THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

REQUEST FOR QUALIFICATIONS (RFQ) # 25-001b

TEACHER AND PRINCIPAL EVALUATION:
TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE

APPLICATION PERIOD: CONTINUOUS AND ONGOING

The New York State Education Department (NYSED or "the Department") does not discriminate on the basis of race, creed, color, national origin, religion, age, sex, military, marital status, familial status, domestic violence victim status, carrier status, disability, genetic predisposition, sexual orientation, or criminal record in its educational programs, services, and activities. NYSED has adopted a web accessibility policy, and publications designed for distribution can be made available in accessible format, upon request. Inquiries regarding this policy of non-discrimination should be directed to the Office of Human Resources Management, Room 528 EB, Education Building, Albany, New York 12234.

1.0 GENERAL INFORMATION

1.1 SUMMARY

To implement the provisions of Education Law §3012-d as amended by Chapter 59 of the Laws of 2019 relating to annual professional performance reviews of classroom teachers and building principals, the New York State Education Department ("NYSED" or "Department"), strongly encourages local educational agencies (LEAs) to select teacher and principal practice rubrics from the Department's List of Approved Teacher and Principal Practice Rubrics *("Approved List")*. In limited circumstances, however, LEAs may apply for a variance to use a teacher and/or principal practice rubric other than those on the *Approved List.*

LEAs may use this application to request a variance to use: (1) an existing rubric that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's Approved List; or (2) a new, innovative rubric that will support their professional capacity to successfully implement teacher and principal evaluations. If an LEA's variance application is approved, the LEA may use the practice rubric to implement teacher and principal evaluations in accordance with Education Law §3012-d as amended.

On April 13, 2015, the Assembly and Senate passed the New York State Budget for 2015-16 and signed into law a revised educator evaluation system for teachers and principals as Chapter 56 of the Laws of 2015, which created Education Law §3012-d. Education Law §3012-d was amended by the Legislature in Chapter 59 of the Laws of 2019 and signed by the Governor on April 12, 2019. During the December 2017 meeting of the Board of Regents, subparts 30-3.2 and 30-3.5 of the Rules of the Board of Regents were amended to adopt the 2015 Professional Standards for Educational Leaders with Certain New York Specific Modifications.

Education Law 3012-d as amended requires teachers and principals to be evaluated based on two categories: the Student Performance Category and the Observation/School Visit Category. The Observation/School Visit Category is made up of three subcomponents: required observations/school visits by supervisors or other trained administrators, required observations/school visits by impartial

independent trained evaluator(s)[1], and optional observations/school visits by trained peer educators. Section 30-3.9 of the Rules of the Board of Regents requires the Commissioner to evaluate teacher and principal practice rubrics based on the criteria outlined in this application.

1.2 BACKGROUND

The New York State school system is one of the most comprehensive educational systems in the country. It comprises 689 school districts, 37 BOCES, over 7,000 public/private elementary and secondary schools, including 246 charter schools, and serves the educational needs of over 3.1 million students. Additionally, there are currently over 220,000 certified public school teachers and administrators employed by New York State schools who directly support the educational needs and achievement of our student population.

Education Law §3012-d, as amended by the Laws of 2019, retains the performance evaluation system for classroom teachers and building principals. The evaluation system is designed to measure teacher and principal effectiveness based on performance, including measures of student growth and evidence of educator effectiveness in meeting the New York State Teaching Standards or the State's school leadership standards (Professional Standards for Educational Leadership: PSEL 2015 New York version). Under the law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective. Education Law §§3012-d(5)(a) and (b) require annual professional performance reviews (Educator Evaluation Plans) to result in a single teacher or principal effectiveness rating, which incorporates multiple measures of effectiveness. The results of the evaluations shall be a significant factor in employment decisions, including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation, as well as teacher and principal professional development (including coaching, induction support, and differentiated professional development).

Under the evaluation system, one category of teacher and principal evaluations shall be based on measures of student performance. Importantly, the law requires all measures of student performance to be based on student growth in up to two subcomponents:

1) required measures of student growth on State assessments or other Department-approved assessments, and
2) (if locally selected) optional measures of student growth.

For classroom teachers and building principals the required subcomponent of the Student Performance Category is based on a SLO consistent with a goal-setting process determined or developed by the Commissioner. Under the new system, SLO targets must represent, at a minimum, one year's worth

[1] During the June 2016 Board of Regents meeting, Subparts 30-3.4 and 30-3.5 of the Rules of the Board of Regents were amended to provide for a waiver from the requirement that at least one observation/school visit be conducted by one or more impartial independent trained evaluators selected and trained by the district. Waivers are available on an annually renewable basis for rural school districts, school districts with only one registered school pursuant to §100.18 of the Commissioner's regulations that, due to the size and limited resources of the school district, is unable to obtain an independent evaluator within a reasonable proximity without an undue burden, and to other districts that can demonstrate that compliance with the independent evaluator requirement would result in a financial hardship, lacks professionally trained staff to comply with the requirement, has a large number of teachers and/or where compliance could impact safety and management of a building. Such waivers must be applied for on an annual basis.

of expected growth for individual students. In cases where the district/BOCES elects, through collective bargaining, to use the optional student growth subcomponent, such measure may be:

(A) A second SLO, provided that this SLO is different from that used in the required subcomponent;

(B) A growth score based on a statistical growth model, where available, for either State-created or -administered assessments or State-designed supplemental assessments;

(C) A measure of student growth, other than an SLO, based on State-created or -administered assessments or State-designed supplemental assessments;

(D) A performance index based on State-created or -administered assessments or State-designed supplemental assessments;

(E) An achievement benchmark on State-created or -administered assessments or State-designed supplemental assessments; or

Any other collectively bargained measure of student growth or achievement included in the LEA's evaluation plan. The weightings and scoring ranges for both subcomponents of the Student Performance Category are set forth in Subpart 30-3 of the Rules of the Board of Regents.

