

Frequently Asked Questions – Hardship Waivers

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2014-15 APPR Close Out

Q1: What are the requirements for closing out APPR for the 2014-15 school year?

A: In order to apply for a Hardship Waiver, districts/BOCES must first complete the following requirements to close out APPR for the 2014-15 school year. Please note that this is a requirement for districts in order to be eligible for an increase in State aid.

1. **2014-15 Implementation Certification Form by August 28, 2015:** The 2014-15 APPR Implementation Certification form must be submitted to the Department by this date by districts/BOCES. The form is one necessary component to demonstrate full implementation of an approved APPR plan for the 2014-15 school year. The APPR Implementation Certification form must be signed and dated by the Superintendent/District Superintendent and Board of Education President. The form is available at <http://usny.nysed.gov/rttt/teachers-leaders/docs/appr-implementation-certification-form.pdf> and must be submitted through NYSED's Application Business Portal at <http://portal.nysed.gov>. This form must be submitted to the Department by August 28, 2015.
2. **Submission of 2014-15 Staff Evaluation Rating data by October 16, 2015:** LEAs must report 2014-15 evaluation composite ratings and subcomponent scores to the Student Information Repository System (SIRS). All final and complete data, including scores for the State Growth or Other Comparable Measures subcomponent, Locally Selected Measures subcomponent, Other Comparable Measures of Effectiveness subcomponent, overall composite score, and overall rating for all applicable teachers and principals must be submitted to the Department by October 16, 2015.
3. **Statement of Confirmation of 2014-15 Staff Evaluation Ratings Verification Report by October 23, 2015:** This form certifies the accuracy of the Staff Evaluation Rating data submitted as of the October 16, 2015 deadline and is required to be signed by the LEA's certifying official who verifies the data provided in the Staff Evaluation Rating Verification Report(s) generated by L2RPT. The Certification of Verification Report(s) form will be distributed via the Information and Reporting Services Portal (IRSP) at <http://portal.nysed.gov> and must be submitted via upload to Information and Reporting Services (IRS). This form must be submitted to the Department by October 23, 2015.

General Information

Q2: What is a Hardship Waiver?

A: A Hardship Waiver is a waiver to extend the implementation time-period set forth in Education Law §3012-d(11) and the corresponding 2015 Budget appropriation language that requires districts to have an approved APPR plan consistent with the requirements of Education Law §3012-d by November 15, 2015. Such waiver must be submitted by

all districts/BOCES on a form and in a manner prescribed by the Commissioner. For districts, failure to meet the timeframe for submitting the waiver application and/or failure to fully and accurately complete the waiver application may result in the district losing eligibility for its State aid increase.

Please note that approval of a Hardship Waiver does not constitute a waiver from completing annual professional performance reviews. All districts/BOCES granted a Hardship Waiver by the Commissioner must continue to implement their previously approved APPR plan, consistent with the provisions of Education Law §3012-c, until such time as the district/BOCES receives approval of an APPR plan consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

Additionally, during the time period when a district/BOCES is seeking a Hardship Waiver and/or operating under a Hardship Waiver, the district/BOCES must demonstrate that it continues to engage in efforts to collectively bargain in good faith and to train relevant staff, to the extent practicable, on the new evaluation system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

Q3: How does my district/BOCES file a Hardship Waiver?

A: The Hardship Waiver should be submitted to the Department for review via the SED Monitoring and Vendor Performance System, available through the NYSED Application Business Portal, available at: <http://portal.nysed.gov>. If you experience issues logging into the portal, contact seddas@nysed.gov for assistance. Please note that technical difficulties do not constitute a valid reason for failing to submit a waiver application or renewal application within the timeframes specified above. Please also note that the Department will not accept late or incomplete submissions for Hardship Waivers (a complete submission must include the completed and signed application, including all required materials), and all districts/BOCES must submit their completed materials no later than two weeks before the filing deadline.

Q4: We have submitted an APPR plan pursuant to Education Law §3012-d, but we are working with SED reviewers at this time. Are we still required to apply for a Hardship Waiver?

A: Yes, while you are working on revisions with the Department, and until your new APPR plan has been approved by the Commissioner, you must continue to operate under a Hardship Waiver and as necessary, seek renewal of such waiver. This is necessary for districts to ensure eligibility for their State aid increase. Please note that your renewal application must include further evidence of the good faith efforts you have taken to reach agreement on any revisions required by the Department to your new evaluation system and to train appropriate staff, to the extent practicable, to ensure that, once approved by the Commissioner, your plan can be fully implemented.

