

# EXHIBIT 72

## 2018 8 NYCRR § 30-2.4

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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**

### **§ 30-2.4 Standards and criteria for conducting annual professional performance reviews and for scoring the subcomponents of such reviews in the 2011-2012 school year for classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals employed in such schools**

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**(a)**Composite effectiveness score. Annual professional performance reviews conducted pursuant to this section shall differentiate teacher and principal effectiveness using a composite effectiveness score. Based on such composite effectiveness score, a classroom teacher or building principal shall be rated as Highly Effective, Effective, Developing or Ineffective as defined in this Subpart.

**(b)**State assessments or other comparable measures subcomponent.

Twenty points of the teacher's or principal's composite effectiveness score shall be based upon the teacher's or principal's student growth percentile score on State assessments in English language arts and/or mathematics in grades four to eight.

**(c)**Locally selected measures.

**(1)**Twenty points of the teacher's or principal's composite effectiveness score shall be based upon locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms.

**(2)**For purposes of this section:

**(i)**rigorous shall mean that the locally selected measure is aligned to the New York State learning standards or, in instances where there are no such standards that apply to a subject/grade level, evidence of alignment to research-based learning standards and, to the extent practicable, the locally selected measure must be valid and reliable as defined by the Testing Standards.

**(ii)**comparable across classrooms shall mean that the same locally selected measure(s) of student achievement or growth is used across a subject and/or grade level within the school district or BOCES. For principals, the same locally selected measure(s) must be used for all principals in the same or similar program or grade configuration in that school district or BOCES.

**(3)**Classroom Teachers.

**(i)**For annual professional performance reviews conducted for the 2011-2012 school year only, except as otherwise provided in subparagraphs (ii) and (iii) of this paragraph, one or more of the

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following types of locally selected measures of student achievement or growth may be used for the evaluation of classroom teachers:

- (a)** a student assessment approved by the Department pursuant to the request for qualification process described in section 30-2.8 of this Subpart;
- (b)** a district, regional or BOCES-developed assessment;
- (c)** a school-wide, group or team metric based on a State assessment, an approved student assessment or a district, regional or BOCES-developed assessment, across multiple classrooms in a grade level or subject area (e.g., school-wide growth on a locally selected math assessment or grade-level growth on the grade four English language arts State assessment);
- (d)** student achievement on State assessments, Regents examinations and/or Department approved alternative examinations as described in section 100.2(f) of this Title (including, but not limited to, Advanced Placement examinations, International Baccalaureate examinations, SAT II, etc.), using a measure that is different from the growth score prescribed by the department for student growth on such assessments or examinations for purposes of the State assessment or other comparable measures subcomponent; or
- (e)** a structured district-wide student growth goal-setting process to be used with any State assessment, an approved student assessment, or other school or teacher-created assessment.

**(ii)** For school districts or BOCES that use one of the measures enumerated in clauses (b), (c) or (e) of subparagraph (i) of this paragraph, the superintendent, district superintendent or Chancellor shall certify, in the annual professional performance review plan, that the measure is rigorous and comparable across classrooms as defined in this subdivision and explain how the locally selected measure meets these requirements.

**(iii)** For school districts or BOCES that use more than one of the local measures described in subparagraph (i) of this paragraph for a grade/subject (e.g. one measure is utilized for some of the district's fifth grade math classes and another measure is utilized for the other fifth grade math classes in the district), the superintendent, district superintendent or Chancellor shall certify in the annual professional performance review plan that the measures are comparable, in accordance with the Testing Standards.

**(iv)** The selection of the local measure or measures as described in subparagraph (i) of this paragraph to be used by the school district or board of cooperative educational services shall be determined through collective bargaining.

