

## Summary of Provisions of Chapter 143 of the Laws of 2024, Section 3012-e Relating to Teacher Annual Professional Performance Reviews (APPR)



Fact Sheet No. 25-04 (replaces 24-07)

March 2025

*This Fact Sheet provides a summary of the changes for teachers in the 2024 APPR reform law signed by the Governor on June 28, 2024, and the corresponding regulations approved by the Board of Regents on March 11, 2025.*

### Regulations

The Board of Regents have adopted final regulations relating to the evaluation of classroom teachers and building principals to implement Chapter 143 of the Laws of 2024. **The regulations are in effect as of March 26, 2025.** The regulations indicate that districts can negotiate new plans under these new regulations immediately but have an eight-year window, through the 2031-2032 school year, to transition to the new system. SED has officially opened the plan submission portal and is asking districts that are ready to start the process of transitioning to a new plan to e-mail [educatoreval@nysed.gov](mailto:educatoreval@nysed.gov) so that SED staff can have a preliminary

conversation about the new plan and how it will adhere to the statute and regulations. The deadline for submission of 3012-e plans for the 2024-2025 school year was March 1, 2025. Plans submitted between now and March 1, 2026, can be applicable to the 2025-2026 school year and beyond.

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### Eliminate Connections Between APPR scores and the Granting of Tenure and Expedited Discipline

Prior to this change in the law, school districts could not grant tenure if a teacher received an Ineffective rating in their final probationary year or did not receive sufficient Effective or Highly Effective ratings during their probationary period. This requirement is removed going forward for all school districts unless there is specific collective bargaining agreement language or appointment letter language addressing this requirement. As a result, school districts may now grant tenure irrespective of the APPR scores awarded to a probationary teacher.

Previously teachers and substitutes could qualify for a shortened probationary period only if the teacher had proof of tenure and 3012-d APPR ratings in their final year(s) at the previous

assignment. The required proof of APPR rating(s) are removed under Chapter 143, allowing previous tenure (one year) or prior substitute (up to two years) service to be the trigger for a shortened probationary period, unless there is local collective bargaining agreement language requiring APPR ratings.

Further, the education law previously had an expedited disciplinary process (Section 3020-b) if teachers received multiple Ineffective ratings in a row. These provisions have been eliminated with the enactment of Chapter 143, and these changes apply to both the existing 3012-d plans and all new 3012-e plans, unless there is local language that maintains this requirement.

### **Eliminate the State Aid Penalty**

The State aid penalty for the failure to submit documentation that an APPR plan is in place each year is permanently eliminated for all current and future APPR plans. This is applicable to both 3012-d and 3012-e plans.

### **New 3012-e APPR System**

Section 3012-e plans, dubbed Standards-based Educator Evaluation and Professional Support (STEPS) by the State Education Department (SED), must be collectively bargained and no longer must include the previous requirement to use student performance as part of the plan. Instead, these plans will be developed locally and must include multiple measures that are aligned with each State Teaching Standard (Educational Leadership Standards for Principals). The NYS Teaching Standards include knowledge of students and student learning; knowledge of content and instructional planning; instructional practice; learning environment; assessment for student learning; professional responsibilities and collaboration and professional growth.

### **Rating Bands**

Under a STEPS plan there are still four rating levels for APPR but they are numbered 1-4 (4 being the highest), rather than Highly Effective, Effective, Developing, Ineffective (H,E,D,I) as contained in 3012-d plans.

### **Eight-Year Transition**

Districts will be able to transition to their STEPS plans once they have negotiated the new plan and have submitted the STEPS plan to SED for review and received notice that the plan meets the regulations. Districts may continue to implement and modify their current evaluation system under 3012-d through the 2031-2032 school year. Districts must negotiate and submit a STEPS plan to the Commissioner of Education by June 30, 2032.

