



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

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January 12, 2021

APPR Plan - Variance

Peggy O'Shea, Superintendent
Cohoes City School District
7 Bevan St.
Cohoes, NY 12047

Dear Superintendent O'Shea:

Congratulations. I am pleased to inform you that your Annual Professional Performance Review (APPR) plan variance application meets the criteria outlined in section 30-3.16 of the Rules of the Board of Regents and has been approved. As a reminder, we are relying on the information you provided in your variance application, including the narrative descriptions, certifications, and assurances that are included in the application. During the approved term of this variance, your LEA will implement the variance along with all other remaining provisions of your approved APPR plan. If any material changes are made to your approved plan and/or the terms of your approved variance, your LEA must submit such material changes to us for approval. Please see the attached notes for further information.

Please be advised that, pursuant to Education Law §3012-d, the Department will be analyzing data supplied by districts, BOCES, and/or schools and may order a corrective action plan if there are unacceptably low correlation results between the Student Performance category and the Teacher Observation or Principal School Visits category, and/or if the teachers' or principals' overall ratings and subcomponent scores show little differentiation across educators and/or the lack of differentiation is not justified by equivalently consistent student achievement results, and/or if schools or districts show a pattern of anomalous results in the Student Performance category and/or the Observation/School Visits category.

The New York State Education Department and I look forward to continuing our work together, with the goal of ensuring that every school has world-class educators in the classroom, every teacher has a world-class school leader to support their professional growth, and every student achieves success.

Thank you again for your hard work.

Sincerely,

Betty A. Rosa
Interim Commissioner

Attachment

c: Anita Murphy

NOTE:

Only documents that are incorporated by reference in your APPR variance application have been reviewed and are considered as part of your approved APPR variance application; therefore, any supplemental documents such as memorandums of agreement or understanding that were uploaded with your APPR variance application but are not incorporated by reference have not been reviewed. However, the Department reserves the right to review the uploaded attachments at any time for consistency with your APPR plan and/or to ensure compliance with applicable laws and regulations; and as a result of such review, the Department may reject your APPR plan or variance and/or require corrective action.

Pursuant to section 30-3.16 of the Rules of the Board of Regents, please note that an LEA with an approved variance shall provide to the Department, upon its request, any documentation related to the implementation and efficacy of the approach proposed in the variance, including but not limited to: reports on the correlation in assigned ratings for different measures of the LEA's evaluation system and differentiation among educators within each subcomponent and category of the evaluation system

Your variance is approved for the 2020-21 school year. Because you requested this variance to address issues related to COVID-19, the approval of this variance for any future school years (up to a three school year period) is contingent on the continuation of the current COVID-19 pandemic notwithstanding your request for this variance to apply in future school years. Upon expiration of state-imposed restrictions or emergency measures related to the pandemic, or abatement of the pandemic, it is expected that your variance will no longer be required. As such, SED may withdraw its approval of this variance for any subsequent school years or may require a separate application or other documentation for continuation of the variance in future school years. Upon expiration of the approved term of your variance, you must implement the terms of your current APPR plan as approved by the Commissioner.

Annual Professional Performance Review - Variance, Education Law §3012-d**Task 1. General Information - General Information****Annual Professional Performance Review Variance (Education Law 3012-d)**

For guidance related to the Annual Professional Performance Review variance, see NYSED APPR Guidance.

At its October 2019 meeting, the Board of Regents amended sections 30-3 of the Rules of the Board of Regents to allow LEAs to apply for a variance from Annual Professional Performance Review (APPR) plan requirements to permit them to develop and implement new and innovative approaches to evaluation that meet the specific needs of the LEA, upon a finding by the Commissioner that the new and innovative approach demonstrates how it will ensure differentiated results over time and how the results of the evaluation will be used to provide personalized professional learning opportunities to teachers and principals, while complying with the requirements of Education Law §3012-d.

In instances where a variance is approved, the term(s) described in the approved variance will replace the related sections of the LEA's currently approved APPR plan. However, please note that all other terms as are present in the LEA's currently approved plan will remain in effect and must be implemented without modification.

Once a variance is approved by the Department, it shall be considered part of the LEA's APPR plan during the approved term of the variance. **In any instance in which there is an approved variance and such variance contains information that conflicts with the information provided in the approved Education Law §3012-d APPR plan, the provisions of the approved variance will apply during the approved term of the variance.**

Variance Application Timeline

Variance applications must be approved by the Department by December 1 of a school year to be implemented in that school year.