The remaining portion of teacher and principal evaluations shall be based on multiple measures of effectiveness. This includes the extent to which the educator demonstrates proficiency in meeting New York State's teaching standards or the leadership standards. The methods of gathering evidence for teachers and principals must include observations/school visits by the educator's supervisor or another trained administrator and observations/school visits by impartial independent trained evaluator(s). Districts also have the option to include observations/school visits by trained peer educators[2]. Importantly, the new law requires that teacher and principal performance in this category be assessed based only on those components of the selected practices rubrics that are observable. Further, pursuant to Education Law §3012-d (6), the following elements are not eligible to be used in any evaluation subcomponent:

a. evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department;

b. use of an instrument for parent or student feedback;

c. use of professional goal-setting as evidence of teacher or principal effectiveness;

d. any district or regionally developed assessment that has not been approved by the department; and

e. any growth or achievement target that does not meet the minimum standards as set forth in regulations of the Commissioner adopted hereunder.

[2] During the September 2015 Board of Regents meeting, Subpart 30-3.4 and 30-3.5 of the Rules of the Board of Regents were amended to provide for a waiver from the requirement that at least one observation/school visit be conducted by one or more impartial independent trained evaluators selected and trained by the district for rural school districts or school districts with only one registered school pursuant to §100.18 of the Commissioner's regulations that, due to the size and limited resources of the school district, is unable to obtain an independent evaluator within a reasonable proximity without an undue burden. Where a waiver has been granted, the district must instead conduct such observations/school visits utilizing one or more evaluators selected and trained by the district.

For additional information on New York State's evaluation system, including information on the Commissioner's regulations, see the New York State Education Department website at https://www.nysed.gov/educator-quality/new-york-state-evaluation-system.

2.0 SPECIFICATIONS

2.1 ELIGIBLE APPLICANTS

This application is for those LEAs or a consortium of LEAs[3] requesting a variance to use a teacher and/or principal practice rubric other than those rubrics on the Department's Approved List for use in the Teacher Observation/Principal School Visit category of the APPR.

2.2 TYPES OF VARIANCES AND APPROVAL PERIOD

LEAs[4] can request a variance to use: (1) an existing rubric (i.e., a rubric that is already in use by the LEA) that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's Approved List; or (2) a new, innovative rubric that will support their professional capacity to successfully implement teacher and principal evaluations. If an LEA's variance application is approved, the LEA may use the practice rubric to implement teacher and principal evaluations in accordance with Education Law §3012-d, as amended.

Existing Rubric

If applying to use an existing rubric that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's *Approved List*, applicants must establish that the proposed rubric meets ALL of the approval criteria outlined in this application (see §3.6 of this application), and must also demonstrate:

- evidence that the LEA has made a significant investment in the rubric, particularly in training and implementation; AND
- evidence that the LEA has a history of using the rubric that would justify continued use of that rubric. This includes evidence that:
    - the LEA's use of the rubric, to date, has generated differentiated ratings and assessments of educator skill and proficiency; AND
    - the degree of differentiation in the ratings is justified by student achievement results.

In general, the Department discourages LEAs from making any adaptations to other providers' rubrics. Any change by an LEA to the content of a rubric on the Department's *Approved List* (including deletions, additions, or other edits) constitutes an adaptation for which a variance would be required.

[3] An application for a rubric variance may be made by an individual LEA or a consortium of LEAs including a group of individual school districts, BOCES, or a group of districts under a single BOCES. Where individual districts seek to apply as a consortium, the application should be made by a lead district with reference to other members of the consortium. Where component districts of a single BOCES wish to apply, the application should be made by the BOCES with reference to the component districts. **Please note that: 1) Acceptance of an application from a consortium of LEAs by SED will be made on a case-by-case basis; and 2) Acceptance of an application from a consortium of LEAs does not signify approval of the application itself.

[4] References to LEAs hereafter refers to either an individual LEA applicant or a consortium of LEAs.

The LEA is responsible for securing any necessary approvals or permissions from the rubric provider, prior to making any adaptations.

An LEA is NOT required to request a variance for procedural differences in implementation of a rubric on the Department's Approved List. Procedural differences include, but are not limited to:

- providing additional or more detailed guidance on how to implement the rubric that is not available from the original rubric provider; or
- maintaining all components of the rubric but choosing to emphasize certain components of the rubric over others.

The use of an existing rubric will be approved for a period of three years, at which time an LEA must request a renewal if they wish to continue to use the rubric. Details for the renewal process will be provided prior to the expiration date for all approved variances.

New, Innovative Rubric

If applying to use a new, innovative rubric that is newly developed, applicants must establish that the proposed rubric meets ALL of the approval criteria outlined in this application (see § 3.6 of this application), and must also provide:

- a training and implementation plan including, but not limited to, the LEA's plan for ensuring inter-rater reliability; AND
- a plan for collecting evidence that demonstrates:
    - the LEA's use of the rubric generates differentiated ratings and assessments of educator skill and proficiency; AND
    - the degree of differentiation in the ratings is justified by student achievement results.

The use of a new, innovative rubric will be provisionally approved for a two-year period, after which time an LEA must request a renewal, if they wish to continue to use the rubric. Details for the renewal process will be provided prior to the expiration date for all approved variances, but will require that the LEA provide the following information in order for the Department to consider renewal:

- evidence that the LEA's use of the rubric has supported its professional capacity to successfully implement teacher and principal evaluations (i.e., that the training and use of the new, innovative rubric has allowed the LEA to more efficiently or effectively evaluate teachers or principals than in the past); AND
- evidence that the LEA's use of the rubric has generated differentiated ratings and assessments of educator skill and proficiency, using rating categories that are aligned (or easily convertible) to NYSED's four rating categories; AND
- an analysis demonstrating that the degree of differentiation in the ratings is justified by student achievement results.

2.3 DISQUALIFICATION OF RUBRIC VARIANCES

Approval of a variance may be withdrawn for good cause, including, but not limited to, a determination made by the Commissioner that:

(i) The rubric is in noncompliance with one or more of the criteria for approval set forth in this variance application, or is in noncompliance with the Commissioner's regulations;

(ii) The rubric is not identifying meaningful and/or observable differences in performance levels across schools and classrooms; and/or

(iii) High-quality research calls into question the correlation between high performance on this rubric and positive student learning outcomes.

