

# LEGAL BRIEFS

A Message From  
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## Friendly Reminder Concerning Deadlines Relating to APPR...

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debate. In the past year, we have seen the failure to meet this deadline result in 3020-a charges and have also seen an audit report calling the same failure by a district a “ministerial error.” Since the significance of this statutory deadline seems to vary between districts, make sure to provide scores to teachers by September 1 to avoid any potential disciplinary

issues. If you don’t get your composite score by this statutory deadline, it may be used in a grievance or an appeal.

The second important deadline to keep in mind this fall is for PIPs and TIPs, that must be in place within ten school days from the opening of classes, which in most cases is mid-September. During the 2013-2014 school year, the governor negotiated what

was commonly referred to as the “Safety Net” legislation, which would have protected teachers and administrators from harm stemming from new Common Core testing. A number of districts assumed that this would be signed into law, and calculated and submitted composite scores to SED using the Safety Net calculations. However, after he was reelected, the governor declared that he would not sign the legislation, leaving a number of school districts in a situation where they were forced to resubmit composite scores without the safety net calculation. As of February 2015, there were a number of districts who failed to meet the statutory PIP or TIP deadlines for the 2013-2014 school year due to this mistaken

reliance on unadopted legislation. SAANYS has been proactive in addressing the untimely issuance of PIPs, either avoiding PIPs being issued at all or promptly filing appeals for failure to comply with the statute and the individ-

department promptly. If a negotiated deadline to challenge something APPR related is missed, an individual may be stuck with an inappropriate rating or PIP. SAANYS is here to help you with any issues you may have relating to APPR. If you would like to discuss questions or concerns relating to your APPR feel free to reach out to the SAANYS legal department and we would be happy to assist you. ■

*SAANYS has several arbitrations pending across the state seeking to hold districts accountable to the integrity of process.*

ual district’s negotiated agreement.

As there are typically very short time periods in which to file either an appeal or a contractual grievance, if any deadline is missed by the district on your APPR, so it is imperative that you contact the SAANYS legal

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## APPR: What Can be Learned From Other States?

Sponsor Opinion piece by Cynthia E. Gallagher, APPR Coordinator, Educational Vistas, Inc.

It is not difficult to understand the political rationale that precipitates the latest proposed changes to APPR; it is far more difficult to find an educational benefit. At last month’s NYSCOSS Conference, keynote speaker Michael Petrilli mentioned Massachusetts as a state that was having some success in raising student achievement scores. During his time at the podium, he referred to that state’s teacher evaluation system. Curious as to Massachusetts’ evaluation structure, an examination of the regulations provided all the necessary details. The first section clearly states its purpose: “to promote student learning... by providing educators with feedback for improvement...” and then secondly, “provide a record of facts and assessments for personnel decisions.” Contrast those words with the NYS regulations “...a significant factor for employment decisions, including but not limited to promotion, retention, tenure determinations, termination, and supplemental compensation.” Nowhere in the regulations are the words “teacher improvement” to be found.

From this perspective, it is clear that APPR is solely a tool for accountability

in NYS, designed for the purposes of differentiating teacher performance in order to provide a uniform ranking system. When the intention of APPR is this clear cut, there seems to be little room for adapting the evaluations for improvement or development. School districts were required to design their APPR plans through collective bargaining. The APPR planning teams most likely tried to offset the regulations by attempting to include some provisions that made sense for their local environment and circumstances. The problem was that there was insufficient time or regulatory flexibility to create teacher evaluations that could serve both accountability and improvement purposes.

There are states that have found a way to balance these important goals in regard to APPR. Examples include the blending of both summative and formative measures and/or the use of parent and student surveys, portfolio options, along with the inclusion of a more goal oriented planning process for improvement and success. New York’s APPR system could benefit from this work, but only if the stated purpose is redefined. ■

*The statements and opinions expressed herein do not necessarily imply or reflect the opinion or philosophy of the School Administrators Association of New York State.*

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SAANYS  
Attorney



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After Hours Pager:  
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