

THE CURRENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) EVALUATION SYSTEM FOR TEACHERS AND PRINCIPALS APPEARS IT'S ABOUT TO BE REPLACED

Hodgson Russ Education Alert
May 22, 2024

For a number of years, attempts have been made to replace the current system of evaluating classroom teachers and school principals. One bill (A9849), which as of this writing has passed both houses of the State Legislature and is now awaiting signature by the Governor, appears poised to become the new law on the subject.

These are the 10 things school districts need to know about this sweeping legislation:

1. Education Law Section 3020-b that currently calls for “[s]treamlined removal procedures for teachers (and principals) rated ineffective” would be repealed. Future disciplinary proceedings based on allegations of “incompetence” of teachers and principals would revert for action to the old Section 3020-a.
2. Regular substitute service would no longer require evaluation under the current “HEDI” APPR standard.
3. Successful HEDI performance ratings would no longer be required to achieve tenure.
4. A new section of the Education Law (§3012-e) would be added, creating the option for a collectively bargained APPR system, the product of which would be subject to review by the State Education Department.
5. Whether or not the current APPR option under Education Law Section 3012-d is replaced by a collectively bargained system, Section 3012-d will not be applicable to teacher and principal evaluations after the 2031-32 school year.
6. The withholding of State aid funds as a penalty for failure to comply with the current APPR filing requirements would be removed.
7. Teacher and principal ratings under any replacement evaluation system would still be releasable to the parents of students in a teacher’s classroom or a principal’s building.
8. Rating criteria under any replacement evaluation system would still require four levels.

Attorneys

Karl Kristoff

Jeffrey Swiatek

Practices & Industries

Education

THE CURRENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) EVALUATION SYSTEM FOR TEACHERS AND PRINCIPALS APPEARS IT'S ABOUT TO BE REPLACED

9. Collectively bargained appeal procedures through a grievance process would be authorized, but not required, under the new system.
10. As currently is the case, nothing in the new statute would affect the ability of a district to terminate a probationary employee for constitutionally permissible reasons.

As can be seen from the above, the passage of this legislation will present multiple challenges for collective negotiations, the retraining of evaluators, the processing of evaluations, and beyond. If you have any questions or concerns should this pending legislation become law, please contact [Jeffrey Swiatek](#), [Karl Kristoff](#), or any member of our [Education Law Practice](#).

Disclaimer

This client alert is a form of attorney advertising. Hodgson Russ LLP provides this information as a service to its clients and other readers for educational purposes only. Nothing in this client alert should be construed as, or relied upon, as legal advice or as creating a lawyer-client relationship.