2.4 RESERVATION OF RIGHTS

NYSED reserves the right to: (1) reject any or all applications received in response to the RFQ; (2) withdraw the RFQ at any time, at the agency's sole discretion; (3) disqualify any provider whose conduct and/or application fails to conform to the requirements of the RFQ and/or any applicable laws or regulations; (4) seek clarifications of applications; (5) use application information obtained through the State's investigation of a provider's qualifications, experience or ability, and any material or information submitted by the provider in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFQ; (6) during the application period, amend the RFQ specifications to correct errors or oversights, or to supply additional information, as it becomes available; (7) during the application period, direct providers to submit application modifications addressing subsequent RFQ amendments; (8) change any of the scheduled dates; (9) waive any requirements that are not material; (10) negotiate with the successful provider within the scope of the RFQ in the best interests of the state; (11) require clarification at any time during the qualification process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a provider's application and/or to determine a provider's compliance with the requirements of the RFQ.

2.5 APPROVAL PERIOD OF VARIANCE

A teacher or principal practice rubric that is approved under this RFQ is approved for use over a maximum of three (3) school years for an existing rubric and two (2) years for a new and innovative rubric. On a showing by the LEA of the effectiveness of the instruments as tools for evaluation, the variance can be renewed for a period of up to five (5) years. On a similar showing of effectiveness, further renewals can be granted for the same period.

3.0 APPLICATION PROCEDURES

3.1 APPLICATION TIMELINE

All applicants shall submit **all required** materials; an application will not be considered unless all required documentation is received.

DUE DATE: CONTINUOUS AND ONGOING

Submissions received will be reviewed on a continuous and ongoing basis. When received, the Department will electronically confirm receipt of a submitted application. It is anticipated that reviews will be completed and notification to the applicant will be sent within 8 weeks from the time of receipt.

3.2 APPLICATION SUBMISSION METHOD

Acceptable Submission Method

Applicants may either:

1. Submit electronically by emailing an application packet containing a copy of the **full application** in Microsoft Office (.doc(x), .xls(x), .ppt(x)) and/or portable document format (.pdf). Also, if possible, include a single PDF containing all application materials / appendices / attachments to Rubricvar@nysed.gov; or
2. Address or hand-deliver an application packet containing:
    1. **one original;**
    2. **one (1) electronic storage device** containing a copy of the application in Microsoft Word (.doc), Rich Text (.rtf), Portable Document Format (.pdf), or other standard text (.txt) format. Also, if possible, include a single PDF containing all application materials / appendices / attachments to the following address:

New York State Education Department
Office of Educator Quality & Professional Development
360 EBA
89 Washington Ave
Albany, NY 12234
ATTENTION: TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE

Any questions concerning this variance application must be emailed to Rubricvar@mail.nysed.gov.

3.3 APPLICATION PACKAGE FORMAT

- An LEA seeking variances for multiple rubrics must submit a completed, separate application for **each**.
- All information should be submitted in the order indicated on the forms and in the instructions.
- Type size should be no smaller than 12 point.
- Limit Part II of the narrative in Form B to 10 single-sided pages with minimum margins of 1.0 inches all around.

