
James Dexter
District Superintendent of Schools

TO: Chief School Officers
FROM: James P. Dexter
DATE: September 13, 2017
RE: Ad-Hoc Committee Recommendations Regarding Release of APPR Information to Parents/Guardians

In the 2012-2013 school year, the Superintendents in the BOCES put together an Ad Hoc committee to make recommendations about the new requirement that all districts inform parents/guardians of their right to obtain the composite rating and transitional rating, if applicable, for their child's current teacher(s). This memo outlines the recommendations of the Ad Hoc Committee, along with Girvin & Ferlazzo, who provided legal guidance to the committee. Although each district has the legal right to develop a separate plan, it was felt that it is in the best interest for each district to follow one regional plan.

As a reminder, Districts must post the right to obtain this information conspicuously. Based upon the advice from Girvin & Ferlazzo, such notification can be done via your regular/annual notifications that you send home to parents and/or in the school calendar or website. We have developed **the attached** recommended notice.

The Committee recommends that the APPR data will **only be available as of September 22nd and** thereafter, and will not be released prior to this date. The rationale for picking this date is as follows:

1. The growth score component is not released until late August.
2. Upon receipt of the growth scores, the first priority for administrators will be to calculate the composite rating, communicate the scores to the teachers/principals, and determine which teacher(s)/principal(s) need an improvement plan. Also, the opening of school is a busy time, with many priorities that are more critical in nature.
3. A release date of September 22nd will allow districts time to plan/open school, while also meeting the intent of the law, which is to provide parents with good and accurate information about their child(ren)'s teachers. **Note: September 22nd is the date that parents can request the data, not necessarily, the date that the information will be released.**

The committee determined that it would be useful to ask every district to use the same form for parents/guardians to request ratings. **We have developed the attached template form, which can be edited to fit your needs.** The form should be posted on your website on September 22nd for parents/guardians to access, complete, and to send to your designee(s). As such, each district will need to determine who they want to designate for this purpose. Larger districts may have more than one (i.e., building principals for teacher ratings), and likely, all districts will have a separate designee for obtaining principal ratings. The Committee recommended that the

designee(s) must be an administrator and should not be a secretary (although a secretary could have a role in scheduling appointments, verifying identity, etc.). The form will ask the parent/guardian to affirmatively list the rating(s) they would like to receive.

The completed form will be sent to the superintendent (or designee), who will verify that the individual requesting the information is entitled to the information (must be a parent or guardian), and only for those teachers/principal for which their child(ren) are assigned in the 2017-2018 school year. Each district will need to develop a process for confirming that the requestor is entitled to the information. **We have been advised that districts should not release information on any teacher/principal who is appealing their composite rating until such time that the appeal is resolved.**

Upon receipt of the request, a designated individual(s) from your staff will make an appointment for the parent/guardian to provide the composite rating and transitional rating, if applicable. The committee felt that the rating(s) should be released to the appropriate parent/guardian via a **1:1 meeting** with the designated administrator(s). **Note: based upon past discussions, and advice from G&F, the committee recommends that that building principals should not be required to release their own rating.** If the parent does not want to meet with the designated administrator, the data may be released via phone call, in the same manner as in person. Note: the law "authorizes a parent or legal guardian to receive such data in any manner, including by phone or in person and requires that they receive an oral or written explanation for the final quality ratings; and that they be offered opportunities to understand such ratings in the context of teacher evaluation and student performance." In order to assist with this process, the BOCES communication service, in consultation with our Teacher and Leader Development Service has developed the attached one page informational document about the APPR process. Districts do not have to use the BOCES flyer, but it does provide the necessary information about the APPR process. As part of the conversation with the parent/guardian, the designated administrator(s) will review information about the APPR process, and subsequently, **will verbally provide the requested score(s) and quality rating.** The law requires that the district provide the composite rating. **No additional information should be provided. Please note the law contemplates providing this information in person or by phone.** We see potential problems releasing this information in writing, and especially via a portal or e-mail, as the district will not be able to guarantee that only the appropriate individuals are receiving the data. **Note: some in the state argue that a parent can request this data in any form. If you are unsure how you want to proceed, you may want to check with your counsel; however, our recommendation is that in person or by phone is still preferred.**

On a side note, a question was raised as to the responsibility of the districts to inform teachers/principals if a parent/guardian has requested data. The general feeling of the committee is that there is certainly no problem letting teachers/principals know if they ask, but districts may want to avoid any requirement or contract language that they inform teachers/principals when data on them have been released.

Lastly, the Committee discussed the concept about whether or not Board members have access to APPR composite ratings. Technically, the answer is no, unless the rating is necessary as part of some type of a decision (i.e., tenure decision, decision to pursue charges etc.). Also, the law does allow Board members to request that the Superintendent bring a particular personnel folder into an executive session for a review. Bottom line, the law about Board member access to personnel information has not changed; therefore, I recommend that you work with your counsel, should you have specific questions. **There are some attorneys with differing opinions on this; however, the advice from G&F has not changed.**

Attachments (3)