



2024-2025 WPSBA Education Law Workshop

NEW TENURE LAWS AND APPR REFORMS

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January 17, 2025



Introduction

- The New York State Legislature in July 2024 overhauled the law for evaluating classroom teachers and building principals when Governor Hochul signed into law Chapter 143 of the Laws of 2024.
- The new law makes certain amendments to the tenure laws and introduced a new section: Education Law § 3012-e.



Introduction (cont'd)

- As part of Chapter 143 of the Laws of 2024, Education Law § 3020-b has also been repealed. It was intended to “expedite” the removal of classroom teachers who had ineffective annual APPR ratings over a period of two or three years, notwithstanding remedial efforts to improve their instruction.



Introduction (continued)

- 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 the Regents' Rules.
- The provisions in the new law highlight the failures of Education Law §§ 3012-c and 3012-d, notably removing measures of student performance as a required indicator of classroom teacher and building principal competence.



Introduction (continued)

- School Districts and BOCES have until the beginning of the 2032-33 School Year to segue to § 3012-e compliant plans.
- Beginning with the 2024-2025 school year, a district may:
 - continue to utilize its 3012-d plan through the end of the 2031-2032 school year; or
 - conduct an APPR in accordance with a plan adopted to comply with the new requirements set out in Education Law 3012-e.



Introduction (continued)

- The law regarding the evaluation of other than classroom teachers remains regulated by the Commissioner's Regulations at 8 NYCRR §100.2(o).
- The only other pedagogical employee whose evaluation is addressed in law or regulation is the Superintendent. (§100.2[o][1][iii][a][2]).



Introduction (continued)

- So what does the future of evaluation look like for classroom teachers and building principals?
- Largely, **it will look like back to the future**; relying upon provisions embedded in collective bargaining agreements, with every aspect of evaluation constituting a mandatory subject of bargaining; a significant departure from how PERB recognizes certain managements rights for evaluation.



Education Law 3012-e & § 30-4.1

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.



Education Law § 3012-e & § 30-4.1

- Under Education Law § 3012-e plan, a new Performance Review Plan must be adopted in accordance with the statute subject to collective bargaining under the Taylor Law with the representative bargaining units for classroom teachers and building principals.
- Once an Education Law § 3012-e Performance Review Plan is adopted, it must be submitted to NYSED for review and approval.
- Reviews performed pursuant to § 3012-e and Subpart 30-4 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. (§ 3012-e[4][a] & § 30-4.1[b]).



The Changing Rating System: § 30-4.2

- Under § 3012-e, and § 30-4.2, the state has established a 1-4 scale to be used for overall ratings and each applicable leadership and teaching standard:
 - Level 1 = performance significantly below an LEA's expectations;
 - Level 2 = performance that partially meets an LEA's expectations;
 - Level 3 = performance that meets an LEA's expectations; and
 - Level 4 = performance that exceeds an LEA's expectations.
- It must be ensured that each evaluatee may achieve a rating on each standard at each of the prescribed levels and on the overall rating as well.



Evaluation Cycle: § 30-4.2

- “Cycle” is defined as a period of school years over which an educator will be evaluated on all applicable teaching or leadership standards.
 - A cycle must be annual for all probationary teachers and principals.
 - A cycle may be annual, but shall not be more than three years for tenured teachers and principals (back to the future for tenured educators).



Evaluation Standards: § 30-4.2

- “Leadership Standards” means the Professional Standards for Educational Leaders (PSEL 2015). These are the same standards that apply to APPR plans under § 3012-d effective commencing with the 2024-25 school year, replacing the 2008 ISLLC standards. See § 30-4.2(f)(1)-(10)
- “Teaching Standards” means the New York State Teaching Standards. These are the same standards that apply to APPR plans under § 3012-d. See § 30-4.2(r)(1)-(7)



Other Relevant Definitions

- Culturally Responsive-Sustaining Education (CRSE) Framework means a view of learning and human development in which multiple expressions of diversity are recognized and regarded as assets for teaching and learning. See § 30-4.2(d).
- Multiple Measures means the use of more than one method, technique, or process of collecting evidence and evaluating educator practice aligned to the NYS Teaching or Leadership Standards. See § 30-4.2(h).



STEPS Plans: § 30-4.3

- Plans are to be submitted to the Commissioner, along with certifications as determined to be appropriate by the Commissioner.
- Absent extraordinary circumstances, a plan may not be retroactive to the beginning of the school year unless it is submitted to the Commissioner by March 1st of that school year.



