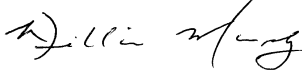




**TO:** Higher Education Committee

**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**

- 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](#).
- STEPS plans will consist of multiple measures, at least one of which will be observations for teachers and school visits for principals.
- Unlike prior evaluation systems, a STEPS plan can be differentiated for different educators, and school leader evaluations are no longer required to be aligned to teacher evaluations.
- Each measure will align to one or more of the New York State (NYS) Teaching Standards and Leadership Standards, for teachers and principals respectively, and LEAs will establish their own criteria for assigning a Level 1-4 rating for each standard and an overall rating.

### **Emphasis on Professional Learning and Growth**

- As part of their STEPS plan, each LEA will develop a formal process to ensure that all educators are provided with timely, actionable feedback on their practice and differentiated professional growth opportunities, with enhanced supports for educators whose overall ratings are Level 1 or 2.
- Chapter 143 of the Laws of 2024 also eliminates the mandatory use of overall evaluation ratings as part of tenure determinations and expedited disciplinary proceedings under Education Law §§3020-a and 3020-b, thereby ensuring that the evaluation system can be used as a tool to support growth.

- These statutory amendments do not affect the right of boards of education to terminate a probationary teacher's employment for any statutorily or constitutionally permissible reason, including performance.

### **Timeline for Adoption of New Plans under Education Law §3012-e**

- LEAs will be able to transition to their STEPS plans once the Department adopts regulations approved by the Board of Regents and makes available the form and process for submitting a STEPS plan to the Department for review and acceptance.
- LEAs may continue to implement and modify their current evaluation systems under Education Law §3012-d through the 2031-2032 school year.
- LEAs are required to adopt their STEPS plan no later than June 30, 2032.

### **Proposed Amendments**

The proposed rule conforms the Commissioner's regulations to Chapter 143 by making the following changes to Subpart 30-3 of the Rules of the Board of Regents.

The title of section 30-3 and section 30-3.1 are amended to clarify that LEAs may continue to implement evaluation plans approved under Education Law §3012-d through the 2031-32 school year. Additionally, section 30-3.1 is amended to provide that, pursuant to Chapter 143 of the Laws of 2024, LEAs may adopt a STEPS plan pursuant to Education Law §3012-e beginning with the 2024-2025 school year; however, they are required to adopt a STEPS plan pursuant to Education Law §3012-e no later than June 30, 2032.

Section 30-3.4 and 30-3.5 are amended to provide LEAs using district-, school-, or program-wide measures for the student performance component a three-year window to move to a team, linked, or individual and teacher-specific measure for all teachers and principals. District-wide and school-wide measures were permitted to assist LEAs in complying with the statutory requirement for student performance measures to be included in each teacher's and principal's evaluation. Since LEAs are no longer required to adopt a plan under Education Law §3012-d and may design a plan under Education Law §3012-e that does not require the use of student performance measures, there is no longer a need for this regulatory flexibility.

Additionally, the proposed rule adds a new Subpart 30-4 to implement the new evaluation system as established by Education Law §3012-e.

Section 30-4.1 provides that STEPS plans are subject to collective bargaining to the extent required by Education Law §3012-e and must be conducted in accordance with the requirements of Education Law §3012-e and the new Subpart. Additionally, it clarifies that STEPS plans may be conducted beginning with the 2024-2025 school year; however, all evaluations must be conducted in accordance with the requirements of Education Law §3012-e and the new Subpart beginning with the 2032-2033 school year. It further clarifies that the goal of the STEPS plan is to support the professional learning of all teachers and building principals, and that the STEPS plan shall be a

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 on each of the applicable standards using multiple measures. This section clarifies that:

- Probationary teachers and principals shall be evaluated on each standard annually and are to receive an overall rating on an annual basis.
- Tenured teachers and principals may be evaluated on each standard across a cycle, including evaluation on a subset of standards in each year of the cycle.
- Tenured teachers and principals may receive an overall rating on an evaluation cycle, provided that cycle is no longer than three years.

In determining the multiple measures that will be used within an LEA, this section creates the following requirements:

- Required Observations/School Visits Measure: LEAs shall perform more than one classroom observation/school visit for all teachers and principals on an annual basis, except that tenured teachers and principals may have multiple classroom observations/school visits across their evaluation cycle.
- Additional Measures: LEAs shall select at least one additional measure to evaluate the Teaching and Leadership Standards. These include:
  - Portfolios
  - Surveys and Feedback
  - Goal Setting and Attainment
  - Student Outcome Data, such as Student Growth Goals, IEP Goals to Evaluate Teacher's Contribution to Student Growth, Student Achievement Goals, Performance Index, Statistical Growth Measures, and Student Portfolios
  - Teacher/Principal Projects
  - Other LEA-developed Measure

It further clarifies that one measure may be used to address more than one teaching or leadership standard, provided that there is at least one measure to evaluate each NYS Teaching and Leadership Standard, and each teacher's or principal's evaluation consists of two or more measures.