### **Observations/Annual Evaluations**

Based on the regulations districts with a STEPS plan must negotiate the number of observations with a minimum of two per year for probationary teachers and a minimum of two per cycle for tenured teachers. Evaluations can be differentiated, this allows for a circumstance where negotiations could result in a plan where tenured teachers would not receive an annual composite rating each year, even though some type of evaluation would be undertaken for every teacher each year. The regulations indicate that tenured teachers could be evaluated annually or on a multi-year

cycle, where they are evaluated and scored on a subset of standards on an annual basis but would not receive an overall rating until the end of the cycle. Probationary teachers must be rated on each teaching standard and must have a composite rating annually.

All classroom teachers and building principals and anyone who conducts all or part of a performance review must receive appropriate training. The list of staff positions authorized to perform observations would be collectively bargained. NYSUT recommends including language in the newly developed plan that makes clear that observations are conducted in-person and by a trained administrator, independent evaluator, or peer reviewer (whatever is locally negotiated), and are not done using Artificial Intelligence (AI).

### SED Review of Plans

Districts must file their STEPS plan with the Commissioner of Education for review. Once a STEPS plan has been adopted it remains in effect until a new plan is accepted by the Commissioner. SED has developed the following web page with resources on STEPS plans.

[NYS-STEPS | New York State Education Department](#)

### Availability of STEPS Plans

STEPS plans must be made available on school district websites. Under Section 3012-e, parents continue to have the right to obtain the composite score (Level 1-4), of the current teachers of their children. This data continues to not be subject to FOIL.

### APPR Comparison (Teacher Specific)

Below is a comparison between the previous APPR statute and the new 3012-e system.

3012-d as Amended in 2019 (Plan data reported here is current as of 11/13/24)	3012-e/NYS-STEPS November 2024
APPR Plan	APPR Plan
<p><i>Required</i> – Plan must describe the standards and criteria for conducting APPRs of classroom teachers under the requirements of 3012-d.</p> <p>The law requires classroom teachers of record to be evaluated based on two categories with multiple subcomponents and parameters set by regulation and SED guidance:</p> <ul style="list-style-type: none"> <li>• Student Performance</li> <li>• Teacher Observation</li> </ul> <p>School employees that are not teacher of record including Pre-kindergarten Teachers, Pupil Personnel Services (e.g., school psychologists and school social workers), Supplemental School Personnel (e.g., teacher aides and teaching assistants) are not required to be evaluated under 3012-d.</p>	<p><i>Required</i> – Plans must include the criteria by which all classroom teachers shall be reviewed and a description of the review procedures.</p> <p>Does not require all classroom teachers to be evaluated based on the same measures or to receive an overall rating annually; provided that at a minimum, probationary teachers receive a rating on each teaching standard and an overall rating annually. This allows for plans by which tenured teachers or subsets of tenured teachers would not receive an APPR composite score annually – although some type of evaluation process would be used – without a final “score.” Tenured teachers could be evaluated in a multi-year cycle with a length determined by collective bargaining.</p>

<b>3012-d as Amended in 2019</b> (Plan data reported here is current as of 11/13/24)	<b>3012-e/NYS-STEPS</b> <b>November 2024</b>
	School employees who are not the teacher of record including Pre-kindergarten Teachers, Pupil Personnel Services (e.g., school psychologists and school social workers), Supplemental School Personnel (e.g., teacher aides and teaching assistants) are not required to be evaluated under 3012-e.
<b>Student Performance</b>	<b>Student Performance</b>
<p><i>Required</i> – State, Regents or State-approved assessments must be used. How they are used, individual or group measures, is locally determined. Student learning objectives (SLOs) must be used (100% or locally determined % if optional student performance is used). State provided growth scores are no longer used for APPR.</p> <p>There are 192 3012-d plans that have not been updated since the 2019 amendment. These plans require specific groups of teachers to have individual SLOs using their state assessment and their roster of students.</p> <p>The 2019 amendment allows student performance to be locally negotiated and allows group measures for all teachers. There are 532 plans that have been negotiated since the 2019 amendment 432 of those negotiated agreements use group measure(s) (SLOs) for all teachers. One hundred of the newly negotiated agreements have at least some teachers with individual SLOs.</p> <p><i>Optional</i> – Locally selected measure of student growth or achievement (locally determined weighting where used). Same measures must be used in a consistent manner across all classrooms in same grade/subject, to the extent practicable. State created or administered assessments or state designed supplemental assessments must be used. Many options on how they are used (SLO, growth model, performance index...)</p> <p>Very few plans include this optional student performance measure.</p>	<p><i>Not required</i> – Student performance is not a required component of 3012-e/STEPS plans. The plan may include student performance if agreed to through collective bargaining.</p>

