

**Annual Professional Performance Review - Variance, Education Law §3012-d****Task 1. General Information - General Information**

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**Annual Professional Performance Review 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 to permit them to develop and implement new and innovative approaches to evaluation that meet the specific needs of the LEA, upon a finding by the Commissioner that the new and innovative approach demonstrates how it will ensure differentiated results over time and how the results of the evaluation will be used to provide personalized professional learning opportunities to teachers and principals, while complying with the requirements of Education Law §3012-d.

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 - Variance, Education Law §3012-d****Task 2. TEACHERS: Required Student Performance - Variance Request**

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**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**

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**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.

**Annual Professional Performance Review - Variance, Education Law §3012-d**

**Task 4. TEACHERS: Observations - Variance Request**

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**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 &amp; 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	Common Branch	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) [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.

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

**Applicable Areas**

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

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**Task 4. TEACHERS: Observations - Applicability & Rubric**

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- 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 observations
- Required independent evaluator observations
- Optional peer observations

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

☒ **Required independent evaluator observations**

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Task 4. TEACHERS: Observations - Required Independent Evaluator Observations

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**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)
<b>Totals:</b>	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

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**Variance Details**

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

**Rationale**

**Please provide a rationale for this variance request.**

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

The District is seeking a variance that addresses the current fluidity of instructional modalities (i.e., full remote, hybrid learning, and livestreaming), responds to the logistical challenges associated with observing across these domains, and - most importantly- focuses teacher attention on priority teaching standards during this pandemic.

The District believes that the independent unannounced observation is inappropriate in the current crisis environment. Given the high likelihood of multiple pivots to fully remote instruction, the technological barriers to implementing a truly unannounced observation would be almost impossible. Additionally, we have health, safety and timeline constraints that speak to a high probability that independent observations would not be able to be completed with fidelity this school year. In order to avoid proliferation of COVID-19, in the best interests of health and safety of the staff, students and community at-large, the District is not able to utilize independent trained evaluators for this school year.

Beyond the above-mentioned rationale, our District does face a set of unique circumstances (at this moment in time) that make this variance critical. At the district level, we have experienced significant leadership shifts (i.e., an Interim Superintendent of School, an Interim Assistant Superintendent for Human Resources, and other significant organizational changes). Given these leadership challenges, we have had to prioritize the development of appropriate instructional models for the students (e.g., developing a livestreaming program grades 6-12 to begin on November 9, implementing an elementary hybrid schedule, and establishing a fully remote virtual school with forty-four teachers at the elementary level). APPR negotiations necessarily were delayed until the instructional plan came more into focus. We are now enjoying positive support from our faculty association to streamline the APPR process for this school year, while focusing on priority elements that will truly inform professional practice at a new level through our established PLC framework.



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**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 new and innovative 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.**

The District will continue to complete at least one announced observation of all tenured teachers and two announced observations of all untenured teachers. These will continue to be minimum requirements. We are proposing to emphasize the elements of the Danielson Rubric (i.e., 1e, 2a, 3a, 3c, 3e, 4a) during the announced observation process. The elimination of observations by independent evaluators and all unannounced observations represent the entirety of our variance request.

We believe our rigorous and thoughtful process (i.e., pre-observation conference, observation, and post-conference), will allow us to rate the Danielson instructional elements effectively and, at the same time, make adequate inferential judgments on the other elements in the rubric (e.g., knowledge of students, use of assessment, coherent lesson design). We have worked closely with our union leaders to identify these priority elements and the manner in which we will address other elements (e.g. targeted questioning during pre/post observations, instructional artifacts presented by the teacher during pre/post observation conferences). It is our intention to expand the scope of the evidence collection in a manner that continues to allow for a reliable picture of teacher practice.

In lieu of an independent unannounced observation, the District is also looking to enhance our existing emphasis on teacher professional learning communities (PLCs). We will be dedicating our PLCs work to enhancing teacher practice in the digital, hybrid, and livestreaming domains. The work of the PLCs will be supplemented by quantitative and qualitative data gathered by building leadership. This data will primarily focus on the teacher's ability to design coherent instruction (Danielson 1e), create an environment of respect and rapport (Danielson 2a), communicating effectively with students (Danielson 3a), engaging students in learning (Danielson 3c), demonstrating flexibility and responsiveness (Danielson 3e), and reflecting on teaching (Danielson 4a). By way of example, we will be collecting data on student participation in the digital domain and having professional conversations with individual teachers about strategies to improving engagement (if appropriate). All data gathered outside the traditional observational process will be used for the purposes of professional growth and professional development only and not to score the rubric.

Given the pace of professional learning this year, we believe our efforts are best applied to strengthening the connection between teacher observation and professional development opportunities. Our building leaders are committed to virtual (and in-person) announced visits that will result in data collection on teacher performance and be fed directly into the PLCs for strategic attention. For example, if our administrative team notices a lack of rapport with students in the virtual realm, this will become an immediate focus of PLC or Building Level Team Work. We are hoping to leverage this unique time into deeper collaboration among teachers - something we want to encourage and sustain over time.

