




**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**

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To: District Superintendents of BOCES  
Superintendents of Public Schools

From: Alexander Trikalinos 

Date: June 18, 2020

RE: 2019-20 School Year Annual Professional Performance Review (APPR) Update

On June 7, 2020, Governor Andrew Cuomo issued Executive Order 202.39, which, in part, exempts school districts and BOCES from the requirement that all classroom teachers and building principals have a completed annual professional performance review (APPR) for the 2019-20 school year due to the state of emergency related to COVID-19.

In effect, the Executive Order waives all APPR requirements for school districts and BOCES under Education Law §3012-d and Regents Rules 30-3 for the 2019-20 school year, including completion of any and all components of approved APPR plans, as well as deadlines related to finalizing APPR plans, making material changes to approved plans, and certifying full and complete implementation of approved plans.

Staff evaluation data submission requirements are also waived for the 2019-20 school year. LEAs are not required to distribute 2019-20 staff evaluation scores and ratings to educators and are not required to submit such data to the Department.

Related to tenure granting, Executive Order 202.39 also waives the requirements of §§2509, 2573, 3012 and 3014 of the Education Law, to the extent necessary to allow a board of education or the trustees of a common school district, only upon specific agreement, to appoint on tenure those classroom teachers and building principals recommended by the superintendent of schools who are in the final year of the probationary period, have received the previous requisite annual professional performance review ratings pursuant to §3012-d of the education law and would have been in their discretion qualified for appointment on tenure based upon past performance, notwithstanding that their annual professional performance review had not been completed and they had not received the necessary effectiveness rating for the 2019-20 school year, or to allow such board of education or trustees of a common school district to extend such determination for an additional year.

Any questions related to this memorandum should be directed to the Office of Educator Quality and Professional Development (OEQPD) by e-mail at [educatoreval@nysed.gov](mailto:educatoreval@nysed.gov).