

Privacy Law Summary



12-25

The teacher evaluation privacy law, effective July 1, 2012, limits public access to teacher evaluations. Prior to the enactment of this law, virtually anyone, including the media, by virtue of the state's *Freedom of Information Law* and related court decisions, could request and be given broad disclosure of individual names of teachers and their evaluation scores and ratings. The new privacy law protects teachers' legitimate right to privacy. The law does not totally prohibit the release of all evaluation information, but establishes limits and guidelines for what information may be provided to parents and what districts and the State Education Department (SED) must make available to the general public.

Disclosure of Individual Teacher Evaluation Data

Districts must, upon receipt of a parent's or legal guardian's request, provide specific evaluation information, subject to various conditions:

- Districts are required to make reasonable efforts to verify that any request received is a bona fide request made by a parent or guardian who is entitled to the evaluation information.
- Only the *previous year's final rating and composite score* of any classroom teacher to which their student is currently assigned may be released. This means that only the HEDI rating category and the composite (0-100 numeric) score may be shared with the parent or legal guardian who has made the request.
- The district may not disclose teacher sub-component scores.
- The prior year's final rating and composite score may be reviewed and received by the parent or guardian of a current year's student in any manner, including in person or by phone.
- Parents are not entitled to the evaluation data for any teacher their student *might have* in the future or *has had* in the past.
- The district shall offer parents the opportunity to understand the evaluation scoring system as it relates to student performance. Districts also have an obligation to provide notice to parents and legal guardians of the right to obtain such evaluation data. Such information may be provided through a general publication created by the district for those purposes.
- All other teacher-specific evaluation information including APPR forms or documentation, such as rubric scores and notes for the *60 percent Other Measures of Effective Teaching Practice* are confidential and under the privacy law is explicitly "not subject to disclosure."
- In order for the evaluation data to be released to a parent or guardian by a district, the teacher's evaluation must be final. Should there be an appeal pending regarding the evaluation it is a non-final evaluation and its contents are not to be shared.

Public Disclosure of Information

New York State accepts federal funds through a number of programs. Federal law stipulates that accepting these funds requires states to make certain district and building level data available to the public. Under the privacy law, this data may include the final ratings and composite effectiveness scores as well as any component of the rating. The law enables this release of evaluation data, but with restrictions. Under the privacy law, the SED and each school district and BOCES must provide to the public the following evaluation data:

- The percentage of teachers and principals within each evaluation rating category.
- Changes from the previous year. Not within the specific categories, but the percentage moving from higher to lower and from lower to higher categories, and the percent that remained the same.
- Tenure grants and denials based upon final rating categories.

Most importantly, the privacy law expressly states that SED and each school district must ensure that any evaluation data released does not include “personally identifying information” for any teacher. This means that the evaluation data cannot be released by SED or a district if it is possible for someone to connect a rating with individual teachers. This is more than just removing names. For example, if a school has three fourth grade teachers and they all receive the same rating, you would not need to know their names to know the ratings of these four teachers. In this scenario, the data cannot be released as it automatically provides “personally identifying information,” namely the identity of all three fourth grade teachers and their evaluation rating.

SED is still developing the suppression rules for the release of this data.