**(4)** Principals.

**(i)** For annual professional performance reviews conducted for the 2011-2012 school year only, except as otherwise provided in subparagraph (ii) of this paragraph, one or more of the following types of local measures of student achievement or growth may be used for the evaluation of principals, provided that each measure is rigorous and comparable across classrooms as defined in this section:

- (a)** student achievement levels on State assessments in English language arts and/or mathematics in grades four to eight (e.g., percentage of students in the school whose performance levels on State assessments are proficient or advanced, as defined in section 100.2(p)(1)(v) of this Title);
- (b)** student growth or achievement on State or other assessments in English language arts and/or mathematics in grades four to eight for students in each of the performance levels described in section 100.2(p)(1)(v) of this Title;
- (c)** student growth or achievement on State assessments in English language arts and/or mathematics in grades four to eight for students with disabilities and English language learners in grades four to eight;

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**(d)** student performance on any or all of the district-wide locally selected measures approved for use in teacher evaluations as described in paragraph (3) of this subdivision;

**(e)** four, five and/or six-year high school graduation and/or dropout rates for principals employed in a school with high school grades;

**(f)** percentage of students who earn a Regents diploma with advanced designation and/or honors as defined in section 100.5(b)(7) of this Title, for principals employed in a school with high school grades;

**(g)** percentage of a cohort of students that achieve specified scores on Regents examinations and/or Department approved alternative examinations as described in section 100.2(f) of this Title (including, but not limited to, Advanced Placement examinations, International Baccalaureate examinations, SAT II, etc.), for principals employed in a school with high school grades (e.g., the percentage of students in the 2009 cohort that scored at least a 3 on an Advanced Placement examination since entry into the ninth grade); and/or

**(h)** students' progress toward graduation in the school using strong predictive indicators, including but not limited to 9th and/or 10th grade credit accumulation and/or the percentage of students that pass 9th and/or 10th grade subjects most commonly associated with graduation and/or students' progress in passing the number of required Regents examinations for graduation, for principals employed in a school with high school grades.

**(ii)** For school districts or BOCES that choose to use more than one set of locally selected measures described in this paragraph for principals in the same or similar grade configuration or program (e.g., one set of locally selected measures is used to evaluate principals in some K-5 schools and another set of locally selected measures is used to evaluate principals in the other K-5 schools in the district), the superintendent or district superintendent shall, in their professional performance review plan, certify that the sets of measures are comparable, in accordance with the Testing Standards.

**(iii)** The selection of the local measure or measures as described in subparagraph (i) of this paragraph to be used by the school district or board of cooperative educational services shall be determined through collective bargaining and any such measure based on a State assessment must be different from that used for the State assessment or other comparable measures subcomponent.

**(d)** Other Measures of Teacher and Principal Effectiveness.

**(1)** Classroom Teacher.

**(i)** Sixty points of a teacher's composite effectiveness score shall be based on multiple measures, using the criteria prescribed in this subdivision. Such measures shall be aligned with the New York State Teaching standards, which are enumerated below, and their related elements and performance indicators:

**(a)** the teacher acquires knowledge of each student, and demonstrates knowledge of student development and learning to promote achievement for all students;

**(b)** the teacher knows the content they are responsible for teaching, and plans instruction that ensures growth and achievement for all students;

**(c)** the teacher implements instruction that engages and challenges all students to meet or exceed the learning standards;

**(d)** the teacher works with all students to create a dynamic learning environment that supports achievement and growth;

**(e)** the teacher uses multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction;

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**(f)**the teacher demonstrates professional responsibility and engages relevant stakeholders to maximize student growth, development, and learning; and

**(g)**the teacher sets informed goals and strives for continuous professional growth.

**(ii)**Rubric. A teacher's performance under this subcomponent must be assessed based on a teacher practice rubric(s) approved by the Department in accordance with section 30-2.7 of this Subpart. The same rubric(s) shall be used for all classroom teachers in a specific grade/subject across the district.

**(a)**Variance for use of existing rubrics. A variance may be granted to a school district or BOCES that seeks to use a rubric that is either a close adaptation of a rubric on the approved list, or a rubric that was self-developed or developed by a third-party, upon a finding by the Commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated that it has made a significant investment in the rubric and has a history of use that would justify continuing the use of that rubric.

**(b)**Variance for use of new innovative rubrics. A variance may be granted to a school district or BOCES that seeks to use a newly developed rubric, upon a finding by the Commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated how it will ensure inter-rater reliability and the rubric's ability to provide differentiated assessments over time.