STEPS Plans – Timelines: § 30-4.3(b)

- Plans must be posted on the District's or BOCES' website and made available to the public by no later than September 10th of each school year or 10 days after the plan is deemed compliant by the Commissioner, whichever is later.
- Ratings are to be provided to each teacher and principal prior to the start of the school year following their evaluation, or as soon as is practicable thereafter.



Content of STEPS Plan – § 30-4.3(c)

- (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;



Content of STEPS Plan – § 30-4.3(c)

- (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;



Content of STEPS Plan – § 30-4.3(c)

- (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;



Content of STEPS Plan – § 30-4.3(c)

- (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.



Criteria for Evaluation: § 30-4.4

- Evaluation of classroom teachers and principals are to be done annually, using multiple measures, consistent with the following:
 - **Probationers** are to be annually evaluated on all Teaching and Leadership Standards, respectively, and shall receive an annual overall rating.
 - **Tenured** classroom teachers and principals may be annually evaluated on only a subset of standards on an annual basis. The evaluation cycle may be no longer than 3 years.



Criteria for Evaluation: § 30-4.4

- Tenured classroom teachers and principals may receive a rating on each standard and an overall rating annually (subject to negotiations).
 - Consider negotiating to treating tenured educators with level 1 and 2 ratings similarly to probationary educators, and otherwise maintaining tenured educators on a triennial cycle.
- Of the multiple measures required, one measure must be classroom observations for teachers and school visits for principals.



Criteria for Evaluation: § 30-4.4

- More than one classroom observation/ school visit must be performed across the education cycle for each classroom teacher and principal.
- Observations/school visits must occur with “a sufficient number and duration” so that an educator can collect meaningful evidence of teaching and leadership to evaluate the applicable standard.
 - All educators are not required to have the same frequency or duration of observations/school visits.



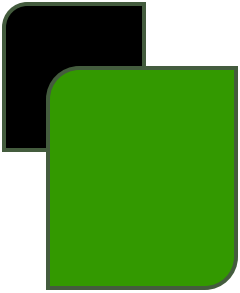
Criteria for Evaluation: § 30-4.4

- Additional measures: All teachers and principals shall also be evaluated using one or more of the following measures (many of which are prohibited under § 3012-d[5]):
 - Portfolios;
 - Surveys and feedback;
 - Professional goal setting and attainment;
 - Student outcome data, such as goal setting, attainment and progress monitoring to evaluate the teacher or principal's contribution to student growth, student achievement goal setting, a performance index, statistical growth measures, and portfolios of student work.
 - Teacher/principal projects; and/or
 - Another LEA-developed measure.



Criteria for Evaluation: § 30-4.4

- Any measure selected to evaluate a teacher or principal must provide direct evidence of the teacher's or principal's practice that appropriately and accurately assesses the degree to which the educator meets each applicable Teaching or Leadership Standard.
- One measure may be used to address more than one teaching or educational leadership standard, so long as each teacher/principal evaluation consists of two or more measures.
- Under § 30-4.9, each LEA must ensure that there is a process in place for teachers and principals to provide written comment on their performance review in addition to any collectively bargained grievance or appeal procedures.



Scoring - § 30-4.5

- For each NYS Teaching and Leadership Standard and the overall rating, a Level 1-4 score will be assigned.
- Each measure must assign a Level 1-4 score for each applicable standard.
- 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 (tenured educators need not receive an overall rating annually).
- It must be possible to receive a rating of Level 1, 2, 3, or 4 on each standard and as an overall rating.



Training of Evaluators - § 30-4.6

- The governing body of each LEA must ensure that all evaluators have received appropriate training before conducting a teacher's or principal's evaluation.
- Each evaluator must successfully complete a training course that meets the minimum requirements enumerated in § 30-4.6(b)(1)-(7).



Supporting Professional Growth for All Educators: § 30-4.7

- There must be a system in place for each teacher or principal to receive formal support for professional growth.
 - The LEA must maintain a comprehensive system of professional learning for all educators to improve their practice and support success of all students.
 - Data from a variety of sources must be used to address needs identified.
 - The LEA must use data from the evaluation system to monitor student progress, sustain professional growth and assess the efficacy of the professional learning system.



Supporting Professional Growth for Struggling Educators: § 30-4.7

- For educators who receive a Level 1 or Level 2 rating through a STEPS plan, the LEA shall formulate a “personalized professional support plan” for the teacher or principal by October 1 of the year following the evaluation, or as soon as practicable thereafter (same timeline as for current TIPs/PIPs).



