

**Independent Evaluator Hardship Waiver Application - All LEA 2023-24**

**Undue Burden Independent Evaluator Hardship Waiver - Application Information**

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**Completing the Application**

**Pre-filled applications**

If your LEA had an approved Undue Burden Independent Evaluator Hardship Waiver for the 2022-23 school year, some sections of your 2023-24 waiver application may contain pre-populated information from your 2022-23 application. Please review and complete all sections of the application as indicated; check for accuracy and edit as needed.

**New applications**

LEAs who did not complete an Undue Burden Independent Evaluator Hardship Waiver for the 2022-23 school year must complete the full application before submitting. The 2023-24 application for these LEAs are not pre-filled; please complete all sections of the application as indicated.

**Submission**

After your application is complete, sign and date a new certification page before submitting. Please note that an application for an Undue Burden Independent Evaluator Hardship Waiver for the 2023-24 School Year cannot be approved without a complete version of the certification form. This form can be completed electronically.

Please contact the Office of Educator Quality and Professional Development at [hardship@nysed.gov](mailto:hardship@nysed.gov) with questions regarding this application.

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**2023-24 Undue Burden Independent Evaluator Hardship Waiver**

For guidance on the Independent Evaluator Hardship Waiver, see the Office of Educator Quality and Professional Development's website.

At its June 2016 meeting, the Board of Regents allowed LEAs to apply, on an annual basis, for a hardship waiver from the requirement for a second observation/school visit by an impartial independent trained evaluator, commencing with the 2017-18 school year. School districts and BOCES are eligible to apply for this waiver if they believe that compliance with the independent evaluator requirement would create an undue burden in one or more of the following areas:

1. Compliance with the independent evaluator requirement would result in a financial hardship to the LEA;
2. The LEA lacks professionally trained staff to comply with the independent evaluator requirement;
3. The LEA has a large number of teachers and principals; and/or
4. Compliance with the independent evaluator requirement could impact safety and management of a building (e.g., would result in the principal being absent from the school building).

In instances where a waiver is granted, LEA are excused, but not prohibited, from conducting observations/school visits by impartial independent trained evaluators for all educators except those who received an overall rating of Ineffective in the prior school year.

However, educators covered by the hardship waiver must still receive a second observation/school visit. The second observation/school visit may be conducted by any individual selected and trained by the LEA. The two observations/school visits for such teachers/principals may be performed by the same individual (i.e. the building principal/supervisor can perform both observations).

For educators in the LEA who will not receive an observations/school visit, as part of this application, your LEA will be required to either indicate that the selections made in Tasks 4 and/or 9 of the currently approved Educator Evaluation plan will be used OR submit a new process for conducting the required observations/school visits.

For educators in the LEA who must still receive an observation/school visit by an impartial, independent trained evaluator (those who, at a minimum, receive an Educator Evaluation rating of Ineffective in the preceding school year), the LEA must either indicate that the selections made in Tasks 4 and/or 9 of the currently approved Educator Evaluation plan will be used OR submit a new process for conducting such observations/school visits.

Once a hardship waiver is approved by the Department, it shall be considered part of the LEA's annual professional performance review plan for such school year. **In any school year for which there is an approved waiver and such waiver contains information that conflicts with the information provided in Tasks 4 and 9 of the approved Education Law §3012-d Educator Evaluation plan, the provisions of the approved waiver will apply.**

**Hardship Waiver Application Timeline and Process**

Hardship Waivers must be submitted to the Department by **February 1 of each school year** in order to be effective in the current school year. **LEAs must apply for a new Hardship Waiver for each succeeding school year in which it is believed that an undue burden on the LEA exists.** Hardship Waivers, once approved, are effective for the current school year only. LEAs seeking a Hardship Waiver must submit the completed and signed application to the Department for review within the timeframe noted above. **Failure to submit a waiver application using this form and/or by the February 1 deadline will result in an LEA implementing the procedures described in Tasks 4 and 9 of the approved Education Law §3012-d Educator Evaluation plan, which includes a process for all educators to receive at least one observation/school visit by an impartial independent trained evaluator.**

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**Basis for Application**

Please check the applicable boxes below to indicate the reasons for which the implementation of the independent evaluator requirement would create an undue burden on your LEA during the 2023-24 school year.

	Please complete each row.
Compliance with the independent evaluator requirement would result in a financial hardship to the LEA.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The LEA lacks professionally trained staff to comply with the independent evaluator requirement.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The LEA has a large number of teachers and principals.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Compliance with the independent evaluator requirement could impact safety and management of a building (e.g., would result in the principal being absent from the school building).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Use of Independent Evaluators in Observations/School Visits During the 2023-24 School Year**

Please check the box below.

The LEA will continue to conduct observations/school visits by impartial independent trained evaluators during the 2023-24 school year for, at a minimum, all educators who received a final overall Educator Evaluation rating of Ineffective for the prior school year.

**Independent Evaluator Hardship Waiver Application - All LEA 2023-24**

Teacher Observations - Teacher Applicability

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**Applicability of Waiver [Teachers]**

**Please choose the appropriate response.**

The processes identified in this Undue Burden Independent Evaluator Hardship Waiver apply to teachers (upon completion of the teacher section of this waiver, there will be an option to describe your process for principals, if applicable).

