

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-dTask 1. General Information - General Information

Annual Professional Performance Review COVID-19 Variance (Education Law 3012-d)

For guidance related to the Annual Professional Performance Review variance, see NYSED APPR Guidance.

At its October 2019 meeting, the Board of Regents amended sections 30-3 of the Rules of the Board of Regents to allow LEAs to apply for a variance from Annual Professional Performance Review (APPR) plan requirements, while complying with the requirements of Education Law §3012-d.

This streamlined form is provided for a variance related only to the ongoing COVID crisis. Districts seeking approval of a variance for a “New and Innovative” APPR Plan should contact APPRVariance@nysed.gov.

In instances where a variance is approved, the term(s) described in the approved variance will replace the related sections of the LEA’s currently approved APPR plan. However, please note that all other terms as are present in the LEA’s currently approved plan will remain in effect and must be implemented without modification.

Once a variance is approved by the Department, it shall be considered part of the LEA’s APPR plan during the approved term of the variance. **In any instance in which there is an approved variance and such variance contains information that conflicts with the information provided in the approved Education Law §3012-d APPR plan, the provisions of the approved variance will apply during the approved term of the variance.**

Variance Application Timeline

Variance applications must be approved by the Department by December 1 of a school year to be implemented in that school year.

Submission by November 1 is suggested to allow time for review, revision and approval in order to meet the approval deadline for implementation in the same school year.

Absent a finding by the Commissioner of extraordinary circumstances, a variance application approved after December 1 of a school year will not be implemented until the following school year.

For more information regarding the variance approval deadline, including a possible extension, please contact APPRVariance@nysed.gov.

Variance Assurances**Please check all of the boxes below**

- Assure that the contents of this form are in compliance with Education Law Section 3012-d.
- Assure that a detailed version of the LEA’s variance is kept on file and that a copy of such variance will be provided to the Department upon request for review of compliance with Education Law Section 3012-d.
- Assure that this variance will be posted on the LEA’s website, in addition to its current full APPR plan, no later than September 10th of each school year, or within 10 days after the plan’s approval by the Commissioner, whichever shall occur later.
- Assure that it is understood that this LEA’s variance will be posted in its entirety on the NYSED website* following approval.

Teacher Variance**Please check the appropriate box below.**

- Assure that any task not included in the following variance request(s) for teachers will be carried out in the manner described in the currently approved APPR plan.

Principal Variance

Education Law §3012-d requires that the principal evaluation system be aligned to the requirements for teacher evaluation. Therefore, when completing a variance request for the evaluation of principals, the processes identified must be aligned to such requirements.

Please check the appropriate box below.

- A variance is not requested for any subcomponent or category for principals; all principals will be evaluated using the currently approved APPR plan.

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-d**Task 2. TEACHERS: Required Student Performance - Variance Request**

Required Student Performance Subcomponent

For guidance on the Required subcomponent of the Student Performance category, see NYSED APPR Guidance.

100% of the Student Performance category if only the Required subcomponent is used or locally determined if the Optional subcomponent is selected.

Education Law §3012-d requires that each teacher have a Student Learning Objective (SLO) consistent with a goal-setting process based on appropriate growth targets. The process must include, at a minimum, the following elements:

A description of the measure(s) of student growth to be used (e.g., the SLO goal setting process; SLO components),

Applicable evidence of student learning (e.g., how growth will be measured through various forms of assessment, evaluation of student performance),

A method for converting student results to a score on a scale from 0-20,

A scale for conversion of the score of 0 to 20 to a HEDI rating.

This requirement must be met through either the LEA's current APPR plan or this variance. To the extent that the variance does not address a requirement, the currently approved APPR plan will apply.

Variance Request

LEAs may use this variance application to develop an SLO process for a teacher or group of teachers that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

- A variance is not requested for the required student performance subcomponent for teachers.
- The details of the variance request for the required student performance subcomponent for teachers is described in the subsequent section.

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Task 3. TEACHERS: Optional Student Performance - Variance Request

Variance Request

LEAs may use this variance application to develop an optional second measure for a teacher or group of teachers that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

- A variance is not requested for the optional student performance subcomponent for teachers.

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Task 4. TEACHERS: Observations - Variance Request

Variance Request

LEAs may use this variance application to evaluate teacher practice in a manner that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

- The details of the variance request for the teacher observation category is described in the subsequent section.

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Task 4. TEACHERS: Observations - Applicability & Rubric

Applicable Teachers

Please indicate all teachers to whom this teacher observation variance request applies.

Core Teachers

Use the table below to list the core teachers this teacher observation variance request is applicable to (teachers of other courses should be listed in the subsequent section).