Section 30-4.5 describes the criteria for scoring the standards and determining an overall rating. The law requires that each NYS Teaching and Leadership Standard be scored on a scale of 1-4 and an overall rating of 1-4 be assigned based on the scores received for each of the standards, consistent with the LEA's expectations for teaching and learning and the following requirements:

- Level 1 shall indicate performance significantly below an LEA's expectations aligned to teaching/leadership standards;
- Level 2 shall indicate performance that partially meets an LEA's expectations aligned to teaching/leadership standards;
- Level 3 shall indicate performance that meets an LEA's expectations aligned to teaching/leadership standards; and
- Level 4 shall indicate performance that exceeds an LEA's expectations aligned to teaching/leadership standards.

It further clarifies that LEAs may weight standards at negotiated values based on local expectations of teaching, leadership, and student learning.

Section 30-4.6 sets the training requirements for all evaluators, which includes certain prescribed elements relating to the standards, observation techniques, bias elimination, inter-rater reliability, use of rubrics and other tools, if applicable, scoring methodology as determined by the LEA, and specific considerations for observing educators based on their specific context.

Section 30-4.7 clarifies the requirement for all teachers and principals to have a formal professional development system pursuant to Education Law §3012-e(5)(a)(7). It further addresses the requirement that the superintendent shall develop personalized teacher/principal support plans for educators receiving an overall rating of Level 1 or 2.

Section 30-4.8 clarifies the requirement that LEAs shall train all teachers, principals, and evaluators in order to build engagement and participation among teachers, building principals and administrators with the STEPS plan pursuant to Education Law §3012-e(5)(d)(6).

Section 30-4.9 clarifies the requirement that LEAs have a process in place for each teacher and principal to provide written comment on their STEPS plan evaluation.

Section 30-4.10 clarifies that the purpose of the STEPS plan is to provide feedback and recommendations to support teacher and principal growth.

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**

[May 2020: Amendment to Subparts 30-2 and 30-3 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews \(APPR\) of Classroom Teachers and Building Principals to Implement Chapter 59 of the Laws of 2019](https://www.regents.nysed.gov/sites/regents/files/520brca3.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/520brca3.pdf>)

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That the Title of Subpart 30-3 and Sections 30-3.1, 30-3.4, and 30-3.5 of the Rules of the Board of Regents be amended and Subpart 30-4 of the Rules of the Board of Regents be added, effective November 5, 2024, as an emergency rule upon a finding by the Board of Regents that such action is necessary because Chapter 143 of the Laws of 2024, which became effective June 28, 2024, allows for implementation of the new evaluation system during the 2024-2025 school year.

### **Timetable for Implementation**

If adopted as an emergency rule at the November 2024 Regents meeting, the emergency rule will become effective on November 5, 2024. It is anticipated that the proposed amendment will be presented for permanent adoption at the March 2025 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because 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 meeting. If adopted at the March 2025 meeting, the proposed amendment will become effective on March 26, 2025.

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,

2019 that remains in effect after April 12, 2019 until a successor agreement is reached prior to June 30, 2032. 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 of this Part.

3. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 30-3.4 is amended to read as follows:

(ii) Districts shall collectively bargain the selection and use of a State-created or administered assessment or other approved student assessment as the underlying evidence for a teacher's SLO. Such SLO may be either teacher- and course-specific or based on school-, program-, district-, or BOCES-wide group, team, or linked results through the 2027-2028 school year; thereafter, such SLO shall be either teacher- and course-specific or based on team or linked results.

4. Subparagraph (i) of paragraph (1) of subdivision (b) of section 30-3.5 is amended to read as follows:

(i) A student learning objective (SLO), on a form prescribed by the commissioner, consistent with the SLO process determined or developed by the commissioner, that results in a student growth score based on a State-created or -administered assessment or other State-approved student assessment. Such SLO may be either principal- and building- or program-specific or based on district-, or BOCES-wide group, team, or linked results through the 2027-2028 school year; thereafter, such SLO shall be principal- and building- or program-specific results.



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 shall be a 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 Definitions

As used in this Subpart:

(a) *Building principal or principal* shall mean a building principal or an administrator in charge of an instructional program at a local education agency (LEA).