Supporting Professional Growth for Struggling Educators: § 30-4.7

- Such a plan is to be formulated by the superintendent or designee in the exercise of their pedagogical judgment and shall include:
 - Identification of the areas in need of growth and support;
 - How the LEA will support growth in the identified areas;
 - Measurable goals; and
 - Timelines.



Collective Bargaining Implications

- Unlike agreements reached with teachers' and administrators' bargaining units based upon the provisions in Education Law §§ 3012-c & 3012-d, which the vast majority of school districts and BOCES kept outside of their collective bargaining agreements, § 3012-e requires the product of collective bargaining over the evaluation of classroom teachers and building principals to be contained within the parties' CBA and enforceable through the agreement.



Collective Bargaining Implications

- Limitations on filing grievances after a 3020-a decision is issued in a case involving teacher competency, would be a prudent adjunct to whatever evaluation procedures are placed within the collective bargaining agreement as a result of Education Law § 3012-e, to reduce the potential for inconsistent outcomes in the separate matters.



What about the Evaluation of other Administrators and Teaching Personnel

- The traditional Taylor Law analysis of mandatory and non-mandatory subjects of negotiations applies, as in the past:
 - Standards are a management prerogative
 - Criteria are a management prerogative.
 - The form is subject to mandatory negotiations (i.e., rubric, checklist, narrative, combination, etc.)
- See *Somers C.S.D.*, 9 PERB ¶3014 (1976), *Elwood U.F.S.D.*, 10 PERB ¶3107 (1977), *Newburgh C.S.D.*, 21 PERB ¶3036 (1988) and *Genesee Educational Association*, 29 PERB ¶3072 (1996)].



Probationary Appointments and the Granting of Tenure

- Generally speaking, probationary teachers and probationary administrators serve a 4 year probationary period.



Probationary Appointments and the Granting of Tenure

- However, probationary period is shortened when:
 - A teacher and/or administrator received prior tenure in a school district in New York State, regardless of the tenure area. In such case, the probationary period is shortened to 3 years.
 - A teacher is eligible to receive Jarema credit (applies to teachers only)



Probationary Appointments and the Granting of Tenure

- Jarema credit is prior substitute service of a semester or more in the same tenure area as the probationary appointment which takes place immediately preceding the probationary appointment.
- Jarema credit can be awarded for up to 2 years.



Chapter 143

Prior to Chapter 143	Post Chapter 143
<p>In order to be awarded credit for prior tenure – a classroom teacher and/or building principal must have been evaluated and received a satisfactory summative rating, i.e., effective or highly effective, under the Annual Professional Performance Review (“APPR”) in their final year of service in the district or BOCES where tenure was acquired.</p>	<p>The linkage between the receipt of a satisfactory APPR score and a shortened probationary period was eliminated.</p>
<p>In order to be awarded Jarema credit, a classroom teacher must have been evaluated and received a satisfactory summative rating, i.e., effective or highly effective, under the APPR.</p>	



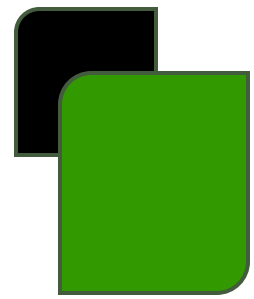
Chapter 143

Prior to Chapter 143	Post Chapter 143
<p>A classroom teacher and/or building principal would need to have been evaluated and received a satisfactory summative rating on an APPR in 3 of the 4 years of probation.</p>	<p>The linkage between the receipt of a satisfactory APPR score and the granting of tenure was eliminated.</p>
<p>A classroom teacher and building principal would need to have been evaluated and received a satisfactory summative rating on an APPR in their final year prior to tenure being awarded.</p>	



Chapter 143

Prior to Chapter 143	Post Chapter 143
<p data-bbox="150 472 890 591">Expedited disciplinary process for classroom teachers and/or building principals who receive two or more consecutive ineffective ratings.</p> <ul data-bbox="224 644 900 848" style="list-style-type: none"><li data-bbox="224 644 900 722">• Discretionary for two consecutive ineffective ratings; and/or<li data-bbox="224 772 900 848">• Mandatory for 3 consecutive ineffective ratings.	<p data-bbox="987 472 1734 591">No expedited disciplinary process for classroom teachers and/or building principals who receive multiple ineffective ratings in a row.</p>



Questions?