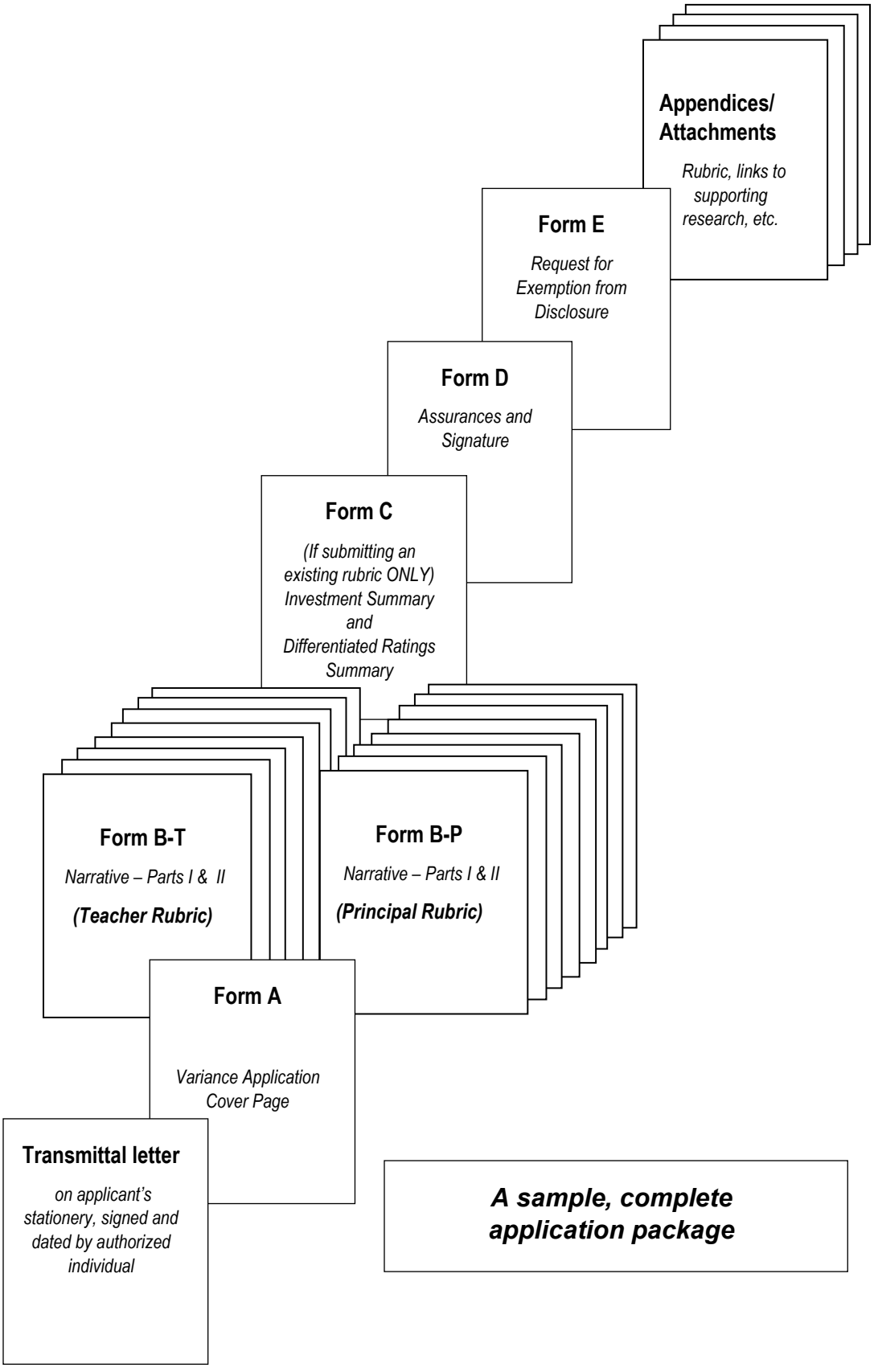
3.4 APPLICATION PACKAGE CHECKLIST

Submitted?	Component	Requirement/Format
☐	**Transmittal Letter**	An authorized individual must write a brief **Transmittal Letter,** to formally submit/transmit the application and other materials, on behalf of the applying entity, to the New York State Education Department. The transmittal letter must be signed and dated by the authorized individual in blue ink.[5]
☐	**FORM A**	The applicant must complete an **Application Cover Page**.
☐	**FORM B-T (TEACHER PRACTICE RUBRIC) OR FORM B-P (PRINCIPAL PRACTICE RUBRIC)**	The applicant must submit a **Narrative (Parts I and II)**.
☐	**FORM C**	If submitting an application for an existing rubric, the applicant must complete an **Investment Summary and Differentiated Ratings Summary**.
☐	**FORM D**	The applicant must complete the **Assurances and Signatures page**.
☐	**FORM E**	The applicant should complete a **Request for Exemption** from Disclosure Pursuant to the Freedom of Information Law, for any proprietary information.
☐	**Appendices/Attachments**	The applicant must provide appropriate Appendices/Attachments. • A **copy** of the practice rubric for which a variance is requested. • Supporting documentation (e.g., graphs or charts demonstrating student achievement; links to supporting research for the rubric's development; etc.).

[5] The Transmittal Letter for a submission from a consortium of LEAs should contain a complete list of the members of the consortium, including the name of the Chief Officer of each consortium member.

3.5 APPLICATION PACKAGE SAMPLE

A sample complete application package might look like the following (see illustration below):



3.6 APPLICATION REVIEW AND SCORING PROCESS

General Review and Scoring Process

Applications will each be independently reviewed and evaluated by two members of the Evaluation Committee using the criteria specified in this application. Applicant responses on Form B of the Variance Application will be used to determine the LEA's adherence to the established approval criteria. A Variance Application will be approved only if the application meets ALL the criteria in Part I and Part II.

In cases where the two reviewers do not reach consensus as to whether an application meets the Part I and/or Part II criteria, a third reviewer will review the Part(s) on which there is disagreement and the majority determination will govern.

I. Review and Scoring of Teacher Practice Rubric Variance Applications (Form B-T)

Applications to use a **teacher practice rubric** will be reviewed and scored as outlined below.

i. Applications must meet all of the criteria in Part I (i.e., receive a "Yes" to each of the approval criteria) in order to be considered further in the review process. Failure to provide satisfactory evidence in Part I will result in a rejection of the application and a denial of the variance request.

Part I

Question Category	Expectations for Responses
(Tables 1.1 and 1.2 – see Form B-T)	Statement is clear and thorough and responds to each criterion. For each established criterion, the application will be scored as follows: Yes – Rubric demonstrates the established criterion No – Rubric does not demonstrate the established criterion

ii. Applications that receive a "Yes" rating for each criterion in Part I will then be reviewed and scored in Part II as outlined below.

Existing Rubric

For each established criterion, the application will be scored as follows:

Yes – Applicant response demonstrates the established criterion
No – Applicant response does not demonstrate the established criterion

Part II

Question Category	Expectations for Responses
Information about the rubric (Question #1)	a. The LEA provides a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving teaching practices and student learning. If requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, the LEA specifies what adaptations have been made to the Department-approved rubric, including a justification for the adaptations. b. The LEA describes its history of having used the submitted rubric for one or more of the following purposes: evaluations; planning for differentiated professional development; and/or employment decisions, including, but not limited to promotion, retention, tenure determinations, termination, and supplemental compensation.
Significant investment in the rubric (Question #2 and Form C)	The LEA provides evidence of its investment in the submitted rubric, including, but not limited to, investments of money and staff time in developing or procuring the rubric, training educators to effectively use the rubric, actual use of the rubric, and analysis and application of the resulting ratings. The LEA includes details regarding budget expenditures and training and implementation that have occurred to date (e.g.., training timeframes, methodologies, providers, targeted audiences, etc.), including calibration of evaluators to ensure inter-rater reliability and effective use of the rubric.
History of use that justifies continuation (Question #3 and Form C)	The LEA provides: a. Evidence that its use of the rubric, to date, has generated differentiated ratings and assessments of educator skill and proficiency. This evidence shall: • use rating categories that are aligned (or easily convertible) to NYSED's four rating categories; • include at least one year of data showing the number and percentage of educators assigned to each score category. AND b. An analysis that demonstrates that the distribution of teachers in different levels of proficiency is justified by student achievement results.

New, Innovative Rubric

For each established criterion, the application will be scored as follows:

Yes – Applicant response demonstrates the established criterion
No – Applicant response does not demonstrate the established criterion

Part II

Question Category	Expectations for Responses
Information about the rubric (Question #1)	a. The LEA provides a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving teaching practices and student learning. b. The LEA identifies research and/or literature on change processes, school improvement, adult learning, and development, and/or best practices in teaching and learning that informed the identification of existing gaps in current rubrics and the development of the submitted rubric as a new, innovative tool. The LEA explains how the submitted rubric is innovative.
Plan for training and implementation (Question #2)	The LEA provides a training and implementation plan that addresses the following: • training timeframes, methodologies, providers, targeted audiences; • allocation of resources such as time, money, personnel; • training to calibrate evaluators; • mechanisms that will be used to monitor implementation and inform any necessary mid-course adjustments; • plan for monitoring evaluators' use of the rubric, to ensure ongoing inter-rater reliability and inform any needed additional calibration training.
Plan for collecting evidence (Question #3)	The LEA describes its plan for collecting evidence to demonstrate: a. that the use of the teacher practice rubric generates differentiated ratings and assessments of educator skill and proficiency by using rating categories that are aligned (or easily convertible) to NYSED's four rating categories; AND b. that the distribution of teachers in different levels of proficiency is justified by student achievement results; AND c. that the use of the teacher practice rubric cultivates continual professional growth and/or achievement of effective teaching practices that are directly relevant to improving student learning.