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**Teacher Observations - Use of Observations by an Impartial Independent Trained Evaluator**

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**Use of Observations by an Impartial Independent Trained Evaluator**

**In addition to teachers who received an overall rating of ineffective in the prior school year, are there any teachers who will continue to receive an observation by an impartial independent trained evaluator in the current school year?**

No, only those teachers who received a rating of ineffective in the prior school year will be observed by an impartial independent trained evaluator.

**Please make an appropriate selection below regarding the observation process for teachers who will not receive an observation by an Impartial Independent Trained Evaluator.**

The process identified in Task 4 of the most recently approved Education Law 3012-d Educator Evaluation plan will apply, including the weighting selected (e.g. 80%/20%), except that the impartial independent trained evaluator will be replaced with an other evaluator selected and trained by the LEA that is not the principal or other administrator identified in the first required subcomponent (e.g. a department head or a dean of students).

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Principal School Visits - Principal Applicability

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**Applicability of Waiver [Principals]**

**Please choose the appropriate response.**

The processes identified in this Undue Burden Independent Evaluator Hardship Waiver apply to principals.

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**Principal School Visits - Use of School Visits by an Impartial Independent Trained Evaluator**

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**Use of School Visits by an Impartial Independent Trained Evaluator**

**In addition to principals who received an overall rating of Ineffective in the prior school year, are there any principals who will continue to receive a school visit by an impartial independent trained evaluator in the current school year?**

No; only those principals who received a rating of Ineffective in the prior school year will receive a school visit by an impartial independent trained evaluator.

**Please make an appropriate selection below regarding the school visit process for principals who will not receive a school visit by an impartial independent trained evaluator.**

The process identified in Task 9 of the most recently approved Education Law 3012-d Educator Evaluation plan will apply, except that all school visits will be conducted by the supervisor or other trained administrator, and such school visits will comprise 100% of the required subcomponents.

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Certification - Certification Form

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**Certification Form**

The Certification form can be completed electronically and submitted (preferred) or it can be downloaded, completed, signed and uploaded.

**Please indicate how you will submit your Certification form.**

- PREFERRED OPTION:** Complete and submit electronically
- ALTERNATE OPTION:** Download, complete, sign and upload

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Certification - Electronic Submission

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Undue Burden Independent Evaluator Hardship Waiver Certification

Please carefully read and complete the assurances and signatures below.

Assurances

Please read the assurances below and check each box.

- Assure that all information provided in this waiver is true and accurate as of the date that the waiver is submitted.
- Assure that once this waiver is approved by the Department, it shall be considered part of the LEA's approved Educator Evaluation plan for such school year.
- Assure that, if this waiver is not renewed by the LEA in any subsequent school year, the LEA will utilize impartial independent trained evaluators selected and trained by the district according to the processes specified in the currently approved 3012-d Educator Evaluation plan.
- Assure that, where applicable, collective negotiations have been completed on all provisions of this application that are subject to collective bargaining.

Signatures

The names entered below represent the digital signatures of each party and assure each item as checked above.

	Please enter your name below.	Date
Superintendent Signature	Dr. Maria L. Rianna	01/24/2024
Board of Education President Signature	Maria Venuto	01/24/2024
Teachers Union President Signature	Alison Fletcher	01/24/2024
Administrative Union President Signature	Nelson Ioculano	01/24/2024

### Undue Burden Independent Evaluator Hardship Waiver for All Districts/BOCES: Certification

(Education Law §3012-d)

Please complete the assurances and signatures below and upload this page at the last question of the Undue Burden Independent Evaluator Hardship Waiver for All Districts/BOCES application, via the SED Monitoring and Vendor Performance System through the NYSED Application Business Portal.

#### Assurances

Please check the boxes below

Assure that all information provided in this waiver is true and accurate as of the date that the waiver is submitted.	<input checked="" type="checkbox"/>
Assure that once this waiver is approved by the Department, it shall be considered part of the LEA's approved APPR plan for such school year.	<input checked="" type="checkbox"/>
Assure that, if this waiver is not renewed by the LEA in any subsequent school year, the LEA will utilize impartial independent trained evaluators selected and trained by the district according to the processes specified in the currently approved §3012-d APPR plan.	<input checked="" type="checkbox"/>
Assure that, where applicable, collective negotiations have been completed on all provisions of this application that are subject to collective bargaining.	<input checked="" type="checkbox"/>

#### Signatures, dates

Dr. Maria L. Rianna Dr. Maria L. Rianna  
 Superintendent Signature Date 1/24/2024 Name (print)

Maria Venuto Maria Venuto, Pres.  
 Board of Education President Signature Date 1/24/2024 Name (print)

Alison Fletcher Alison Fletcher, Pres.  
 Teachers Union President Signature Date 1/24/2024 Name (print)

Nelson Toccolano Nelson Toccolano, Pres.  
 Administrative Union President Signature Date 1/24/2024 Name (print)