(b) *Classroom teacher or teacher* shall mean a teacher of record as defined by the LEA.

(c) Cycle shall mean a period of school years over which an educator will be evaluated on all applicable teaching or leadership standards and receive an overall rating. Under this Subpart, a cycle shall be a single school year for probationary teachers and principals. For tenured teachers and principals, a cycle may be a single school year but shall be no more than three school years.

(d) Culturally Responsive-Sustaining Education (CRSE) Framework shall mean a view of learning and human development in which multiple expressions of diversity are recognized and regarded as assets for teaching and learning. The CRSE Framework was published by the State Education Department in 2018, and is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234.

(e) Evaluator shall mean any trained individual who conducts an evaluation of a classroom teacher or building principal under this Subpart.

(f) Leadership standards shall mean the Professional Standards for Educational Leaders: PSEL 2015 as adopted by the National Policy Board for Educational Administration (1904 Association Drive, Reston, VA 20191 – available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234), as modified by the New York State Board of Regents. The New York State leadership standards provide that an education leader shall:

(1) develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student;

(2) act ethically and professionally and according to professional norms to promote each student's academic success and well-being;

(3) strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being;

(4) develop and support intellectually rigorous, culturally relevant, and coherent systems of curriculum, instruction, and assessment to promote the academic success and well-being of all students;

(5) cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of all students;

(6) develop the professional capacity, cultural competence, and practice of school personnel to promote the love of learning, academic success, and well-being of all students;

(7) foster a professional community of teachers and other professional staff to promote each student's academic success and well-being;

(8) engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being;

(9) manage school operations and resources to promote each student's academic success and well-being; and

(10) act as agents of continuous improvement to promote each student's academic success and well-being.

(g) *Local Education Agency (LEA)* shall mean a public school district and/or board of cooperative educational services.

(h) *Multiple measures* shall mean the use of more than one different method, technique, or process of collecting evidence and evaluating educator practice aligned to the New York State Teaching or Leadership Standards.

(i) *Measurable* shall mean that which can be classified or estimated in relation to a scale, rubric, or standards.

(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.

(k) *Overall rating* shall mean a rating based on ratings received on each applicable teaching or leadership standard and shall be consistent with the following requirements:

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

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

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

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

(l) *Rubric* shall mean a scoring or rating tool that describes characteristics of practice and/or artifacts at different levels of performance.

(m) *School building* shall mean a school or program identified by its Basic Educational Data System (BEDS) code, as determined by the commissioner.

(n) *School Visit* shall mean a formal or informal observation of principal practice taking place in a school or other learning environment.

(o) *Standards-based Educator Evaluation and Professional Support ("STEPS")* plan shall mean an LEA's performance review plan pursuant to Education Law §3012-e.

(p) *Superintendent* shall mean the chief school officer of a district or the district superintendent of a board of cooperative educational services, provided that in the case

of the City School District of the City of New York, superintendent shall mean the Chancellor of the City School District of the City of New York or their designee.

(q) Teacher of record shall mean the educator primarily responsible for providing learning in a content area for a student cohort as determined by an LEA.

(r) Teaching standards shall mean the New York State Teaching Standards as enumerated below:

(1) the teacher acquires knowledge of each student, and demonstrates knowledge of student development and learning to promote achievement for all students;

(2) the teacher knows the content they are responsible for teaching, and plans instruction that ensures growth and achievement for all students;

(3) the teacher implements instruction that engages and challenges all students to meet or exceed the learning standards;

(4) the teacher works with all students to create a dynamic learning environment that supports achievement and growth;

(5) the teacher uses multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction;

(6) the teacher demonstrates professional responsibility and engages relevant stakeholders to maximize student growth, development, and learning; and

(7) the teacher sets informed goals and strives for continuous professional growth.

Section 30-4.3 Requirements for Standards-Based Educator Evaluation and Professional Support (“STEPS”) Plans

(a) Applicability.

(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.

(c) Content of the plan. The STEPS plan submitted to the commissioner shall include:

(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 and implementing a formal professional development plan;

(8) a copy of the LEA's Teacher or Principal Support Plan, the personalized professional development plan for teachers and principals who receive an overall rating of Level 1 or 2;

(9) a description of how the LEA will train teachers and principals on their STEPS plan to ensure educator engagement with the LEA's STEPS plan;

(10) any certifications required under Education Law 3012-e and this Subpart;  
and

(11) any other criteria required by the commissioner to determine that the LEA's plan is consistent with the requirements of Education Law 3012-e and this Subpart.