II. Review and Scoring of Principal Practice Rubric Variance Applications (Form B-P)

Applications to use a **principal practice rubric** will be reviewed and scored as outlined below.

i. Applications must meet all the criteria in Part I (i.e., receive a "Yes" to each of the 8 approval criteria), in order to be considered further in the review process. Failure to provide satisfactory

evidence in Part I will result in a rejection of the application and a denial of the variance request.

Part I

Question Category	Expectations for Responses
(Tables 1.3 and 1.4 – see Form B-P)	Statement is clear and thorough and responds to each criterion. For each established criterion, the application will be scored as follows: Yes – Rubric demonstrates the established criterion No – Rubric does not demonstrate the established criterion

ii. Applications that receive a "Yes" rating for each criterion in Part I will then be reviewed and scored in Part II as outlined below.

Existing Rubric

For each established criterion, the application will be scored as follows:

Yes – Applicant response demonstrates the established criterion
No – Applicant response does not demonstrate the established criterion

Part II

Question Category	Expectations for Responses
Information about the rubric (Question #1)	a. The LEA provides a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving leadership practices and student learning. If requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, the LEA specifies what adaptations have been made to the Department-approved rubric, including a justification for the adaptations. b. The LEA describes its history of having used the submitted rubric for one or more of the following purposes: evaluations; planning for differentiated professional development; and/or employment decisions, including, but not limited to promotion, retention, tenure determinations, termination, and supplemental compensation.
Significant investment in the rubric (Question #2 and Form C)	The LEA provides evidence of its investment in the submitted rubric, including, but not limited to, investments of money and staff time in developing or procuring the rubric, training educators to effectively use the rubric, actual use of the rubric, and analysis and application of the resulting ratings. The LEA includes details regarding budget expenditures and training and implementation that have occurred to date (e.g.., training timeframes, methodologies, providers, targeted audiences, etc.), including calibration of evaluators to ensure inter-rater reliability and effective use of the rubric.

Question Category	Expectations for Responses
History of use that justifies continuation (Question #3 and Form C)	The LEA provides: a. Evidence that its use of the rubric, to date, has generated differentiated ratings and assessments of educator skill and proficiency. This evidence shall: • use rating categories that are aligned (or easily convertible) to NYSED's four rating categories; • include at least one year of data showing the number and percentage of educators assigned to each score category. AND b. An analysis that demonstrates that the distribution of principals in different levels of proficiency is justified by student achievement results.

New, Innovative Rubric

For each established criterion, the application will be scored as follows:

Yes – Applicant response demonstrates the established criterion
No – Applicant response does not demonstrate the established criterion

Part II

Question Category	Expectations for Responses
Information about the rubric (Question #1)	a. The LEA provides a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving principal leadership practices and student learning. b. The LEA identifies research and/or literature on change processes, school improvement, adult learning, and development, and/or best practices in leading, teaching, and learning that informed the identification of existing gaps in current rubrics and the development of the submitted rubric as a new, innovative tool. The LEA explains how the submitted rubric is innovative.
Plan for training and implementation (Question #2)	The LEA provides a training and implementation plan that addresses the following: • training timeframes, methodologies, providers, targeted audiences; • allocation of resources such as time, money, personnel; • training to calibrate evaluators; • mechanisms that will be used to monitor implementation and inform any necessary mid-course adjustments; AND

Question Category	Expectations for Responses
	• plan for monitoring evaluators' use of the rubric, in order to ensure ongoing inter-rater reliability and inform any needed additional calibration training.
Plan for collecting evidence (Question #3)	The LEA describes its plan for collecting evidence to demonstrate: a. that the use of the principal practice rubric generates differentiated ratings and assessments of educator skill and proficiency that are aligned (or easily convertible) to the NYSED's four rating categories; AND b. that the distribution of principals in different levels of proficiency is justified by student achievement results; AND c. that the use of the principal practice rubric cultivates continual professional growth and/or achievement of effective leadership practices that are directly relevant to improving student learning.

4.0 VARIANCE APPLICATION

The Variance Application, which will be reviewed by the New York State Education Department Evaluation Committee, is described below.

The Variance Application is divided into six sections:

Section I - Variance Application – Cover Page *(Form A)*

In this section, the applicant shall identify the nature of the variance request and the practice rubric being submitted.

Section II - Teacher and Principal Practice Rubric Narrative *(Form B-T or B-P)*

In this section, the applicant shall describe in detail the nature of the teacher and/or principal practice rubric, the rationale for requesting a variance, training and implementation, and evidence of differentiated ratings and/or a plan for collecting such evidence. Applicants need to complete Parts I and II.

Teacher Practice Rubric:

If requesting a variance to use an existing teacher practice rubric that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's *Approved List* or a rubric that is new and innovative, complete **Form B-T.**

Principal Practice Rubric:

If requesting a variance to use an existing principal practice rubric that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's *Approved List* or a rubric that is new and innovative, complete **Form B-P.**

Section III - Investment Summary and Differentiated Ratings Summary *(Form C)*

If the application is for an **EXISTING RUBRIC**, the applicant shall complete an **Investment Summary and Differentiated Ratings Summary** which includes information about total expenditures by year associated with training and implementation of the rubric, the number and percentage of trained evaluators by

category, and a differentiated ratings summary that shows the number and percent of teachers or principals rated in each category per year.

Section IV - Assurances and Signature Page *(Form D)*

The applicant shall complete an Assurances and Signature page which must be signed and dated by an authorized individual.