Q5: Who do I contact if my district/BOCES has questions?

A: For non-technical questions regarding the Hardship Waiver or application process, please contact hardship@nysed.gov.

Technical issues related to the portal should be directed to seddas@nysed.gov.

Timelines

Q6: When is my district/BOCES required to apply for a Hardship Waiver?

A: Districts/BOCES must have their first Hardship Waiver approved by November 15, 2015. Districts/BOCES seeking a Hardship Waiver must submit the completed and signed application, including all required materials, to the Department for review between October 1, 2015 and October 30, 2015. Subsequent application cycles, for districts/BOCES who need to renew their waiver, are outlined in the table below. As stated above, all districts/BOCES must submit their completed materials no later than two weeks before the filing deadline.

Date	Implication
October 1, 2015 – October 30, 2015	Submission period for Hardship Waiver #1 Districts/BOCES seeking a Hardship Waiver must submit the completed and signed application, including all required materials, to the Department for review. All districts/BOCES must submit their completed materials to the Department by October 30, 2015 in order to have their Hardship Waiver approved by November 15, 2015.
November 15, 2015	Approval deadline for Hardship Waiver #1 Approval deadline for APPR plans consistent with Education Law §3012-d Districts/BOCES must either be implementing an approved APPR plan consistent with Education Law §3012-d for the 2015-16 school year, or have a Hardship Waiver approved and continue to implement their previously approved APPR plan consistent with Education Law §3012-c until such time as the district/BOCES receives approval of an APPR plan consistent with the provisions

	of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.
November 15, 2015 – March 15, 2016	<p>Effective dates for Hardship Waiver #1</p> <p>During the time period where a district/BOCES is operating under a Hardship Waiver, the district/BOCES must demonstrate that it continues to engage in efforts to collectively bargain in good faith and to train relevant staff, to the extent practicable, on the new evaluation system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.</p>
March 1, 2016	<p>APPR plans consistent with Education Law §3012-d approved on or before this date must be implemented for the 2015-16 school year.¹</p> <p>APPR plans consistent with Education Law §3012-d approved after this date must be implemented for the 2016-17 school year. Districts/BOCES must implement their previously approved plans consistent with Education Law §3012-c during the 2015-16 school year.²</p>
February 1, 2016 – March 1, 2016	<p>Submission period for Hardship Waiver #2</p> <p>Districts/BOCES seeking the renewal of a previously approved Hardship Waiver must submit a completed and signed renewal application, including all required materials, to the Department for review. All districts/BOCES must submit their completed materials by March 1, 2016 in order to have their Hardship Waiver</p>

¹ Districts with APPR plans approved pursuant to Education Law §3012-d by the Commissioner on or before March 1, 2016 must submit documentation to the Department by September 1, 2016 that they have implemented such plan during the 2015-16 school year in order to be eligible to receive their increase in State aid.

² Districts/BOCES with APPR plans approved pursuant to Education Law §3012-d by the Commissioner after March 1, 2016 must implement their previously approved APPR plans consistent with Education Law §3012-c. Accordingly, districts must submit documentation to the Department by September 1, 2016 that they have implemented their previously approved APPR plans during the 2015-16 school year in order to be eligible to receive their increase in State aid. Further, these districts must have an APPR plan approved pursuant to Education Law §3012-d by the Commissioner by September 1, 2016 in order to be eligible to receive their increase in State aid.

	approved by March 15, 2016.
March 15, 2016	<p>Approval deadline for Hardship Waiver #2</p> <p>APPR plans consistent with Education Law §3012-d approved after March 1, 2016 must be implemented for the 2016-17 school year and districts/BOCES will continue to implement their previously approved plans consistent with Education Law §3012-c during the remainder of the 2015-16 school year.</p>
March 15, 2016 – July 15, 2016	<p>Effective dates for Hardship Waiver #2</p> <p>During the time period where a district/BOCES is operating under a Hardship Waiver, the district/BOCES must demonstrate that it continues to engage in efforts to collectively bargain in good faith and to train staff, to the extent practicable, on the new evaluation system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.</p>
June 1, 2016 – July 1, 2016	<p>Submission period for Hardship Waiver #3</p> <p>Districts/BOCES seeking the renewal of a previously approved Hardship Waiver must submit a completed and signed renewal application, including all required materials, to the Department for review. All districts/BOCES must submit their completed materials by July 1, 2016 in order to have their Hardship Waiver approved by July 15, 2016.</p>
July 1, 2016	<p>Submission deadline for APPR approval consistent with Education Law §3012-d</p> <p>Districts/BOCES without an APPR plan approved pursuant to Education Law §3012-d for the 2016-17 school year must submit their plan to the Department by July 1, 2016 in order to have the plan approved by the Department by the September 1, 2016 deadline.</p>