3012-d as Amended in 2019 (Plan data reported here is current as of 11/13/24)	3012-e/NYS-STEPS November 2024
<b>Scoring SLOs</b> – Each student performance measure must result in a 0-20, SED has set the HEDI 0-20 break down and % of students meeting SLO goals for each HEDI category (0-59% ineffective, 60-74% developing, 75-89% effective & 90-100% highly effective).	
Teaching Standards	Teaching Standards
<p><b>Teacher Observation</b>  <i>Required</i> – State approved rubric must be used; the list can be found here: <a href="https://www.nysed.gov/rubrics">Rubrics   New York State Education Department (nysed.gov)</a></p> <p>All approved rubrics are aligned with NYS Teaching Standards.</p> <p>All <b>observable</b> teaching standards must be addressed across the total number of observations.</p> <p>At least one observation must be unannounced.</p> <p>Rubrics and number of plans using each (there are different versions/updates of the rubrics this count is by provider):          Danielson 453 (63%)          NYSUT 181 (25%)          Marshall 32 (5%)          Marzano 33 (5%)          Thoughtful Classroom 17 (2%)          NYSTCE 3 (.4%)          Variance 4 (1%)</p>	<p><i>Required</i> – Plans must address each state teaching standard.</p> <p><b>The NYS Teaching Standards</b></p> <p>I. Knowledge of Students and Student Learning          II. Knowledge of Content and Instructional Planning          III. Instructional Practice          IV. Learning Environment          V. Assessment for Student Learning          VI. Professional Responsibilities and Collaboration          VII. Professional Growth</p> <p>Each standard has four to six Elements, and each Element has Performance Indicators.  <a href="https://www.nysed.gov/teaching-standards">The New York State Teaching Standards (nysed.gov)</a></p> <p>One measure in a plan may be used to address more than one teaching standard.</p> <p>Performance reviews may assess a subset of the teaching standards in a given year, provided that probationary teachers are rated on each teaching standard annually.</p>
Multiple Measures	Multiple Measures
<p><i>Required</i> – Student performance and classroom observation</p> <p><i>Not Permissible</i> – The following elements may no longer be used in any evaluation subcomponent:</p> <ul style="list-style-type: none"> <li>Evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department;</li> </ul>	<p><i>Required</i> – <b>Multiple measures</b>; provided, however, that one measure shall be two or more classroom observations of probationary teachers annually and of tenured teachers in a cycle.</p> <p>Additional measures. All teachers shall also be evaluated using one or more of the following measures. A rating of 1-4 on each applicable teaching standard being assessed by the measure should be given:</p> <ul style="list-style-type: none"> <li>Portfolios</li> <li>Surveys and feedback</li> <li>Professional goal setting and attainment</li> </ul>