Section V - Request for Exemption from Disclosure Pursuant to the Freedom of Information Law *(Form E)*

The applicant must complete an **Assurances and Signature page**, which must be signed and dated by an authorized individual.

Section VI - Appendices/Attachments

The applicant shall provide a copy of the rubric as part of their variance application. The applicant shall also provide any supporting documentation that has been requested in this variance application or that has been referenced in the completed application.

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE

Section I. Variance Application - Cover Page

Name of Entity[6]	
Address[7]	
City, State Zip	
Phone	
Fax	
E-mail	
Name and Title of Authorized Contact	
Address (if different from above)	
City, State Zip	
Phone	
Fax	
E-mail ***(REQUIRED)***	
Tax I.D. Number	
If your variance request is approved, what is the first year of implementation using the submitted rubric?	

[6] In the case of a consortium, list the lead LEA first and then all other component LEAs.

[7] In the case of a consortium, list the address and all other contact information for the lead LEA here.

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE

Variance Application - Cover Page

STEP 1: Please check the most appropriate category:

☐	This is an application for a variance to use an **existing rubric** that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's *Approved List*. ***Please select one of the following:*** ☐ Self-developed rubric ☐ Rubric developed by a third party ☐ Adaptation of a Department-approved rubric
☐	This is an application for a variance to use a **new, innovative rubric**.

STEP 2: Please check the most appropriate category:

☐	This is a **Teacher Practice Rubric** for all applicable teacher evaluation criteria.
☐	This is a **Principal Practice Rubric** for all applicable principal evaluation criteria.

A full application with all required materials (including this cover page) shall be submitted for **each*** rubric. **Your rubric must be attached in the Appendix section of your submission.**

* **A separate application must be submitted for each rubric for which a variance is requested.**

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

Section II. Teacher and Principal Practice Rubric Narrative

TEACHER PRACTICE RUBRIC NARRATIVE - PART I

Please be advised that your responses will be thoroughly reviewed and evaluated based on the criteria articulated in the application instructions. We strongly encourage you to be as complete and detailed as possible in your responses. If you are attaching supporting documentation, please do not simply indicate "see attached" in the response fields; provide a summary of why the supporting documentation is necessary and the specific page numbers you are referring to.

Table 1.1

New York State Teaching Standards	Domain	My rubric covers the Domain (Yes or N/A):	Please thoroughly describe any evidence to support your rubric's alignment with the categories listed. If your rubric does not align with the category listed, please indicate "N/A."
I.	Knowledge of Students and Student Learning	Please select:	
II.	Knowledge of Content and Instructional Planning	Please select:	
III.	Instructional Practice	Please select:	
IV.	Learning Environment	Please select:	
V.	Assessment for Student Learning	Please select:	
VI.	Professional Responsibilities and Collaboration	Please select:	
VII.	Professional Growth	Please select:	
	Student Learning Outcomes	Please select:	
	"Other"	Please select:	

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

TEACHER PRACTICE RUBRIC
NARRATIVE - PART I

Table 1.2

Approval Category	Approval Criteria *My rubric:*	My rubric covers the following (Yes or N/A):	Please thoroughly describe any evidence to support your rubric's alignment with the categories listed. If your rubric does not align with the category listed, please indicate "N/A."
Alignment with Overall New York State Evaluation System	broadly covers the New York State Teaching Standards, and its related elements.	Please select:	
	is grounded in research about teaching practice that supports positive student learning outcomes.	Please select:	
	has four performance ratings categories.	Please select:	
	does not have four levels that match the rating categories of highly effective, effective, developing, and ineffective, but the rubric's summary ratings are easily convertible to the four rating categories that New York State has adopted.	Please select:	
	clearly defines the expectations for each rating category. The Highly Effective and Effective rating categories must encourage excellence beyond a minimally acceptable level of effort or compliance.	Please select:	

	is applicable to all grades and subjects or, is designed explicitly for specific grades/subjects as indicated herein.	Please select:	
Ease of Implementation	uses clear and precise language that facilitates common understanding among teachers and administrators.	Please select:	
	is specifically designed to assess the classroom effectiveness of teachers.	Please select:	
	to the extent practicable, relies on specific, discrete, observable, and/or measurable behaviors by students and teachers in the classroom with direct evidence of student engagement and learning.	Please select:	
	includes descriptions of any specific training and implementation details that are required for the rubric to be effective.	Please select:	

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

TEACHER PRACTICE RUBRIC
NARRATIVE - PART II

I. If requesting a variance to use an **existing teacher practice rubric** (self-developed, developed by a third party, or an adaptation of a Department-approved rubric), respond to the following questions.

Information about the rubric:

1. a. Provide a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving teaching practices and student learning. In addition, if requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, specify what adaptations have been made to the Department-approved rubric, including a justification for the adaptations.

   b. Describe the LEA's history of using the submitted rubric for one or more of the following purposes: evaluations; planning for differentiated professional development; and employment decisions, including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation.

Significant investment in the rubric:

2. Provide evidence of the LEA's investment in the submitted rubric, including, but not limited to, investments of money and staff time in developing or procuring the rubric, training educators to effectively use the rubric, actual use of the rubric, and analysis and application of the resulting ratings. Include in your response details regarding budget expenditures and the LEA's training and implementation that have occurred to date (e.g., training timeframes, methodologies, providers, targeted audiences, etc.), including calibration of educators, in order to ensure inter-rater reliability and effective use of the rubric. Use Form C, to detail expenditures and rating summary and include additional information, if necessary.

History of use that justifies continuation:

3. a. Provide evidence that the use of the submitted rubric to date has generated differentiated ratings and assessments of teacher skill and proficiency. This evidence uses the rating categories that are aligned (or easily convertible) to NYSED's four rating categories and includes **at least one year of data** showing the number and percentage of educators assigned to each score category.

   b. Provide an analysis that demonstrates that the distribution of teachers in different levels of proficiency is justified by student achievement results.

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

TEACHER PRACTICE RUBRIC
NARRATIVE - PART II

II. If requesting a variance to use a **new, innovative teacher practice rubric**, respond to the following questions.

Information about the rubric:

1. a. Provide a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving teaching practices and student learning.
   b. Identify research and/or literature on change processes, school improvement, adult learning, and development, and/or best practices in teaching and learning that informed the identification of existing gaps in current rubrics and the development of the submitted rubric as a new, innovative tool. Explain how the submitted rubric is innovative.

