

EXHIBIT 71

2018 8 NYCRR § 30-2.2

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NEW YORK CODES, RULES AND REGULATIONS > TITLE 8. EDUCATION DEPARTMENT > CHAPTER I. RULES OF THE BOARD OF REGENTS > PART 30. *TENURE AREAS AND ANNUAL PROFESSIONAL PERFORMANCE REVIEWS FOR CLASSROOM TEACHERS AND BUILDING PRINCIPALS > SUBPART 30-2. ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS AND BUILDING PRINCIPALS CONDUCTED PRIOR TO THE 2015-2016 SCHOOL YEAR OR FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO ON OR BEFORE APRIL 1, 2015 WHICH REMAINS IN EFFECT ON OR AFTER APRIL 1, 2015 UNTIL A SUBSEQUENT AGREEMENT IS REACHED

§ 30-2.2 Definitions

As used in this Subpart:

(a)Approved teacher or principal practice rubric shall mean a rubric approved by the Commissioner for inclusion on the State Education Department's list of approved rubrics in teacher or principal evaluations.

(b)Approved student assessment shall mean a standardized student assessment approved by the commissioner for inclusion in the State Education Department's lists of approved standardized student assessments for the locally selected measures subcomponent and/or to measure student growth in non-tested subjects for the State assessment or other comparable measures subcomponent or for grades kindergarten through two, an assessment that is not a traditional standardized assessment that meets the requirements in paragraph (1) of this subdivision.

(1)Approved assessments in grades kindergarten through two.

(i)Effective March 2, 2014, all standardized assessments for students in kindergarten through grade two shall be removed from the actual list of approved student assessments for use in annual professional performance review plans for the 2014-2015 school year and thereafter and traditional standardized assessments in grades kindergarten through grade two will no longer be approved assessments for these grades. However, an assessment that is not a traditional standardized assessment shall be considered an approved student assessment if the superintendent, district superintendent, or chancellor of a school district/BOCES that chooses to use such assessment certifies in its APPR plan that the assessment is not a traditional standardized assessment and that the assessment meets the minimum requirements prescribed by the Commissioner in guidance.

(ii)Any school district or BOCES with an annual professional performance review plan approved or determined by the commissioner prior to April 1, 2014 that provides for the use of an approved student assessment for students in kindergarten through grade two remains in effect in accordance with [Education Law section 3012-c\(2\)\(l\)](#) and the district or BOCES may continue to use such assessments until a material change is made and approved by the commissioner to eliminate such use.

(c)Building principal or principal shall mean a principal or co-principal of a registered public school or an administrator in charge of an instructional program of a school district or board of cooperative educational services.

(d)Classroom teacher or teacher shall mean a teacher in the classroom teaching service as that term is defined in section 80-1.1 of this Title, who is a teacher of record as defined in this section, except evening school teachers of adults enrolled in nonacademic, vocational subjects, and supplemental school personnel as defined in section 80-5.6 of this Title.

(e)Common branch subjects shall mean common branch subjects as defined in section 80-1.1 of this Title.

(f)Composite effectiveness score shall mean the total effectiveness score out of 100 points assigned to a teacher or principal for an evaluation conducted pursuant to this Subpart. This score shall be calculated based on the sum of the three subcomponent scores described below:

(1)student growth on State assessments or other comparable measures: (0-20 points for the 2011-2012 school year and in subsequent school years for those grades/subjects where there is no value-added growth model approved by the Board of Regents, and 0-25 points for the 2012-2013 school year and thereafter for those grades/subjects where a value-added growth model is approved by the Board of Regents);

(2)locally selected measures of student achievement (0-20 points for the 2011-2012 school year and in subsequent school years for those grades/subjects where there is no value-added growth model approved by the Board of Regents, and 0-15 points for the 2012-2013 school year and thereafter for those grades/subjects where a value-added growth model is approved by the Board of Regents); and

(3)other measures of teacher and principal effectiveness (0-60 points for the 2011-2012 school year and thereafter).

(g)Co-principal means a certified administrator under Part 80 of this Title, designated by the school's controlling authority to have executive authority, management, and instructional leadership responsibility for all or a portion of a school or BOCES-operated instructional program, in a situation in which more than one such administrator is so designated. The term co-principal implies equal line authority, with each designated administrator reporting to a district-level or comparable BOCES-level supervisor.

(h)Developing means a rating received by a teacher or building principal, wherein the teacher or principal receives a composite effectiveness score within the minimum and maximum scoring range for this rating category as prescribed by the Commissioner in section 30-2.6 of this Subpart.

(i)Effective means a rating received by a teacher or building principal, wherein the teacher or building principal receives a composite effectiveness score within the minimum and maximum scoring range for this rating category as prescribed by the Commissioner in section 30-2.6 of this Subpart.

(j)Evaluator shall mean any individual who conducts an evaluation of a classroom teacher or building principal under this Subpart.

(k)Highly Effective means a rating received by a teacher or building principal, wherein the teacher or building principal receives a composite effectiveness score within the minimum and maximum scoring range for this rating category as prescribed by the Commissioner in section 30-2.6 of this Subpart.

(l)Ineffective means a rating received by a teacher or building principal, wherein the teacher or building principal receives a composite effectiveness score between the minimum and maximum scoring ranges for this rating category, as prescribed by the Commissioner in section 30-2.6 of this Subpart.