<b>3012-d as Amended in 2019</b> (Plan data reported here is current as of 11/13/24)	<b>3012-e/NYS-STEPS</b> <b>November 2024</b>
<ul style="list-style-type: none"> <li>• Use of an instrument for parent or student feedback;</li> <li>• Use of professional goal-setting as evidence of teacher or principal effectiveness;</li> <li>• Any district or regionally-developed assessment that has not been approved by the department; and</li> <li>• Any growth or achievement target that does not meet the minimum standards as set forth in Commissioner's regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Student outcome data               <ul style="list-style-type: none"> <li>○ Student goal setting, attainment, and progress monitoring to evaluate a teacher's contribution to student growth</li> <li>○ Student achievement goal setting</li> <li>○ A performance index</li> <li>○ Statistical growth measures</li> <li>○ Portfolios of student work</li> </ul> </li> <li>• Teacher projects</li> <li>• Another locally developed measure</li> </ul>
<b>Teacher Observation</b>	<b>Teacher Observation</b>
<p><i>Required</i> – Observation by principal or other trained administrator (at least 80%, locally determined)</p> <p><i>Required</i> – Observation by impartial independent trained evaluator (at least 10%, locally determined). Waivers are available.</p> <p><i>Optional</i> – Observation by trained peer teacher</p>	<p><i>Required</i> – Plan shall describe the number and frequency of observations (no requirement that all teachers have the same number or frequency of observations). The minimum number of observations is 2 annually for probationary teachers and 2 per cycle for tenured teachers.</p> <p><i>Required</i> – <b>Provide teacher with timely, actionable feedback</b> on their practice based on the information collected as part of the performance review.</p>
<p><b>Scoring Observations</b> - Each set of observations (by supervisor/other trained administrator, independent, or peer) will be completed using a rubric with rating categories that are aligned to HEDI ratings and 1-4 levels. The 1-4 score for each set of observations will incorporate all evidence collected and observed over the course of the school year. Once all evaluations are complete, the different types of observations will be combined using a weighted average, producing an overall Observation/School Visit category score between 1-4.</p>	<p><b>Ratings</b></p> <p><i>Required</i> – <b>Assign ratings</b> on each applicable teaching standard and an overall rating. A rating of 1-4 on each teaching standard and an overall final rating of Level 1-4 per year for probationary teachers and per cycle for tenured teachers:</p> <ul style="list-style-type: none"> <li>• Level 1 shall indicate performance significantly below a school district's or board of cooperative educational services' expectations aligned to teaching standards;</li> <li>• Level 2 shall indicate performance that partially meets a school district's or board of cooperative educational services' expectations aligned to teaching standards;</li> <li>• Level 3 shall indicate performance that meets a school district's or board of cooperative educational services' expectations aligned to teaching standards;</li> <li>• Level 4 shall indicate performance that exceeds a school district's or board of</li> </ul>

3012-d as Amended in 2019 (Plan data reported here is current as of 11/13/24)	3012-e/NYS-STEPS November 2024
	cooperative educational services' expectations aligned to teaching standards.
APPR Final Rating	APPR Final Rating
<p><b>Overall Rating</b> – Determined by HEDI scores in each category and where they intersect on the matrix created from the text of the statute. Ratings for each category (student performance &amp; observation) and an overall rating are submitted to SED annually.</p>	<p><b>Overall Rating</b> – Ratings for each teaching standard, utilizing the multiple measures as negotiated, as well as the overall rating for each teacher, where available, will be submitted to SED annually. Tenured teachers will receive overall ratings, utilizing the multiple measures as negotiated, at the end of their evaluation cycle.</p>
Professional Support	Professional Support
<p><b>Teacher Improvement Plan (TIP)</b> <i>Required</i> – Teachers receiving an overall rating of Developing or Ineffective must have a TIP issued and implemented beginning by October 1 of the following school year or as soon as practicable. Required elements of TIP:</p> <ul style="list-style-type: none"> <li>• the identification of areas that need improvement;</li> <li>• a timeline for achieving improvement;</li> <li>• the manner in which improvement will be assessed; and,</li> <li>• where appropriate, differentiated activities to support improvement in these areas.</li> </ul>	<p><i>Required</i> – APPRs shall be a significant factor in teacher development including but not limited to coaching, induction support, and differentiated professional development for all teachers. Plans shall include a process for each teacher to receive formal support for professional growth each year.</p> <p>Teachers who receive an overall rating of Level 1 or 2 shall have a personalized professional development plan, consistent with a locally determined growth goal setting process.</p>

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