Submission by November 1 is suggested to allow time for review, revision and approval in order to meet the approval deadline for implementation in the same school year.

Absent a finding by the Commissioner of extraordinary circumstances, a variance application approved after December 1 of a school year will not be implemented until the following school year.

For more information regarding the variance approval deadline, including a possible extension, please contact APPRVariance@nysed.gov.

Variance Assurances**Please check all of the boxes below**

- Assure that the contents of this form are in compliance with Education Law Section 3012-d.
- Assure that a detailed version of the LEA's variance is kept on file and that a copy of such variance will be provided to the Department upon request for review of compliance with Education Law Section 3012-d.
- Assure that this variance will be posted on the LEA's website, in addition to its current full APPR plan, no later than September 10th of each school year, or within 10 days after the plan's approval by the Commissioner, whichever shall occur later.
- Assure that it is understood that this LEA's variance will be posted in its entirety on the NYSED website* following approval.

Teacher Variance**Please check the appropriate box below.**

- Assure that any task not included in the following variance request(s) for teachers will be carried out in the manner described in the currently approved APPR plan.

Principal Variance

Education Law §3012-d requires that the principal evaluation system be aligned to the requirements for teacher evaluation. Therefore, when completing a variance request for the evaluation of principals, the processes identified must be aligned to such requirements.

Please check the appropriate box below.

- A variance is not requested for any subcomponent or category for principals; all principals will be evaluated using the currently approved APPR plan.

Annual Professional Performance Review - Variance, Education Law §3012-d**Task 2. TEACHERS: Required Student Performance - Variance Request**

Required Student Performance Subcomponent

For guidance on the Required subcomponent of the Student Performance category, see NYSED APPR Guidance.

100% of the Student Performance category if only the Required subcomponent is used or locally determined if the Optional subcomponent is selected.

Education Law §3012-d requires that each teacher have a Student Learning Objective (SLO) consistent with a goal-setting process based on appropriate growth targets. The process must include, at a minimum, the following elements:

A description of the measure(s) of student growth to be used (e.g., the SLO goal setting process; SLO components),

Applicable evidence of student learning (e.g., how growth will be measured through various forms of assessment, evaluation of student performance),

A method for converting student results to a score on a scale from 0-20,

A scale for conversion of the score of 0 to 20 to a HEDI rating.

This requirement must be met through either the LEA's current APPR plan or this variance. To the extent that the variance does not address a requirement, the currently approved APPR plan will apply.

Variance Request

LEAs may use this variance application to develop an SLO process for a teacher or group of teachers that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

- A variance is not requested for the required student performance subcomponent for teachers.
- The details of the variance request for the required student performance subcomponent for teachers is described in the subsequent section.

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 3. TEACHERS: Optional Student Performance - Variance Request

Variance Request

LEAs may use this variance application to develop an optional second measure for a teacher or group of teachers that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

- A variance is not requested for the optional student performance subcomponent for teachers.

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Variance Request

Variance Request

LEAs may use this variance application to evaluate teacher practice in a manner that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

- The details of the variance request for the teacher observation category is described in the subsequent section.

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Applicability & Rubric

Applicable Teachers

Please indicate all teachers to whom this teacher observation variance request applies.

Core Teachers

Use the table below to list the core teachers this teacher observation variance request is applicable to (teachers of other courses should be listed in the subsequent section).

	All Core Teachers	Common Branch	ELA	Math	Science	Social Studies
Courses	<input checked="" type="checkbox"/> All core teachers (K-3; 4-8 ELA, math, science, social studies; high school ELA and Regents courses) [if this option is selected, please do not make selections in subsequent columns]					

Other Teachers

- Teachers of other courses are not included in this teacher observation variance request.
- Teachers of other courses included in this teacher observation variance request are listed in the table below.

Fill in the following for all other teachers in additional grades/subjects that are included in this teacher observation variance request:

- Column 1: lowest grade that corresponds to the course
- Column 2: highest grade that corresponds to the course
- Column 3: subject of the course

Follow the examples below to list other courses.

	(1) lowest grade	(2) highest grade	(3) subject
All Other Courses	K	12	All courses not named above
K-3 Art	K	3	Art
Grades 9-12 English Electives	9	12	English Electives

Click "Add Row" to add additional courses. Only list additional courses if they are included in this teacher observation variance request.