	All Core Teachers in LEA	Common Branch / Uniform Departmentalized	ELA	Math	Science	Social Studies
Courses	<input checked="" type="checkbox"/> All core teachers (K-3; 4-8 ELA, math, science, social studies; high school ELA and Regents courses, as applicable to LEA) [if this option is selected, please do not make selections in subsequent columns]					

Other Teachers

- Teachers of other courses are not included in this teacher observation variance request.
- Teachers of other courses included in this teacher observation variance request are listed in the table below.

Fill in the following for all other teachers in additional grades/subjects that are included in this teacher observation variance request:

- Column 1: lowest grade that corresponds to the course
- Column 2: highest grade that corresponds to the course
- Column 3: subject of the course

Follow the examples below to list other courses.

	(1) lowest grade	(2) highest grade	(3) subject
All Other Courses	K	12	All courses not named above
K-3 Art	K	3	Art
Grades 9-12 English Electives	9	12	English Electives

Click "Add Row" to add additional courses. Only list additional courses if they are included in this teacher observation variance request.

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Task 4. TEACHERS: Observations - Applicability & Rubric

Grade From	Grade To	Subject
K	6	All courses not named above
7	12	All courses not named above

Applicable Areas

A variance may be requested for the following components of the teacher observation subcomponent:

- Teacher practice rubric
- Rating and scoring of the teacher practice rubric
- Weighting of the domains/subcomponents of the teacher practice rubric
- HEDI scoring bands
- Weighting of the teacher observation subcomponents
- Required principal/supervisor and/or independent evaluator observations
- Optional peer observations

Please indicate the area(s) of the teacher observation subcomponent for which a variance is being requested.

- Teacher observation subcomponent weighting
- Required principal/supervisor and/or independent evaluator observations

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Task 4. TEACHERS: Observations - Subcomponent Weighting

Teacher Observation Subcomponent Weighting

Please indicate the weight of each observation type and be sure the total of the weights indicated equals 100%.

Principal/Administrator	Independent Evaluator(s)	Peer Observer(s)	Group for which this weighting will apply. If the indicated weighting will be used for all teachers listed in the 'Applicability' section, note "All Teachers."
100	0	0	All teachers

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Task 4. TEACHERS: Observations - Required Principal/Supervisor Observations

Required Subcomponent 1: Observations by Principal(s) or Other Trained Administrators

At least one observation must be conducted by the building principal or another trained administrator.

Indicate the minimum number of unannounced and announced observations by principal(s) or other trained administrators, as well as the method of observation, in the table below.

If an observation type is not applicable, please indicate '0' for the minimum number and 'N/A' for the observation method.

	Minimum number of observations	Observation method <i>(check all that apply)</i>	Other observation method <i>(only complete if 'Other' is selected in the previous column)</i>
Unannounced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Announced	1	<input checked="" type="checkbox"/> Live <input checked="" type="checkbox"/> Video	(No Response)
Totals:	1		

To which teachers does the information in the above table apply?

All teachers listed in the 'Applicability' section.

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Task 4. TEACHERS: Observations - Required Independent Evaluator Observations

Required Subcomponent 2: Observations by Impartial Independent Trained Evaluator(s)

Independent Evaluator Assurances

Please check all of the boxes below.

- Assure that independent evaluator(s) are not employed in the same school building, as defined by BEDS code, as the teacher(s) they are evaluating.
- Assure that independent evaluator(s) will be trained and selected by the LEA.

Number and Method of Observation

Indicate the minimum number of unannounced and announced observations by impartial independent trained evaluator(s), as well as the method of observation, in the table below. At least one observation must be conducted by an impartial independent trained evaluator.

If an observation type is not applicable, please indicate '0' for the minimum number and 'N/A' for the observation method.

	Minimum number of observations	Observation method (check all that apply)	Other observation method (only complete if 'Other' is selected in the previous column)
Unannounced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Announced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Totals:	0		

To which teachers does the information in the above table apply?

- All teachers listed in the 'Applicability' section.

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Task 4. TEACHERS: Observations - Variance Details & Assurances

Variance Details

Please read the questions below and answer each prompt in a concise manner.

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-d**Task 4. TEACHERS: Observations - Variance Details & Assurances**

Rationale

Please provide a rationale for this variance request.

> Your rationale should include information regarding the specific, identified COVID-related needs and/or challenges of the LEA, and how such needs and/or challenges inform development of the teacher observation variance request.