> *Example of a response describing how the submitted rubric is innovative:*
>
> Our district works with experts at Tripod who provided us with a student survey that the Measures of Effective Teaching (MET) project has shown to be predictive of teacher value-added results. We have also engaged with a professor from our local University's teacher preparation program (an expert in the curriculum and instruction field) and a team of district educators to devise and field test a rubric that matches the most predictive indicators from the MET student survey to the related elements in the NYS teaching standards and have built a 4-point HEDI rubric around each element. The rubric is much shorter than most of the ones commonly used today and though it was developed for classroom observation, field tests that have already been conducted show promising differentiation among teachers, and both principals and teachers say it is understandable and the results give valuable, actionable feedback. With the included data, we show how this rubric meets the criteria in the variance application and we present a 2-year plan to pilot the rubric more broadly in order to gather data for full approval.

Plan for training and implementation:

2. Provide a training and implementation plan that addresses the following:
   - training timeframes, methodologies, providers, and targeted audiences;
   - allocation of resources such as time, money, personnel;
   - training to ensure consistency and accuracy of evaluators;
   - mechanisms that will be used to monitor implementation and inform any necessary mid-course adjustments; AND
   - plan for monitoring evaluators' use of the rubric to ensure ongoing inter-rater reliability and inform any needed additional calibration training.

Plan for collecting evidence:

3. Describe the LEAs[8] plan for collecting evidence to demonstrate:

[8] In the case of consortium applications, the lead applicant should include a description of any data sharing agreements and/or other processes that will be used with participating LEAs to share and protect personally identifiable information.

a. that the use of this teacher practice rubric generates differentiated ratings and assessments of educator skill and proficiency that are aligned (or easily convertible) to the NYSED's four rating categories;
b. that the distribution of teachers in different levels of proficiency is justified by student achievement results; AND
c. that the use of this teacher practice rubric cultivates continual professional growth and/or achievement of effective teaching practices that are directly relevant to improving student learning.

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

PRINCIPAL PRACTICE RUBRIC
NARRATIVE - PART I

Please be advised that your responses will be thoroughly reviewed and evaluated based on the criteria articulated in the application instructions. We strongly encourage you to be as complete and detailed as possible in your responses. If you are attaching supporting documentation, please do not simply indicate "see attached" in the response fields; provide a summary of why the supporting documentation is necessary and the specific page numbers you are referring to.

Table 1.3

PSEL 2015 NYS Version Standards	**Domain** *To promote the success of every student, the educational leader will:*	**My rubric covers the following (Yes or N/A):**	**Please thoroughly describe any evidence to support your rubric's alignment with the categories listed. If your rubric does not align with the category listed, please indicate "N/A."**
1.	develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student;	Please select:	
2.	act ethically and professionally and according to professional norms to promote each student's academic success and well-being;	Please select:	
3.	strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being;	Please select:	
4.	develop and support intellectually rigorous, culturally relevant, and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being;	Please select:	

5.	cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student;	Please select:	
6.	develop the professional capacity and practice of school personnel to promote each student's academic success and well-being;	Please select:	
7.	foster a professional community of teachers and other professional staff to promote each student's academic success and well-being;	Please select:	
8.	engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being;	Please select:	
9.	manage school operations and resources to promote each student's academic success and well-being; and	Please select:	
10.	act as agents of continuous improvement to promote each student's academic success and well-being.	Please select:	

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

PRINCIPAL PRACTICE RUBRIC
NARRATIVE - PART I

Table 1.4

Approval Category	**Approval Criteria** *My rubric:*	**My rubric covers the following (Yes or N/A):**	**Please thoroughly describe any evidence to support your rubric's alignment with the categories listed. If your rubric does not align with the category listed, please indicate "N/A."**
Alignment with Overall New York State Evaluation System	Aligns to the 2015 PSEL Standards (New York Version) and its related domains and elements.	Please select:	
	is grounded in research about leadership practice that supports positive student learning outcomes.	Please select:	
	has four performance rating categories.	Please select:	
	does not have four levels that match the rating categories of highly effective, effective, developing, and ineffective, but the rubric's summary ratings are easily convertible to the four rating categories that New York State has adopted.	Please select:	
	clearly defines the expectations for each rating category. The Highly Effective and Effective rating categories encourage excellence beyond a minimally acceptable level of effort or compliance.	Please select:	
Ease of Implementation	uses clear and precise language that facilitates common understanding	Please select:	

	between building principals and their evaluators.		
	is specifically designed to assess the effectiveness of school leaders.	Please select:	
	to the extent practicable, relies on specific, discrete, observable, and/or measurable behaviors by principals and their staff and students.	Please select:	
	includes descriptions of any specific training and implementation details that are required for the rubric to be effective.	Please select:	

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

PRINCIPAL PRACTICE RUBRIC
NARRATIVE - PART II

I. If requesting a variance to use an **existing principal practice rubric** (self-developed, developed by a third party, or an adaptation of a Department-approved rubric), respond to the following questions.

Information about the rubric:

1. a. Provide a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving principal leadership practices and student learning. In addition, if requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, specify what adaptations have been made to the Department-approved rubric, including a justification for the adaptations.

   b. Describe the LEA's history of using the submitted rubric for one or more of the following purposes such as evaluations; planning for differentiated professional development; and/or employment decisions, including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation.

Significant investment in the rubric:

2. Provide evidence of the LEA's investment in the submitted rubric, including, but not limited to, investments in money and staff time in developing or procuring the rubric, training educators to effectively use the rubric, actual use of the rubric, and analysis and application of the resulting ratings. Include in your response details regarding budget expenditures and the LEA's training and implementation that have occurred to date (e.g., training timeframes, methodologies, providers, targeted audiences, etc.), including calibration of educators, in order to ensure inter-rater reliability and effective use of the rubric. Use Form C, to detail expenditures and rating summary and include additional information, if necessary.