Grade From	Grade To	Subject
K	12	All courses not named above

Applicable Areas

A variance may be requested for the following components of the teacher observation subcomponent:

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Applicability & Rubric

- Teacher practice rubric
- Rating and scoring of the teacher practice rubric
- Weighting of the domains/subcomponents of the teacher practice rubric
- HEDI scoring bands
- Weighting of the teacher observation subcomponents
- Required principal/supervisor observations
- Required independent evaluator observations
- Optional peer observations

Please indicate the area(s) of the teacher observation subcomponent for which a variance is being requested.

- Teacher observation subcomponent weighting
- Required principal/supervisor observations
- Required independent evaluator observations

Annual Professional Performance Review - Variance, Education Law §3012-d**Task 4. TEACHERS: Observations - Subcomponent Weighting**

Teacher Observation Subcomponent Weighting

Please indicate the weight of each observation type and be sure the total of the weights indicated equals 100%.

Principal/Administrator	Independent Evaluator(s)	Peer Observer(s)	Group for which this weighting will apply. If the indicated weighting will be used for all teachers listed in the 'Applicability' section, note "All Teachers."
100	0	0	Tenured Teachers
90	10	0	Probationary Teachers

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Required Principal/Supervisor Observations

Required Subcomponent 1: Observations by Principal(s) or Other Trained Administrators

At least one observation must be conducted by the building principal or another trained administrator.

Indicate the minimum number of unannounced and announced observations by principal(s) or other trained administrators, as well as the method of observation, in the table below.

If an observation type is not applicable, please indicate '0' for the minimum number and 'N/A' for the observation method.

	Minimum number of observations	Observation method (check all that apply)	Other observation method (only complete if 'Other' is selected in the previous column)
Unannounced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Announced	1	<input checked="" type="checkbox"/> Live	(No Response)
Totals:	1		

To which teachers does the information in the above table apply?

- A subgroup of teachers listed in the 'Applicability' section (provide details below).

Describe the subgroup of teachers to whom the information in the table above applies (i.e., probationary teachers), then complete the next page for an additional subgroup.

Tenured Teachers

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Principal/Supervisor Observations

Required Subcomponent 1: Observations by Principal(s) or Other Trained Administrators

At least one observation must be conducted by the building principal or another trained administrator.

Describe the subgroup of teachers to whom the information in the table below applies (i.e., tenured teachers).

Probationary Teachers

Indicate the minimum number of unannounced and announced observations by principal(s) or other trained administrators, as well as the method of observation, in the table below.

If an observation type is not applicable, please indicate '0' for the minimum number and 'N/A' for the observation method.

	Minimum number of observations	Observation method (check all that apply)	Other observation method (only complete if 'Other' is selected in the previous column)
Unannounced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Announced	2	<input checked="" type="checkbox"/> Live	(No Response)
Totals:	2		

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Required Independent Evaluator Observations

Required Subcomponent 2: Observations by Impartial Independent Trained Evaluator(s)

Independent Evaluator Assurances
Please check all of the boxes below.

- Assure that independent evaluator(s) are not employed in the same school building, as defined by BEDS code, as the teacher(s) they are evaluating.
- Assure that independent evaluator(s) will be trained and selected by the LEA.

Number and Method of Observation

Indicate the minimum number of unannounced and announced observations by impartial independent trained evaluator(s), as well as the method of observation, in the table below. At least one observation must be conducted by an impartial independent trained evaluator.

If an observation type is not applicable, please indicate '0' for the minimum number and 'N/A' for the observation method.

	Minimum number of observations	Observation method (check all that apply)	Other observation method (only complete if 'Other' is selected in the previous column)
Unannounced	1	<input checked="" type="checkbox"/> Live	(No Response)
Announced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Totals:	1		

To which teachers does the information in the above table apply?

- A subgroup of teachers listed in the 'Applicability' section (provide details below).

Describe the subgroup of teachers to whom the information in the table above applies (i.e., probationary teachers), then complete the next page for an additional subgroup.

Probationary Teachers

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Required Independent Evaluator Observations

Required Subcomponent 2: Observations by Impartial Independent Trained Evaluator(s)

Number and Method of Observation

Describe the subgroup of teachers to whom the information in the table below applies (i.e., tenured teachers).

Tenured Teachers

Indicate the minimum number of unannounced and announced observations by impartial independent trained evaluator(s), as well as the method of observation, in the table below. At least one observation must be conducted by an impartial independent trained evaluator.

If an observation type is not applicable, please indicate '0' for the minimum number and 'N/A' for the observation method.

	Minimum number of observations	Observation method (check all that apply)	Other observation method (only complete if 'Other' is selected in the previous column)
Unannounced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Announced	0	<input checked="" type="checkbox"/> N/A	(No Response)
Totals:	0		

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 4. TEACHERS: Observations - Variance Details & Assurances

Variance Details

Please read the questions below and answer each prompt in a concise manner.