	Districts are at risk for the loss of their eligibility for an increase in State aid for the 2016-17 school year if they do not receive approval of their APPR plan by the Department by September 1, 2016.
July 15, 2016	Approval deadline for Hardship Waiver #3
July 15, 2016 – August 31, 2016	Effective dates for Hardship Waiver #3
September 1, 2016	<p>All districts/BOCES must have an APPR plan consistent with the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents approved by the Commissioner by September 1, 2016. For districts, this is a requirement in order to be eligible for their increase in State aid for the 2016-17 school year.</p> <p>Districts/BOCES must submit their plan to the Department by July 1, 2016 in order to have the plan approved by the September 1, 2016 deadline.</p>

Q7: When will the Hardship Waiver be available? Where will I find instructions on how to complete the Hardship Waiver?

A: Instructions for how to complete the Hardship Waiver can be found within the Hardship application. Districts/BOCES must access the Hardship Waiver in the NYSED Application Business Portal. The Hardship Waiver will be available this summer for review prior to the beginning of the submission window on October 1, 2015. Technical issues related to the portal should be directed to seddas@nysed.gov. All other non-technical issues related to proper completion of the form should be directed to hardship@nysed.gov.

Q8: How long is a Hardship Waiver valid?

A: A Hardship Waiver is valid for four months following the timeline above, at which time, if the hardship still exists, your district/BOCES must reapply to the Department for an additional waiver. The application cycle is outlined in the table above in Question 6. Please keep in mind that all districts/BOCES operating under approved Hardship Waivers during the effective dates of Hardship Waivers #2 and/or #3 must submit their APPR plan consistent with the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents to the Department by July 1, 2016 in order to have the plan approved by the Department by the September 1, 2016 deadline.

Districts are at risk for the loss of their eligibility for an increase in State aid for the 2016-17 school year if they do not receive approval of their APPR plan by the Department by September 1, 2016.

Evidence of Hardship

Q9: What evidence will my district/BOCES be required to provide when submitting its application for a Hardship Waiver?

A: Districts/BOCES must provide evidence, as an attachment to the Hardship Waiver application, of their good faith efforts to collectively bargain an APPR system consistent with the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

Acceptable evidence of your district's/BOCES' good faith efforts to collectively bargain an APPR system could include, but would not be limited to: minutes of meetings between the district and its collective bargaining units; records of dates and times on which meetings were held; a signed attestation from all parties that attempts were made to meet with bargaining units to discuss a new APPR plan consistent with Education Law §3012-d, etc.

Districts/BOCES must also provide evidence, as an attachment to the Hardship Waiver application, of the steps the district/BOCES has taken to train administrators, evaluators, teachers, and other relevant staff, to the extent practicable, on the new APPR system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents to ensure that, once a new evaluation system under Education Law §3012-d is approved, it can be implemented.

Acceptable evidence of the steps your district/BOCES has taken to train administrators, evaluators, teachers, and other relevant staff on the new APPR system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents could include, but would not be limited to: calendar of training dates and activities; sample training activities conducted to date, etc. Evidence of training may include recertification training already conducted as a result of Education Law §3012-c, where it is training that is aligned with Education Law §3012-d (e.g., certification of new evaluators, re-certification of lead evaluators, annual SLO training and calibration sessions).

Please note that during the time period in which a district/BOCES is seeking a waiver from the Department and/or operating under a waiver approved by the Department, the district/BOCES must continue to engage in good faith efforts to collectively bargain a new evaluation system and to train appropriate staff, to the extent practicable, on the new system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

Please also note that the NYSED Application Business Portal will not accept any submission that is incomplete and all submissions must include evidence, as an attachment to the Hardship Waiver application, of the district's/BOCES' good faith efforts to collectively bargain an APPR system consistent with the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

Q10: My district/BOCES cannot finalize collective bargaining for an APPR plan pursuant to Education Law §3012-d due to pending State approval of student assessments through the NYSED Assessment RFQ. Does this constitute evidence of a hardship?