For the 2021-2022 SY, adjustments are necessary in response to the public health crisis that resulted in the prepared provision of multiple instructional models, including a traditional in-person model of instruction, a remote instructional model, and/or a combined model (for this purpose, combined meaning a combination of in-person and simultaneous remote students) of instruction, any of which may be utilized at any given time, including such times as when individual students or entire classrooms were forced to use the remote model due to isolation and/or quarantine requirements. As a result of remote learning, we have spent considerable time providing professional development for both lead evaluators and teachers on how to teach and evaluate teaching in a remote or combined environment. This preparation continues to condense our ability to complete observations as it is necessary to allow both evaluators and teachers to digest, practice and receive coaching to support this transition to improved virtual or combined instruction. Additionally, there are challenges with independent observations including:

1-The inability to consistently complete unannounced observations is a significant challenge, given the need to provide videoconference codes to the observer during a remote or combined situation. Given that providing codes in advance of an observation simply removes the ability to complete an observation without announcement, the district and the union agree this compromises the intent and purpose of this observation. Regardless of our ability to complete observations in any model that involves in-person instruction, in order to ensure equal opportunity and a fair and consistent process for the current school year, we believe it most valuable to eliminate this process as we are unable to anticipate the instructional model at any given time. Additionally, the unpredictability of which model may be utilized impacts the ability to effectively prepare for the observation.

2-In-person observers are subject to strict visitor policies for student and staff health safety. In order to protect the health and safety of our administrators and teachers and to minimize contact tracing responsibilities, the district is limiting visitors into the buildings at this time. Having independent observers in our buildings poses conflict with our current mitigation strategies thus we are proposing to eliminate the unannounced independent observer process.

3-Remote or combined teaching sometimes requires greater discussion of instructional decisions, especially when we have parents or caregivers unexpectedly participating in the classes, which are remedied with a familiar instructional leader as the lead evaluator. We have found, for example, that at times student behavior is addressed in ways that would otherwise be handled in the classroom as parents are engaging in the classrooms and/or student privacy can be compromised. Thus, the district believes that a more reflective discussion about the careful decisions made in these situations is a more fair, accurate and appropriate process that is naturally part of the more comprehensive announced formal observation.

4-Upon returning to traditional in-person instruction, student social-emotional needs have significantly increased and have manifested in an increase in sudden outbursts of problematic behavior that needs immediate addressing. Principals are needed regularly to assist and support these situations in order to maintain student safety which will be supported by eliminating the independent evaluator process that necessitates them being out of their assigned building.

The District's current independent observation model involves some principals having the distinct assignment of conducting these observations which, as mentioned previously, prevents us from completing as planned when considering visitor policies and the need to plan for these observations when remote or combined. This responsibility further disrupts the principal's ability to focus on the safety of students in the building. Eliminating the independent observation process and depending entirely on the announced process will help us to better evaluate the lesson given the unique insight of the building administrator and his/her familiarity with students and families, the confidential nature of the relationship to have a more valuable reflective discussion about the lesson, and the flexibility to schedule these regardless of the current instructional model provided by the district or selected by the student (when this is an option).

In addition to the challenges of completing the Independent Observation process, the number of Principal observations will be reduced to one for the following reasons:

1-Given the amount of professional development needed to prepare teachers, coach teachers, provide feedback and further refine the instructional models associated with the combined and remote learning that has taken place, the opportunity or timeline available to conduct meaningful observations is compressed. Given that non-evaluative observations have been conducted in order to support teachers through this transition, a single, more robust observation process will be used for evaluation. At the same time, the principals have also participated in professional development on methods of observing, evaluating and providing remote instruction that also contributed to the compressed timeline. Professional development on video coaching has also been provided to support this model during in-person instruction as well.

2-Remote or combined lessons provide additional opportunity for the district to review the lesson with the teacher outside of the live lesson (i.e. recorded lesson), thus lending a more robust post-conference conversation. Based on this practice the district has provided additional professional development on a video coaching model to support reflective conversations and professional development that can be used during in-person observations as well. This conversation is intended to be much more reflective given the ability to access digital resources during this process which will add rigor and relevance to the conversation. Again, all subcomponents and domains are expected to be evaluated. If the lesson does not allow for all subcomponents and domains to be evaluated, additional observations may be required.

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-d**Task 4. TEACHERS: Observations - Variance Details & Assurances**

Standards and Procedures

Please provide a description of the standards and procedures that will be used in lieu of those included in the LEA's most recently approved evaluation plan.

> This description should include a specific, detailed explanation of the approach that the LEA is seeking to implement as part of its variance request.

> This description should include, but not be limited to, a description of the alternate measures and/or evidence of teacher practice that will be used to evaluate educators.

