

## **Questions and Answers Relating to Evaluation Plans for the 24-25 School Year**

On Friday, June 28, 2024, Governor Kathy Hochul signed Chapter 143 of the Laws of 2024, which amends Education Law §3012-d and establishes Education Law §3012-e. Accordingly, school districts and boards of cooperative educational services (BOCES) will transition to new Standards-based Educator Evaluation and Professional Support plans (“NYS-STEPS”) beginning in the 2024-25 school year as described in a [Memo to the Field](#) dated July 2, 2024.

The below questions and answers are based on common questions that the Department has received about the statutory changes and their impact on educator evaluation plans.

### **Frequently Asked Questions and Answers**

#### **Q1. What actions are LEAs required to take for the 2024-25 school year?**

School districts and BOCES (LEAs) are required to implement their currently approved Education Law §3012-d educator evaluation plans during the 2024-25 school year. The recent statutory changes do not require LEAs to change their plans, in any way, for the current school year.

#### **Q2. How long can LEAs keep their currently approved educator evaluation plans?**

The new law provides that LEAs may keep their currently approved Education Law §3012-d educator evaluation plans through the 2031-32 school year. Additionally, the law allows LEAs to submit material changes to those plans through that same time period. After the 2031-32 school year, all plans must be designed, submitted, and implemented in accordance with the new NYS-STEPS system.

#### **Q3. What kinds of changes can an LEA make to their currently approved educator evaluation plan?**

As in prior school years, LEAs may make material changes to their currently approved Education Law §3012-d plans consistent with the applicable rules and [guidance](#). There have been no changes to the evaluation plan requirements for plans approved under Education Law §3012-d.

#### **Q4. When can LEAs transition to a new NYS-STEPS plan under Education Law §3012-e?**

To implement the provisions of Education Law §3012-e, the Department is required to develop regulations that must then be adopted by the New York State Board of Regents. This regulatory process and timeline are governed by the State Administrative Procedure Act. LEAs cannot submit new plans to the Department for review until the regulatory process is complete. At this time, the Department anticipates that regulatory amendments will be presented to the Board of Regents in the Fall of 2024. Once regulations are adopted, guidance will be issued on how to design and implement multiple measures of evaluation under the new NYS-STEPS system. LEAs are not advised to negotiate a new NYS-STEPS plan until regulatory guidance is available.

### **Questions about Observations**

#### **Q5. Can LEAs change the type/nature/number of observations in our currently approved plan under education law §3012-d?**

**Yes**, provided that the proposed changes are permissible under Education Law §3012-d. Evaluation plans approved under Education Law §3012-d require that all teachers and principals have a minimum of two observations/school visits. At least one observation/school visit must be conducted by the educator’s supervisor, and at least one additional observation/school visit must be conducted by an “Impartial independent trained evaluator”. Additionally, at least one of the observations/school visits must be “unannounced”. For additional information about classroom observations and school visits under Education Law §3012-d, please see the Department’s [guidance](#).

**Q6. What will the requirements for observations and school visits be under the NYS-STEPS system?**

Education Law §3012-e requires that one measure of evaluation shall be classroom observations of teachers and school visits of principals. Further requirements will be established in regulations and guidance which will likely be approved and published in the Fall of 2024.

**Q7. Should LEAs negotiate the nature/type/number of observations under a future NYS-STEPS plan now?**

**No.** LEAs are advised to wait until regulations are adopted before negotiating a new NYS-STEPS plan. Once regulations are adopted, regulatory guidance and other resources will be forthcoming.

Questions about the Student Performance Component

**Q8. While an LEA is still implementing an Education Law §3012-d educator evaluation plan, can it eliminate the student performance measure?**

**No.** The student performance measure is still a requirement for evaluation plans approved under Education Law §3012-d. For additional information about student performance under Education Law §3012-d, please see the Department's [guidance](#).

**Q9. Will LEAs be required to have a student performance component in the new NYS-STEPS system?**

**No.** LEAs are required to select multiple measures to evaluate their teachers and principals. One of the measures must be observations/school visits. LEAs will select the other measure(s), which may include portfolios, surveys, research projects, student outcome data, or other LEA-designed measures. LEAs are not required to use student outcome data under the new NYS-STEPS system.

Further questions can be directed to the Office of Educator Quality and Professional Development (OEQPD) by e-mail at [educatoreval@nysed.gov](mailto:educatoreval@nysed.gov). Submitting additional questions to us via this email address will help us to keep this Q&A document up to date as new questions emerge from the field.