A: Yes. Districts/BOCES must provide evidence within the Hardship Waiver application that they have submitted a student assessment through the NYSED Assessment RFQ and are awaiting approval by the Department. Please see the Hardship Waiver application for further submission information.

Notification of Status

Q11: How will I know if my district/BOCES has been granted a Hardship Waiver?

A: Upon submission of your Hardship Waiver application, the attachments submitted with your application will be reviewed for completeness before full review. You will be notified within 3 business days, to the extent practicable, if your application is incomplete due to blank or incorrect attachments. Please note that the portal will not allow for a submission to be made without all portions of the application completed.

A full review will be conducted once your application is complete, and the superintendent, district superintendent, or chancellor of your district/BOCES will receive a notification letter from educatoreval@nysed.gov via the email address on file with the Department regarding the approval status of your Hardship Waiver. Approved Hardship Waivers will be posted online at <http://usny.nysed.gov/rttt/teachers-leaders/plans/home.html>. Reviews will be conducted on a rolling basis based on the date of application submission.

Q12: If my district's/BOCES' Hardship Waiver is denied for technical reasons such as incomplete signatures or issues with attachments, etc., how do I resubmit the Hardship Waiver? What happens if my district's/BOCES' Hardship Waiver is denied on merit?

A: If your Hardship Waiver application is determined to be incomplete, you will be notified via email. Your application will then be un-submitted within the portal to allow you to make changes or additions to your application. The application must then be resubmitted in the portal. Please note that the portal will not allow for a submission to be made without all portions of the application completed.

If your Hardship Waiver is denied after full review and the submission period has not expired, you may submit a revised application. Your district/BOCES may also submit an email via the hardship@nysed.gov mailbox requesting review support. If, however, your application is denied and the approval period has expired, your district's/BOCES' Hardship Waiver may not be approved. Additionally, your district will risk losing its eligibility for an increase in State aid.

Renewal Process

Q13: How does my district/BOCES renew its Hardship Waiver?

A: If your district/BOCES submits and is approved by the Commissioner for the first Hardship Waiver (November 15, 2015 deadline), but finds that it is still experiencing a hardship and requires an additional extension to the implementation time-period, your district/BOCES must submit a renewal application by March 15, 2016. If an additional extension is still required, another renewal application must be submitted by July 15, 2016 (please see Question 6 for timelines). Please note that the Department will not accept late or incomplete submissions of Hardship Waivers (a complete submission must include the completed and signed application, including all required materials) and all districts/BOCES submit their completed materials no later than two weeks before the filing deadline. The submission cycles are outlined in the table above in Question 6.

Each subsequent renewal application will require your district/BOCES to submit additional evidence regarding the continued good faith efforts you have taken to negotiate and train appropriate staff, to the extent practicable, on the new evaluation system consistent with the provisions of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents. The Department will not renew waivers that fail to include updated evidence.

APPR Requirements during the Waiver Period

Q14: Does my district/BOCES need to complete annual professional performance reviews for classroom teachers and building principals under Education Law §3012-c or §3012-d if we have received approval of a Hardship Waiver from the Department?

A: Yes. Until such time as the Commissioner approves a new APPR plan for your district/BOCES consistent with the requirements of Education Law §3012-d, your district/BOCES must continue to implement its currently approved APPR plan under Education Law §3012-c. Please also note that, per Education Law §3012-d(12), your district/BOCES may not make material changes to its currently approved APPR plan under Education Law §3012-c, as any collective bargaining agreements entered into and/or APPR plans submitted to the Department for approval on or after April 1, 2015 were required to be compliant with the new Education Law §3012-d.

If your district/BOCES gains approval by the Commissioner of an APPR plan compliant with Education Law §3012-d on or before March 1, 2016, that APPR plan under Education Law §3012-d must then be implemented for the 2015-16 school year. If your district/BOCES does not gain approval of an APPR plan compliant with Education Law §3012-d on or before March 1, 2016, then your district's/BOCES' currently Commissioner-approved APPR plan under Education Law §3012-c must be implemented for the entirety of the 2015-16 school year and your new APPR plan compliant with Education Law §3012-d will not take effect until the 2016-17 school year.

All districts/BOCES must have an APPR plan approved pursuant to Education Law §3012-d by the Commissioner by September 1, 2016. For districts this is necessary in order to be eligible to receive an increase in State aid.