**(iii)**Classroom Observations. In order to support continuous professional growth, a majority of these 60 points shall be based on multiple classroom observations conducted by a principal or other trained administrator, which may be performed in-person or by video.

**(iv)**For evaluations conducted for the 2011-2012 school year only, the remaining points of the 60 points shall be based on a combination of any of the following criteria:

**(a)**evidence of student development and performance through structured reviews of student work and/or artifacts of teacher practice using portfolios or evidence binder processes;

**(b)**evidence that the teacher develops effective relationships with students, parents, caregivers and relevant stakeholders to maximize student growth, development and learning through the use of surveys and/or feedback from students, parents/caregivers and/or their peers using structured survey tools; or

**(c)**evidence that the teacher sets informed professional growth goals and strives for continuous professional growth as demonstrated through teacher self-reflections and teacher progress on professional growth goals, provided that no more than five points shall be attributed to this criterion.

**(v)**Any Teaching Standards that are not addressed in the classroom observations shall be assessed by the district at least once a year.

**(2)**Building Principals.

**(i)**Sixty points of a building principal's composite effectiveness score shall be based on multiple measures, using the criteria prescribed in this subdivision. Such measures shall be aligned with the Leadership Standards, enumerated below, and their related functions:

An education leader promotes the success of every student by:

**(a)**facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;

**(b)**advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

**(c)**ensuring management of the organization, operations and resources for a safe, efficient, and effective learning environment;

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**(d)**collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

**(e)**acting with integrity, fairness, and in an ethical manner; and

**(f)**understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

**(ii)**Rubric. A principal's performance under this subcomponent must be assessed based on an approved principal practice rubric in accordance with section 30-2.7 of this Subpart. Such rubric shall be used for all building principals across the district or BOCES.

**(a)**Variance for use of existing rubrics. A variance may be granted to a school district or BOCES that seeks to use a rubric that is either a close adaptation of a rubric on the approved list, or a rubric that was self-developed or developed by a third-party, upon a finding by the Commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated that it has made a significant investment in the rubric and has a history of use that would justify continuing the use of that rubric.

**(b)**Variance for use of new innovative rubrics. A variance may be granted to a school district or BOCES that seeks to use a newly developed rubric, upon a finding by the Commissioner that the rubric meets the criteria described in section 30-2.7 and the school district or BOCES has demonstrated how it will ensure inter-rater reliability and the rubric's ability to provide differentiated assessments over time.

**(iii)**A majority of the 60 points assigned to this subcomponent shall be based on a broad assessment, based on the principal practice rubric, of the principal's leadership and management actions by the building principal's supervisor, another trained administrator, or a trained independent evaluator. This assessment must incorporate one or more school visits by a supervisor and at least two other sources of evidence from the following options: structured feedback from teachers, students, and/or families; school visits by other trained evaluators; review of school documents, records, state accountability processes and/or other locally-determined sources.

**(iv)**Any remaining points shall be assigned based on the results of one or more ambitious and measurable goals set collaboratively with principals and their superintendents or district superintendents as follows:

**(a)**at least one goal must address the principal's contribution to improving teacher effectiveness, which may include, but need not be limited to: improved retention of high performing teachers, the correlation between student growth scores of teachers granted tenure as opposed to those denied tenure, quality of feedback provided to teachers throughout the year, facilitation of teacher participation in professional development opportunities made available by the school district or BOCES and/or the quality and effectiveness of teacher evaluations conducted under this section; and

**(b)**any other goals shall address quantifiable and verifiable improvements in academic results or the school's learning environment resulting from the principal's leadership and commitment to their own professional growth.

**(v)**Any Leadership Standards not addressed in the assessment of the principal's leadership and management actions by the building principal's supervisor or a trained independent evaluator shall be assessed at least once a year.

## History

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Added 30-2.4(effective 5, 20, 2011) on 6/08/11, expired 90 days after filing; added 30-2.4(effective 08, 16, 11) on 8/31/11, expired 60 days after filing; added 30-2.4(effective 10, 07, 11) on 10/26/11, expired 60 days after filing;

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