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To: New York State Charter School Leaders and Board Chairs<sup>1</sup>  
From: Cliff Chuang, Director, Charter School Office  
Date: September 7, 2012  
Subject: Additional Guidance regarding Educator Evaluation for Charter Schools  
Participating in Race to the Top

This memo provides additional guidance in the form of questions and answers regarding teacher and principal evaluation for charter schools participating in Race to the Top and receiving allocated funds for Section D activities. Previous guidance can be found at <http://p1232.nysed.gov/psc/documents/allchartersTSDLmemo18march2012.pdf>. Please note, if a charter school's teachers or principals are represented by a collective bargaining agreement, the educator evaluation system must conform to the provisions of the collective bargaining agreement.

1. Do charter schools have to use state-provided growth measures at all?

No. Charter schools can use any student achievement measures they deem appropriate.

2. Can charter schools use 40% student achievement measures for some teachers but less when there is not full confidence in their non-tested metrics.

No. The evaluation of every teacher/principal must be based on at least 40% student achievement measures.

3. Do charter schools have to structure their evaluation plans with the same subcomponents and weights (20/20/60) as those prescribed in Education Law §3012-c?

No. Subcomponent data is not required of charter schools, and aside from the requirement that at least 40% of the evaluation must be based on student achievement, charter schools have flexibility to use other measures of effectiveness, resulting in a single composite effectiveness score.

4. Are charter schools subject to the Commissioner's HEDI scoring bands set forth in Education Law §3012-c?

No. Charter schools are not subject to the Commissioner's scoring bands. Additionally, a charter school will not be required to submit subcomponent scores or the composite effectiveness score, just the final HEDI rating category based on their local evaluation system.

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<sup>1</sup> **Ongoing Request: Update Your SEDREF Information.** If your charter school's board chair and leader are not receiving this email, please check that your publicly-displayed information on NYSED's SEDREF system is accurate at [http://portal.nysed.gov/portal/pls/pref/SED.sed\\_inst\\_qry\\_vw\\$.startup](http://portal.nysed.gov/portal/pls/pref/SED.sed_inst_qry_vw$.startup). Instructions for updating this information can be found at <http://www.oms.nysed.gov/sedref/home.html>. Please copy [charterschools@mail.nysed.gov](mailto:charterschools@mail.nysed.gov) on any update requests. If you want another member of the school's staff to be copied, please email [charterschools@mail.nysed.gov](mailto:charterschools@mail.nysed.gov). Thanks.

5. If a charter school chooses to use student achievement metrics that take longer to calculate than state data, can they submit HEDI ratings at a later date?

No. Charter schools must submit the final ratings for their teachers and principals in accordance with the timeframes prescribed by the Commissioner, using the data available to them at the time. Additional information regarding data submission timeframes will be contained in a forthcoming memo from Jeff Baker, NYSED Data Director.

6. Were charter schools participating in Race to the Top required to submit APPR plans by July 1, 2012?

No. Charter schools participating in Race to the Top were not required to submit APPR plans by July 1, 2012. However, they are required to submit the participating public charter school Race to the Top assurances form (see <http://usny.nysed.gov/rttt/scopeofwork/evalcerts-charter-schools.pdf>). This completed certification can be filed at any time between 7/01/11 and 06/30/13.

7. Are charter schools required to show compliance with Section 30-2.3(b)(3) of the Regents Rules regarding the scoring of student assessments?

No, charter schools are not technically required to comply with the requirements of section 30-2.3(b)(3), which sets forth specific requirements for the scoring of student assessments. However, it is strongly recommended that charter schools adhere to Section G of the APPR guidance document regarding the scoring and security of student assessments.

8. What are the planning deadlines and formats for charter schools with collective bargaining agreements that applied for Race to the Top funds to (A) apply for state approval for and (B) to complete implementation of new evaluation plans?

Charter schools, including conversion charter schools, must follow the same timeframes and process for approval and implementation of evaluation plans, whether or not they have a collective bargaining agreement. However, if a charter school's teachers and/or principals are represented by a collective bargaining agent, such charter school must certify that any collective bargaining agreements comply with the relevant provisions of Education Law §3012-c as stated above before the Section D apportionment will be available to spend on implementation activities.