Rationale

Please provide a rationale for this variance request.

> Your rationale should include information regarding the specific, identified needs and/or challenges of the LEA, and how such needs and/or challenges inform development of the teacher observation variance request.

Due to circumstances surrounding the impact of Covid19, this waiver is requested by the CCSD to reduce the number of observations for tenured teachers.

Limiting the number of unannounced observations by an independent evaluator for tenured teachers will enable principals more time for informal check ins to support teachers' innovative practices in socially distanced classrooms and in hybrid and remote settings. It will also enable principals to spend more time throughout the building, dealing with the multiple challenges of socially distanced practices, quarantining classrooms when necessary, and ensuring the technology needs of virtual teachers and learners are met. We wish to continue the same number of observations for probationary teachers to allow a more formalized level of support in addition to informal supports.

Due to Covid 19 we also request that the building principal become the independent evaluator for probationary teachers to limit travel between buildings.

Adjustments due to Covid have altered administrative and teaching responsibilities in CCSD school settings. Reducing the number of observations for tenured teachers will enable instructional leaders to spend more time providing focussed conversations and support necessary for new teaching and learning environments, whether in a remote, hybrid, or socially distanced setting, as teachers face new challenges due to Covid. Reducing the number of observations would also minimize the number of people coming into classrooms and buildings and limit observations to the administrators assigned to the building.

Standards and Procedures

Please provide a description of the standards and procedures that will be used in lieu of those included in the LEA's most recently approved evaluation plan.

> This description should include a specific, detailed explanation of the new and innovative approach that the LEA is seeking to implement as part of its variance request.

> This description should include, but not be limited to, a description of the alternate measures and/or evidence of teacher practice that will be used to evaluate educators.

The building's trained evaluator (s) will conduct one full announced observation with optional pre conferences and required post conferences to count for 100% of the observation component in tenured teachers' overall APPR rating. Unannounced observations will not be conducted for tenured teachers. All four domains will be evaluated and weighted as described in the District's APPR plan - Domains 1 and 4 at 16.7% each and Domains 2 and 3 at 33.3% each. Principals will spend more time informally checking in with teachers and will provide assistance where needed. Probationary teachers will continue to receive 2 announced and one unannounced observation using the same process and weighting as detailed in our APPR plan.

Rigor

Please provide a description of how the LEA will ensure that evaluations are rigorous and enable strong and equitable inferences about the effectiveness of the LEA's educators.

> This description should include how rigor is achieved and maintained, including relevant processes and methodologies.

> This description may include, but is not limited to, how data will be used to draw inferences, including how the derived data informs decisions and guidance for the LEA's educators.

Trained evaluators will continue to observe and evaluate all four domains of the Danielson rubric with post conferences for observations of all teachers. The evidence collected in each area of the rubric will continue to be used to identify areas of strength and growth as a means to focus conversations between the teacher and administrator. Observation trends will continue to inform professional development. If certain pieces of evidence are not observed during the observation, these will be addressed as part of the post conference meeting.

Annual Professional Performance Review - Variance, Education Law §3012-d**Task 4. TEACHERS: Observations - Variance Details & Assurances****Professional Learning**

Please provide a description of how the LEA will use the information collected through the evaluation system, including the assigned effectiveness ratings, to provide personalized professional learning opportunities for educators.

> This description may include, but is not limited to, methodologies and procedures for:

- collecting information about educator effectiveness to inform professional learning,
- specific details regarding both the type(s) and extent of professional learning opportunities anticipated,
- processes for delivery of personalized learning opportunities, and
- use of data to measure the efficacy of such professional learning.

The formal conference and post observation provide ample opportunity to collect evidence and build upon professional conversations. Trained instructional leaders will hold discussions on best practices and share opportunities for professional growth. In addition, secondary teachers participate in department meetings and elementary teachers participate in Professional Learning Communities and other staff development opportunities throughout the year to identify student needs and effective, innovative practices to meet their needs, especially in the unique learning environments brought about by Covid 19. Specific examples of Professional Development include teaching and learning in a hybrid model, best practices in remote learning, use of the BOCES Essential Ed website. PD will be led by administrators, teacher leaders and BOCES staff. Some of these training are specifically geared to new instructional processes implemented as a result of Covid 19.

Effectiveness of Implementation

Please provide a description of how the LEA will assess the effectiveness of the implementation of the variance.