Section 30-4.4 Criteria for Evaluating Classroom Teachers and Principals on the NYS Teaching Standards and Leadership Standards

(a) Evaluating classroom teachers and principals on the NYS Teaching and Leadership Standards.

(1) On an annual basis, all classroom teachers and principals shall be evaluated on the NYS Teaching and Leadership Standards, respectively, using multiple measures consistent with the following:

(i) Probationary teachers and principals shall be evaluated on each of the NYS Teaching and Leadership Standards, respectively, on an annual basis and shall receive an annual overall rating.

(ii) Tenured teachers and principals shall be evaluated on each of the NYS Teaching and Leadership Standards, respectively, but may be evaluated on a subset of standards on an annual basis. If a tenured teacher is not evaluated on each standard annually or does not receive an overall rating on an annual basis, the LEA's plan must include a process for tenured teachers to receive a score on each standard and an overall rating on a cycle; provided that such an evaluation cycle will be no longer than three (3) years.

(iii) Nothing in this subpart prohibits all teachers and principals from being evaluated on each standard on an annual basis and receiving an overall rating on an annual basis.

(iv) The educators' performance on the NYS Teaching and Leadership Standards will be scored and overall ratings determined pursuant to section 30-4.5 of this Subpart.

(b) Using multiple measures to evaluate classroom teachers and principals on the NYS Teaching and Leadership Standards.

(1) All classroom teachers and principals shall be evaluated using multiple measures, provided that one of the measures must be classroom observations for teachers and school visits for principals, consistent with the following requirements:



(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 the applicable standard. Nothing in this subparagraph shall require that all teachers and principals have the same number or frequency of observations.

(ii) Additional measures. All teachers and principals shall also be evaluated using one or more of the following measures:

(a) portfolios;

(b) surveys and feedback;

(c) professional goal setting and attainment;

(d) student outcome data, such as student goal setting, attainment, and progress monitoring to evaluate a teacher's or principal's contribution to student growth, student achievement goal setting, a performance index, statistical growth measures, and portfolios of student work;

(e) teacher/principal projects; and/or

(f) another LEA-developed measure.

(2) Any measure selected to evaluate a teacher or principal shall provide direct evidence of such teacher's or principal's practice that appropriately and accurately assesses the degree to which the educator meets each applicable NYS Teaching or Leadership Standard.

(3) One measure may be used to address more than one teaching or leadership standard provided that each teacher's or principal's evaluation consists of two or more measures.

## 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 Subpart.

## Section 30-4.6 Training of Evaluators

(a) The governing body of each LEA shall ensure that all evaluators have received appropriate training before conducting a teacher's or principal's evaluation under this Subpart.

(b) To qualify as an evaluator, individuals shall successfully complete a training course that meets the minimum requirements prescribed in this subdivision. Such

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;

(2) the LEA's designing of its formal professional learning and growth system to address needs identified from a variety of sources including, but not limited to, a formal needs analysis, data from the STEPS plan evaluation process, and other available student and educator information;

(3) the LEA using data including, but not limited to, data from the evaluation system to monitor student progress, sustain professional growth, and inform, plan, and assess the effectiveness of the professional learning system; and

(4) the LEA providing timely and actionable feedback to teachers and principals from the professional learning system.

(b) Upon receiving an overall rating of a Level 1 or 2 through a STEPS plan, the LEA shall formulate a personalized professional support plan for the teacher or principal by October 1st of the following school year, or as soon as practicable thereafter. Such a personalized professional support plan shall be designed by the superintendent or their designee in the exercise of their pedagogical judgment and shall include: the identification of areas in need of growth and support, how the LEA will support growth in the identified areas, measurable goals, and timelines.

#### Section 30-4.8 Building Engagement and Participation Among Teachers, Building Principals, and Administrators

The governing body of each LEA shall ensure that classroom teachers, building principals, and any individual who conducts all or part of an evaluation shall receive periodic training on the evaluation system and the LEA's STEPS plan. This training shall include, but not be limited to:

(a) the purpose of the evaluation system;

(b) the options for developing the LEA's STEPS plan found within the evaluation system and this Subpart;

(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.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH  
NECESSITATE EMERGENCY ACTION

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 and establishes 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 2024-2025 school year. This new law requires the Commissioner to adopt regulations necessary to implement the evaluation system.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the March 2025 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the March meeting, would be March 26, 2025, the date the Notice of Adoption would be published in the State Register.

Because the law allows for implementation of the new evaluation system during the 2024-2025 school year, emergency action is necessary at the November 2024 meeting, effective November 5, 2024, to immediately implement Chapter 143 of the Laws of 2024, which became effective June 28, 2024.

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.