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To: District Superintendents of BOCES
Superintendents of Public Schools
Public School Principals

From: Alexander Trikalinos

Date: May 18, 2022

RE: 2021-22 School Year Annual Professional Performance Review (APPR) Update

On May 13, 2022, Governor Kathy Hochul signed Chapter 201 of the Laws of 2022, which, in part, provides that, for the 2021-22 school year, no school district or BOCES shall be required to complete an annual teacher or principal evaluation for any classroom teacher or building principal due to concerns related to the ongoing response to the COVID-19 pandemic.

In effect, the bill excuses school districts and BOCES from the annual evaluation under Education Law §3012-d and Regents Rules 30-3 for the 2021-22 school year. The bill also eliminates any state aid penalties for school districts that fail to implement any component of their approved APPR plans.

Chapter 201 of the Laws of 2022 also amends several sections of the Education Law related to the granting of tenure for classroom teachers and building principals first appointed to a probationary period during the 2017-18 through 2021-22 school years. Pursuant to the statutory amendments, a board of education or the trustees of a common school district are entitled to grant tenure to a classroom teacher or building principal recommended by the superintendent of schools in the final year of their probationary period notwithstanding that their annual evaluations were not completed in the 2019-20, 2020-21, and/or 2021-22 school years so long as all other specified conditions are met and the educator would have been, in the superintendent's opinion, qualified for appointment on tenure based on performance.

The statutory amendments also provide that previously tenured classroom teachers who accept a new position at a new school district in the 2020-21, 2021-22, and 2022-23 school years will be appointed to a three-year probationary period provided that they have received an overall evaluation rating in either the 2017-18 or 2018-19 school year rather than in their final year of service as is typically required by law. Additionally, for those teachers who accept a position at a BOCES, their 2017-18 or 2018-19 overall evaluation rating must have been either Effective or Highly Effective.

Any questions related to this memorandum should be directed to the Office of Educator Quality and Professional Development (OEQPD) by e-mail at educatoreval@nysed.gov.

Questions and Answers

Can we still complete evaluations if we were able to implement our APPR plan for the 2021-22 school year?

Yes. The amendments to the law eliminate the requirement for LEAs to complete teacher and principal evaluations for the 2021-22 school year, but do not prohibit evaluations from being completed where an LEA is able to do so.

Do LEAs still have to report APPR data for the 2021-22 school year?

The Department expects that such scores and ratings will be reported. Information and resources related to the submission of staff evaluation data will be forthcoming and will be posted on the [Resources for Staff Evaluation Data Collection page](#). To reduce the burden on LEAs, the Department will not be requiring LEAs to certify data or complete an APPR implementation certification for the 2021-22 school year. There will be a 2021-22 Staff Evaluation Status form available in the [NYSED Business Portal](#) to allow LEAs to report the status of their APPR for the 2021-22 school year. This form will be posted at the conclusion of the 2021-22 school year and can be submitted electronically.

What if I already have an approved variance for this school year?

For more information, please contact the Department of Education at (914) 353-3000 or visit the [NYSED Business Portal](#).

School Year Educator was Appointed to Probationary Term	Tenure Eligibility Criteria Under Chapter 201 of the Laws of 2022
2017-2018	• Educator received either an Effective (E) or Highly Effective (HE) rating in at least one of the four preceding school years; and • did not receive an Ineffective (I) rating in the final year of their probationary period (or the most recent year a score was received if no overall rating was received in the final year). *
2018-2019	• Educator is not required to have received any overall evaluation ratings for three consecutive years; and • did not receive an Ineffective (I) rating in the final year of their probationary period (or the most recent year a score was received if no overall rating was received in the final year). *
2019-2020	ion ratings for three ir proba7 35.31 65.702