus the district?  
**A:** On teacher of record, SED guidance has answered issues related to enrollment. The district tells NYSED who the teacher of record is and provides linkage data. SED will continue to set more guidance. At the HS level (SED) will not set growth on Regents exams. SLO will be used for growth, but SED is researching the potential of setting growth in the future (outside of 4-8 ELA and Math).  SED is working on a teacher/student linkage pilot in 6 districts which builds in a check that was not present in the NYC data reports.  Trying to be careful the student/teacher linkages will be correct  
  
**Q:** What happens if we (school districts) have such **discrete and specific answers** to the questions we ask? We are starting to wonder if that is not a good thing - so that we have some flexibility.  If we drill down too far = we might inadvertently be taking away some **flexibility** that we have.  Just as guilty as wanting the answers but sometimes we don’t need them/want them.

**A:** Thank you for that.  The thing we try to be careful **not** to do at the department is play out all the possible “hypotheticals” and give answers because that is not our role (better determined in specific litigation in a specific case with a specific fact pattern). Guidance is purposefully general but (designed) to provide as much clarity as possible.  A fine line to walk.  
On issue of flexibility - the issue is really a leadership challenge.  WE Need to live out of underlying purpose of the system (to strengthen teaching and learning). While we need to be conscious of the possibility of litigation, we can’t be driven exclusively by that - difficult as leaders (and with bargaining units) to strike that balance.  
  
  
**Q:** **Teachers not working directly with students and other administrators** - what is the discussion about these types of teachers/principals being folded into an eval system?

**A:** (Here’s a) legal answer and then (a) more pragmatic (answer).  From legal standpoint - had previous guidance around which roles are in or out in eval system - will have that again once the budget process is complete.  From a pragmatic standpoint, there would be real value in creating a rigorous system that defines the AP job even though technically not coved by 3012-c.     
  
**Q:** **Pragmatics/balance/budgetary resources, the elective courses and the student learning objectives related to them.**  Third party assessments don’t even begin to address those - which leaves the district, regional , BOCES created assessments bearing the burden with prioritizing all the work - hard to determine how to measure those by September.  What is more important priority wise?

**A:** fair question - we are going to try to help.   Guidance is forthcoming. SED will work through SCDN on developing model SLOs, some professional organizations working on developing model SLOs, etc. and working on how to share those.  (We, SED) realize that we need to provide additional guidance on the assessment design process - but we hear the concern and will try to address that in guidance.

\*N.B. This document represents notes taken during an informal Q and A between SED officials and workshop participants. It **does not** constitute formal guidance on APPR.