(m)Lead evaluator shall mean the primary individual responsible for conducting and completing an evaluation of a classroom teacher or building principal under this Subpart. To the extent practicable, the building principal, or his or her designee shall be the lead evaluator of a classroom teacher in this Subpart.

(n)Leadership standards shall mean the Educational Leadership Policy Standards: ISLLC 2008 as adopted by the National Policy Board for Educational Administration (Council of Chief State School

Officers, Washington DC, One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001-1431; 2008-available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234).

(o) Student growth means the change in student achievement for an individual student between two or more points in time.

(p) Student growth percentile score shall mean the result of a statistical model that calculates each student's change in achievement between two or more points in time on a State assessment or other comparable measure and compares each student's performance to that of similarly achieving students.

(q) Subcomponents of the composite effectiveness score shall mean the three subcomponents of a teacher's or principal's evaluation and composite effectiveness score as described in subdivision (f) of this section.

(r) Teacher or principal student growth percentile score shall mean a measure of central tendency of the student growth percentile scores for a teacher's or principal's students after one or more of the following student characteristics are taken into consideration: poverty, students with disabilities and English language learners. Additional factors related to poverty, students with disabilities and English language learners may be added by the Commissioner, subject to approval by the Board of Regents.

(s) Teacher(s) of record shall mean, for the 2011-2012 school year, those teachers who are primarily and directly responsible for a student's learning activities that are aligned to the performance measures of a course consistent with guidelines prescribed by the Commissioner. For the 2012-2013 school year and school years thereafter, teachers of record shall be defined in a manner prescribed by the Commissioner.

(t) Testing Standards shall mean the "Standards for Educational and Psychological Testing" (American Psychological Association, National Council on Measurement in Education, and American Educational Research Association; 1999-available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234).

(u) The governing body of each school district shall mean the board of education of each school district, provided that, in the case of the City School District of the City of New York, it shall mean the Chancellor of the City School District of the City of New York or, to the extent provided by law, the board of education of the City School District of the City of New York and, in the case of BOCES, it shall mean the board of cooperative educational services.

(v) Traditional standardized assessment shall mean a systematic method of gathering information from objectively scored items that allow the test taker to select one or more of the given options or choices as their response. Examples include multiple-choice, true-false, and matching items. Traditional standardized assessments are those that require the student (and not the examiner/assessor) to directly use a "bubble" answer sheet. Traditional standardized assessments do not include performance assessments or assessments in which students perform real-world tasks that demonstrate application of knowledge and skills; assessments that are otherwise required to be administered by federal law; and/or assessments used for diagnostic or formative purposes, including but not limited to assessments used for diagnostic screening required by Education Law section 3208(5).

(w) Value-added growth score shall mean the result of a statistical model that incorporates a student's academic history and may use other student demographics and characteristics, school characteristics and/or teacher characteristics determined by the Commissioner to isolate statistically the effect on student growth from those characteristics that are generally not in the teacher's or principal's control. Any other student demographics or characteristics, other classroom or school characteristics and/or teacher characteristics to be used in the value-added growth score, other than those used in the teacher or principal student growth percentile score, shall be determined by the Commissioner, subject to approval by the Board of Regents. The characteristics included may be different for teachers and principals, based on empirical evidence and policy determinations.

History

Added 30-2.2 (effective 05, 20, 11) on 6/08/11, expired 90 days after filing. Added 30-2.2 (effective 08, 16, 11) on 8/31/11, expired 60 days after filing. Added 30-2.2 (effective 10, 07, 11) on 10/26/11, expired 60 days after filing. Added 30-2.2 (effective 12, 06, 11) on 12/21/11, expired 60 days after filing. Added 30-2.2 (effective 02, 04, 12) on 2/22/12, expired 60 days after filing. Added 30-2.2 (effective 04, 04, 12) on 4/25/12, expired 60 days after filing. Added 30-2.2 (effective 09, 23, 13) on 10/02/13, expired 60 days after filing. Added 30-2.2 (effective 04, 24, 12) on 5/09/12, expired 60 days after filing. Added 30-2.2 on 6/13/12. Amended 30-2.2(b)(effective 02, 11, 14) on 2/26/14, expired 90 days after filing. Amended 30-2.2(b)(effective 03, 11, 14) on 3/26/14, expired 60 days after filing. Amended 30-2.2(b)(effective 05, 10, 14) on 5/14/14, expired 60 days after filing. Amended 30-2.2(b) on 7/30/14. Amended 30-2.2(r)(effective 07, 01, 13) on 7/10/13, expired 90 days after filing. Amended 30-2.2(r)(effective 09, 23, 13) on 10/02/13, expired 90 days after filing. Amended 30-2.2(r) on 10/02/13. Amended 30-2.2(v)(effective 07, 01, 13) on 7/10/13, expired 90 days after filing. Amended 30-2.2(v)(effective 09, 23, 13) on 10/02/13, expired 90 days after filing. Amended 30-2.2(v) on 10/02/13. Relettered 30-2.2(v) to be (w)(effective 05, 10, 14) on 5/14/14, expired 60 days after filing. Added 30-2.2(v)(effective 05, 10, 14) on 5/14/14, expired 60 days after filing. Relettered 30-2.2(v) to be (w) on 7/30/14. Added 30-2.2(v) on 7/30/14.

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