

## Hardship Waiver #1 Application--Submission Period Oct. 1-Oct. 30, 2015 - Hardship Waiver #1 Application - Education Law §3012-d Hardship Waiver Application

### Education Law §3012-d Hardship Waiver Application #1

For additional information, please see the Hardship Waiver FAQ, available at: <https://www.engageny.org/resource/hardship-waiver-implementation-education-law-3012-d>.

Specific questions related to the Hardship Waiver should be sent to: [hardship@nysed.gov](mailto:hardship@nysed.gov).

#### Hardship Waiver Application #1

Pursuant to Education Law §3012-d(11) as added by Chapter 56 of the Laws of 2015, districts will be not eligible for an increase in State aid in the 2015-16 school year, and any year thereafter, unless the district has submitted documentation that has been approved by the Commissioner by November 15, 2015, or by September 1 of each subsequent year, demonstrating that it has fully implemented the requirements of Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents.

The purpose of this application is for a district to request a Hardship Waiver to extend the implementation time-period of the provision of Education Law §3012-d(11) requiring you to have an approved APPR plan consistent with the requirements of Education Law §3012-d by November 15, 2015. **Please note that approval of a Hardship Waiver does not constitute a waiver from completing annual professional performance reviews.** All districts granted a Hardship Waiver by the Commissioner must continue to implement their previously approved APPR plans, consistent with the provisions of Education Law §3012-c, until such time as the district 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 where a district is seeking a Hardship Waiver and/or operating under a Hardship Waiver, the district 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.

#### Hardship Waiver Application #1 Timelines

The submission period for Hardship Waiver #1 is October 1, 2015 – October 30, 2015.

**All Hardship Waiver #1 Applications must be approved by November 15, 2015.**

Hardship Waivers approved by November 15, 2015 will be effective from November 15, 2015 through March 15, 2016.

Please see the information below for more information on timelines related to the Hardship Waiver.

## Waiver Submission Process

Districts seeking a Hardship Waiver must submit the completed and signed application, including all required materials, to the Department for review during the following dates:

### Hardship Waiver #1

- October 1, 2015 – October 30, 2015: Submission period for Hardship Waiver #1
- November 15, 2015: Approval deadline for Hardship Waiver #1
- November 15, 2015 – March 15, 2016: Effective dates for Hardship Waiver #1

### March 1, 2016

- APPR plans consistent with Education Law §3012-d approved on or before this date must be implemented for the 2015-16 school year.[1]
- APPR plans consistent with Education Law §3012-d approved after this date must be implemented for the 2016-17 school year. Districts will implement their previously approved plans consistent with Education Law §3012-c during the 2015-16 school year.[2]

### Hardship Waiver #2

- February 1, 2016 – March 1, 2016: Submission period for Hardship Waiver #2
- March 15, 2016: Approval deadline for Hardship Waiver #2
- March 15, 2016 – July 15, 2016: Effective dates for Hardship Waiver #2

### Hardship Waiver #3

- June 1, 2016 – July 1, 2016: Submission period for Hardship Waiver #3
- July 15, 2016: Approval deadline for Hardship Waiver #3
- July 15, 2016 – August 31, 2016: Effective dates for Hardship Waiver #3

### September 1, 2016

- All districts 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.

As noted above, districts must continue to implement their previously approved APPR plans, consistent with Education Law §3012-c, until such time as the Commissioner approves an APPR plan consistent with Education Law §3012-d. Additionally, all districts

must demonstrate continual 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 during the time period in which a Hardship Waiver is applied for or approved.

Waivers will be reviewed in the order in which they are received. The waiver application has three criteria:

1. A description of the hardship your district is experiencing;
2. Evidence that your district has engaged in good faith efforts to collectively bargain an APPR system consistent with Education Law §3012-d and Subpart 30-3 of the Rules of the Board of Regents; and
3. Evidence that your district has taken steps to train relevant staff, to the extent practicable, on the new evaluation system to ensure that, once approved, your district's new APPR system can be implemented.

As noted in the chart above, waivers must be submitted during the applicable submission period and are only valid until their expiration date. In your initial application, and in each renewal application, your district must provide details on the same three criteria listed above.

[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 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 in the 2015-16 school year. 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. Further, all districts must submit documentation to the Department by August 26, 2016 that they have implemented their approved APPR plans during the 2015-16 school year in order to be eligible to receive their increase in State aid.

## Nature and Evidence of Hardship

Please fully and accurately complete the questions below[1] and submit this form to the Department for review, consistent with the timelines listed above.

[1] Failure to fully complete all of the components of the waiver process with full and accurate information will result in automatic denial of the waiver and may cause a district to lose their eligibility for an increase in State aid.

1

In the box below, please describe the hardship that is preventing your district from implementing the provisions of Education Law §3012-d (e.g., despite meeting with your collective bargaining unit(s), your district has been unable to reach an agreement in the time period necessary to complete your submission; your district was unable to engage in collective bargaining procedures as the necessary parties were not available to negotiate and/or the cost of engaging in such negotiations over the summer would be too burdensome; your district has submitted student assessments to the NYSED Assessment RFQ and is awaiting notice of approval). \*

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Please provide evidence, as an attachment to this application, of your district's 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 (e.g., 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, etc.). \*

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3

Please provide evidence, as an attachment to this application, of the steps your district has taken to train administrators, evaluators, teachers, and other relevant staff on the new APPR system, to the extent practicable, to ensure that, once a new evaluation system under Education Law §3012-d is approved, it can be implemented (e.g., calendar of training dates and activities; sample training activities conducted to date, etc.). \*

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## Assurances and Signatures

The signature page required to complete your application can be found in the document box to the left. Please download the form, complete the assurances and signatures, and upload the finalized form in question 4.

4

Please download the signature page found in the document box to the left, complete the assurances and obtain the necessary signatures. \*

No file chosen

[Add Another Upload](#)

The completed and signed form should be uploaded below.