**Rigor**

**Please provide a description of how the LEA will ensure that evaluations are rigorous and enable strong and equitable inferences about the effectiveness of the LEA's educators.**

**> This description should include how rigor is achieved and maintained, including relevant processes and methodologies.**

**> This description may include, but is not limited to, how data will be used to draw inferences, including how the derived data informs decisions and guidance for the LEA's educators.**

The District believes that rigor (in this environment) is best achieved by holding teachers accountable to those instructional elements which underpin successful navigation of the digital domain (e.g., coherent lesson planning, creating respect and rapport, demonstrating flexibility, engaging students, reflecting on teaching practice). In order to ensure that evaluations continue to be rigorous and equitable, we understand the need to expand the scope of our evidence collection. We believe that the current environment lends itself to more frequent professional conversations that will serve as evidence of teacher flexibility, reflective disposition, and inclination to self-correct. Data on a teacher's ability to establish respect and rapport can be observed through interactions with students, the quality and quantity of student work, and student attendance. Monthly observations of a teacher's work during Professional Learning Community (PLC) meetings and completion of relevant professional development courses will serve as additional data collection methodology for Principals. All data collected outside of the formal announced observation process will be used for professional development purposes only and not to score the rubric.

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

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**Professional Learning**

Please provide a description of how the LEA will use the information collected through the evaluation system, including the assigned effectiveness ratings, to provide personalized professional learning opportunities for educators.

> This description may include, but is not limited to, methodologies and procedures for:

- collecting information about educator effectiveness to inform professional learning,
- specific details regarding both the type(s) and extent of professional learning opportunities anticipated,
- processes for delivery of personalized learning opportunities, and
- use of data to measure the efficacy of such professional learning.

The current environment (precipitated by the COVID-19 Pandemic) has forced teachers to rapidly develop and hone new skills to inform meaningful student instruction. The issue for our District is that pedagogical skill development has been rapid, yet very uneven. Our goal, through this new APPR process, is to strengthen the link between observations (both formal and informal) and the established vehicles for professional learning (e.g., PLCs, in-service, mentoring, etc). Our Superintendent is committed to making professional learning a regular part of leadership meetings at all levels. Building leaders will be required to report on general observations of instruction across all modalities (fully remote, hybrid, and livestreaming). These observations will be noted and professional development opportunities for teachers created. For example, if data informs us that a teacher's students are exhibiting disengaged behaviors (e.g., cameras turned off, limited completion of classwork, etc), we will offer that teacher professional development focused on improving engagement (e.g., establishing rapport and student buy-in, checking for understanding, frequently, call and response, etc). Pre and post surveys will be used to determine the efficacy of the District's improvement efforts.

**Effectiveness of Implementation**

Please provide a description of how the LEA will assess the effectiveness of the implementation of the variance.

> This description may include, but is not limited to, processes and procedures for:

- collection and analysis of both short- and long-term data,
- the standard(s) used to measure the effectiveness of implementation, and
- how results will be used to inform future implementation.

The District will be looking to analyze the effectiveness of the variance through quantitative and qualitative means. Quantitatively, we will be looking at trends in our observation data. We will look at patterns of Basic Ratings as an indication of needed professional development. We will also look at patterns in commendations/recommendations by administrators. Patterns in commendations will be used as a means to celebrate instructional growth. Patterns in recommendations will be used to inform timely and meaningful professional development to help our educators navigate these evolving teaching modalities. Student assessment data will continue to be collected (albeit on a modified schedule) to help inform the efficacy of this modified evaluation system during the 2020-21 school year. As note previously, the Superintendent has committed to dedicating a portion of our leadership meetings to reflections from building leaders on what is working (and what is not working well) with the observational 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 - Variance, Education Law §3012-d****Task 5. TEACHERS: Overall Scoring - Variance Request**

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**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 - Variance, Education Law §3012-d****Task 6. TEACHERS: Additional Requirements - Variance Request**

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**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 - Variance, Education Law §3012-d****Task 12. Joint Certification of APPR Variance - Applicability and Certification**

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**Applicability of Variance****Need for Variance**

**Please make the appropriate selection below.**

- ☒ The submission of this variance application is prompted by the impact of COVID-19 on the LEA.

**Instructional Model**

- ☐ The processes identified in this variance application need only apply if an in-person instructional model is implemented.
- ☐ The processes identified in this variance application need only apply if a remote instructional model is implemented.
- ☐ The processes identified in this variance application need only apply if a hybrid instructional model is implemented.
- ☒ The processes identified in this variance application apply regardless of the instructional model implemented.

**Variance Duration**

**An Annual Professional Performance Review Variance under Education Law §3012-d may be approved for up to THREE (3) years.**

**Please indicate below the school years to which this variance application will apply.**

**One, two, or three consecutive academic years may be selected.**

- ☒ 2020-21

**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.**

VarianceSignatures.pdf

AAAPresident.pdf

ATAPresident.pdf

SuperBoardPresident.pdf