All teachers of core and non-core subjects will receive at least one announced observation by the building principal or other building administrator. The district reserves the right to require additional (principal) observations for any teacher who has received a rating of ineffective or developing during the past three years, or who may have raised the evaluator's concern. Additional observations may be scheduled if subcomponent scores are not observed during the initial observation process. The district has proposed a required and rigorous pre-observation and post-observation process for the 2021-2022 SY to increase the value of the planning and reflective conversations and the outline of this process ensures that all subcomponents will be evaluated. All subcomponents of all Domains will be evaluated by the end of the school year. The questions that will be asked during this process were also carefully developed to ensure opportunity to thoroughly evaluate any subcomponents that may require additional consideration in light of remote or combined learning environments. The District has worked with the teacher's union to develop the pre and post conference required questions, developed a collaborative video that was subsequently shared with the entire staff to best introduce this additional requirement for the current school year, and mutually created a written document that additionally summarizes this process for teachers. Principals/Lead Evaluators and teachers are receiving ongoing professional development and we are compiling examples of good practice to be shared with relevant staff. The process for scoring the evaluation is consistent with the original plan, that all subcomponent scores will be weighted equally and averaged for a final score. If multiple observations are completed, subcomponent scores will be added together and averaged for a total subcomponent score, and again all subcomponents will be weighted equally for an overall observation score.

As a result of remote and combined learning, and given the time for professional development is also an option for video coaching during traditional in-person lessons, recordings of lessons may be available for review after the observed lesson. When available, these recordings can be used in whole, or in part, to guide the post observation discussion. When simultaneously reviewing a lesson the conversation is more reflective and a greater opportunity for coaching exists, increasing the rigor of the observation process.

Observation Assurances

Please check each of the boxes below as applicable to all teachers included in this teacher observation variance request.

- Assure that the process for assigning points for the Teacher Observation category will be consistent with the process described in the LEA's approved APPR plan and/or this variance application and in compliance with Education Law Section 3012-d.
- Assure that once all observations are complete, the process for determining an overall Teacher Observation category score and rating will incorporate the evidence collected across all observations to produce an overall Teacher Observation category rating on a HEDI scale.
- Assure that it is possible for a teacher to obtain any number of points in the applicable scoring ranges, including zero, in each subcomponent.

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-d

Task 5. TEACHERS: Overall Scoring - Variance Request

Category and Overall Ratings

For guidance on APPR scoring, see NYSED APPR Guidance.

Education Law §3012-d requires that each teacher be given a final score for both the Student Performance and Teacher Observation categories, which will be converted to a final category rating based on the HEDI scale, and that these ratings be used to provide an Overall Rating using the prescribed scoring matrix.

These requirements must be met through either the LEA's current APPR plan or this variance. To the extent that the variance does not address a requirement, the currently approved APPR plan will apply.

Variance Request

LEAs may use this variance application to define the HEDI ranges for the Student Performance and/or Teacher Observation category that is different than those included in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

A variance is not requested for category ratings for teachers.

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-d**Task 6. TEACHERS: Additional Requirements - Variance Request**

Additional Requirements for Teachers

For more information on the additional requirements for teachers, see NYSED APPR Guidance.

Education Law §3012-d requires that a complete APPR plan must include a process for teacher improvement plans, appeals, and evaluator training as determined by the Commissioner. The following minimum requirements under Education Law §3012-d are applicable to teachers:

- A form for development of a Teacher Improvement Plan,
- A timely and expeditious process for resolving educator's appeals of APPR ratings,
- A process for training all evaluators of applicable educators.

These requirements must be met through either the LEA's current APPR plan or this variance. To the extent that the variance does not address a requirement, the currently approved APPR plan will apply.

Variance Request

LEAs may use this variance application to develop a process for Teacher Improvement Plans, appeals and/or training in a manner that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Choose the appropriate response below.

- A variance is not requested for teacher improvement plans, appeals, or training.
- The details of the variance request applicable to teacher improvement plans, appeals, and/or training is described in the subsequent section.

Annual Professional Performance Review - COVID-19 Variance, Education Law 3012-d**Task 12. Joint Certification of APPR Variance - Applicability and Certification**

Variance Details**Assurances: Rigor, Professional Learning, and Effectiveness of Implementation****Please check each of the boxes below as applicable to this variance application.**

- Assure that evaluations are rigorous and enable strong and equitable inferences about the effectiveness of the LEA's educators.
- Assure the LEA will use the information collected through the evaluation system, including the assigned effectiveness ratings, to provide personalized professional learning opportunities for educators.
- Assure that the LEA will assess the effectiveness of the implementation of the variance.

Applicability of Variance**Assurances****Prior to certifying this variance application, please check each of the boxes below.**

- Assure that this variance application is prompted by the impact of COVID-19 on the LEA.
- Assure that when this 2021-22 COVID-19 variance expires on June 30, 2022, your currently approved APPR plan will take effect.

Upload APPR Variance Certification Form

Please Note: SED Monitoring timestamps each revision and signatures cannot be dated earlier than the last revision. To ensure the accuracy of the timestamp on each task, please submit from Task 12 only.

Please obtain the required signatures, create a PDF file, and upload your joint certification of the APPR Variance using the "Variance Certification Form" found in the 'Documents' menu on the left side of the page.

DOC102021-10202021043711.pdf