History of use that justifies continuation:

3. a. Provide evidence that the submitted rubric to date has generated differentiated ratings and assessments of principal skill and proficiency. This evidence uses the rating categories that are aligned (or easily convertible) to NYSED's four rating categories and includes **at least one year of data** showing the number and percentage of educators assigned to each score category.

   b. Provide an analysis that demonstrates that the distribution of principals in different levels of proficiency is justified by student achievement results.

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION
PRINCIPAL PRACTICE RUBRIC
NARRATIVE - PART II

II. If requesting a variance to use a **new, innovative principal practice rubric**, respond to the following questions.

Information about the rubric:

1. a. Provide a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving principal leadership practices and student learning.

   b. Identify research and/or literature on change processes; school improvement; adult learning and development; and/or best practices in leading, teaching and learning that informed the identification of existing gaps in current rubrics and the development of the submitted rubric as a new, innovative tool. Explain how the submitted rubric is innovative.

Plan for training and implementation:

2. Provide a training and implementation plan that addresses the following:
   - training timeframes, methodologies, providers, and targeted audiences;
   - allocation of resources such as time, money, personnel;
   - training to ensure consistency and accuracy of evaluators;
   - mechanisms that will be used to monitor implementation and inform any necessary mid-course adjustments; AND
   - plan for monitoring evaluators' use of the rubric, in order to ensure ongoing inter-rater reliability and inform any needed additional calibration training.

Plan for collecting evidence:

3. Describe the LEA's plan for collecting evidence[9] to demonstrate:
   a. that the use of this principal practice rubric generates differentiated ratings and assessments of educator skill and proficiency that are aligned (or easily convertible) to the NYSED's four rating categories; AND
   b. that the distribution of principals in different levels of proficiency is justified by student achievement results; AND
   c. that the use of this principal practice rubric cultivates continuous professional growth and/or achievement of effective leadership practices that are directly relevant to improving student learning.

[9] In the case of consortium applications, the lead applicant should include a description of any data sharing agreements and/or other processes that will be used with participating LEAs to share and protect personally identifiable information.

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION
Section III. Investment Summary and Differentiated Ratings Summary

TOTAL EXPENSES ASSOCIATED WITH YEARLY TRAINING

School year	Total cost of training ($ - total spent per year)	Cost of training one person (if known)

NUMBER OF TRAINED EVALUATORS BY CATEGORY

Category of evaluator	Number of people trained	% of people trained (e.g., percent of teachers who are trained, percent of principals who are trained, etc.)	Total number of hours of training received per evaluator	Number of educators who have been evaluated using this rubric	% of educators evaluated using this rubric
*Teacher**					
*Principal**					
District administrator					
Other (specify)					

*If a subpopulation of a category, please identify (e.g., elementary teachers 3-5; elementary principals, etc.)

DIFFERENTIATED RATINGS SUMMARY

School Year	Identify teacher or principal*	Distribution of ratings (total number/percent)			
		Highly Effective	Effective	Developing	Ineffective

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE

Section IV. Assurances and Signature

In submitting this application for consideration of a Teacher and/or Principal Practice Rubric Variance by the NYS Education Department and to be included in the State Education Department's Teacher and Principal Practice Rubric Service Provider list, I certify that:

1. The organization will comply with all applicable Federal, State, and local health, safety, and civil rights laws.
2. All individuals employed by or otherwise associated with the organization, who will have direct contact with eligible teachers, principals, or students, will be subject to all of the fingerprint and criminal history record check requirements contained in law, including, Education Law §§305(30), 1125(3), 1604(39), 1604(40), 1709(39), 1709(40), 1804(9), 1804(10), 1950(4)(ll), 1950(4)(mm), 2503(18), 2503(19), 2554(25), 2554(26), 2590-h (20), 2854(3)(a-2), 2854(3)(a-3), 3035 and Part 87 of the regulations of the Commissioner of Education.
3. All instruction and content will be secular, neutral, and non-ideological.
4. All instruction and content provided to LEA's will be aligned to the applicable professional standards of practice for teachers and/or principals, including, but not limited to, the New York State Teaching Standards, 2015 PSEL Leadership standards (New York Version), New York State Education Law, and the Commissioner's regulations.
5. The organization is fiscally sound and will be able to complete services to the eligible local educational agency.

The undersigned hereby certifies that I am an individual authorized to act on behalf of the organization in submitting this application and assurances. I certify that all of the information provided herein is true and accurate, to the best of my knowledge. I understand that, if any of the information contained herein is found to have been deliberately misrepresented, that may constitute grounds for denying the applicant's request for approval to be placed in the list of Teacher and Principal Practice Rubric Service Providers or for removal from that same list. I further certify that the organization will comply with all of the assurances set forth herein.

1. Name of Organization (PLEASE PRINT/TYPE)	4. Signature of Authorized Representative| (PLEASE USE **BLACK/BLUE** INK)
2. Name of Authorized Representative (PLEASE PRINT/TYPE)	5. Date Signed
3. Title of Authorized Representative (PLEASE PRINT/TYPE)	

Section V. Request for Exemption from Disclosure Pursuant to the Freedom of Information Law

New York State Public Officers Law, Article 6 (Freedom of Information Law) requires that each agency shall make available all records maintained by said agency, except that agencies may deny access to records or portions thereof that fall within the scope of the exceptions listed in Public Officers Law §87(2).

Any proprietary materials submitted as part of, or in support of, an applicant's proposal, which applicant considers confidential or otherwise excepted from disclosure under the Freedom of Information Law, must be specifically so identified, and the basis for such confidentiality or other exception must be specifically set forth.

Please list **all** such documents for every portion of the proposal on the form below and include a copy of this document with each separate portion of the proposal (technical, cost, appendices). Materials which are not indicated below may be released in their entirety upon request without notice to you.

According to law, the entity requesting exemption from disclosure has the burden of establishing entitlement to confidentiality. Submission of this form does not necessarily guarantee that a request for exemption from disclosure will be granted. If necessary, NYSED will make a determination regarding the requested exemptions, in accordance with the process set forth in Public Officers Law §89(5).

Material for which Exemption is Requested	Location / Page Number(s)	Basis for Request