> This description may include, but is not limited to, processes and procedures for:

- collection and analysis of both short- and long-term data,
- the standard(s) used to measure the effectiveness of implementation, and
- how results will be used to inform future implementation.

CCSD will be able to determine areas of strength as well as areas of need through an analysis of evaluation data. This will drive individual and district wide support and professional development. Student performance and growth data will also be reviewed and analyzed to inform curriculum, instruction and professional development. Student data will be reviewed quarterly at administrative and teacher leader meetings and then shared out with staff. Teacher observation trend data will be analyzed each year by administrators and then used to inform professional development and future implementation of the variance. Year to year observation data will be compared.

Observation Assurances

Please check each of the boxes below as applicable to all teachers included in this teacher observation variance request.

- Assure that the process for assigning points for the Teacher Observation category will be consistent with the process described in the LEA's approved APPR plan and/or this variance application and in compliance with Education Law Section 3012-d.
- Assure that once all observations are complete, the process for determining an overall Teacher Observation category score and rating will incorporate the evidence collected across all observations to produce an overall Teacher Observation category rating on a HEDI scale.
- Assure that it is possible for a teacher to obtain any number of points in the applicable scoring ranges, including zero, in each subcomponent.

Annual Professional Performance Review - Variance, Education Law §3012-d

Task 5. TEACHERS: Overall Scoring - Variance Request

Category and Overall Ratings

For guidance on APPR scoring, see NYSED APPR Guidance.

Education Law §3012-d requires that each teacher be given a final score for both the Student Performance and Teacher Observation categories, which will be converted to a final category rating based on the HEDI scale, and that these ratings be used to provide an Overall Rating using the prescribed scoring matrix.

These requirements must be met through either the LEA's current APPR plan or this variance. To the extent that the variance does not address a requirement, the currently approved APPR plan will apply.

Variance Request

LEAs may use this variance application to define the HEDI ranges for the Student Performance and/or Teacher Observation category that is different than those included in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Please make the appropriate selection below.

A variance is not requested for category ratings for teachers.

Annual Professional Performance Review - Variance, Education Law §3012-d**Task 6. TEACHERS: Additional Requirements - Variance Request**

Additional Requirements for Teachers

For more information on the additional requirements for teachers, see NYSED APPR Guidance.

Education Law §3012-d requires that a complete APPR plan must include a process for teacher improvement plans, appeals, and evaluator training as determined by the Commissioner. The following minimum requirements under Education Law §3012-d are applicable to teachers:

- A form for development of a Teacher Improvement Plan,
- A timely and expeditious process for resolving educator's appeals of APPR ratings,
- A process for training all evaluators of applicable educators.

These requirements must be met through either the LEA's current APPR plan or this variance. To the extent that the variance does not address a requirement, the currently approved APPR plan will apply.

Variance Request

LEAs may use this variance application to develop a process for Teacher Improvement Plans, appeals and/or training in a manner that differs from the process described in the Commissioner's regulations.

Any teachers not covered by this variance request will be evaluated under the terms of the LEA's currently approved APPR plan.

Choose the appropriate response below.

- A variance is not requested for teacher improvement plans, appeals, or training.
- The details of the variance request applicable to teacher improvement plans, appeals, and/or training is described in the subsequent section.

Annual Professional Performance Review - Variance, Education Law §3012-d**Task 12. Joint Certification of APPR Variance - Applicability and Certification**

Applicability of Variance**Need for Variance**

Please make the appropriate selection below.

- The submission of this variance application is prompted by the impact of COVID-19 on the LEA.

Instructional Model

- The processes identified in this variance application need only apply if an in-person instructional model is implemented.
- The processes identified in this variance application need only apply if a remote instructional model is implemented.
- The processes identified in this variance application need only apply if a hybrid instructional model is implemented.
- The processes identified in this variance application apply regardless of the instructional model implemented.

Variance Duration

An Annual Professional Performance Review Variance under Education Law §3012-d may be approved for up to **THREE (3) years**.

Please indicate below the school years to which this variance application will apply.

One, two, or three consecutive academic years may be selected.

- 2020-21
- 2021-22
- 2022-23

Upload APPR Variance Certification Form

Please Note: SED Monitoring timestamps each revision and signatures cannot be dated earlier than the last revision. To ensure the accuracy of the timestamp on each task, please submit from Task 12 only.

Please obtain the required signatures, create a PDF file, and upload your joint certification of the APPR Variance using the "Variance Certification Form" found in the 'Documents' menu on the left side of the page.

APPR_Waiver_Signatures_12-1_-2020.pdf