

October 17, 2016

MEMORANDUM OF AGREEMENT

BY AND BETWEEN

THE BROADALBIN-PERTH TEACHERS ASSOCIATION

AND

THE BROADALBIN-PERTH CENTRAL SCHOOL DISTRICT

WHEREAS, the Broadalbin-Perth Teachers Association and the Broadalbin-Perth Central School District are parties to a collective bargaining agreement; and

WHEREAS, the parties in complying with state mandates with regard to Annual Professional Performance Review have met and negotiated the relevant terms to achieve compliance and wish to set forth their mutual understandings in writing,

BE IT THEREFORE RESOLVED:

1. The Annual Professional Performance Review plan "APPR" detailed below will replace earlier APPR plan(s) and will be incorporated into the BPTA/BPCSD contract by reference and will continue in effect until the parties modify it in writing.

Annual Professional Performance Review

SECTION I: GENERAL AGREEMENTS

This APPR Addendum shall be incorporated, by reference, into the collective bargaining agreement between Broadalbin-Perth Central School District and Broadalbin-Perth Teacher's Association which covers the period: July 1, 2016 through June 30, 2019

1. Application:

This provision shall sunset on June 30, 2019 with implementation to begin upon approval by NYSED. All provisions of this agreement shall apply to all teacher evaluations produced under its provisions for the 2016-17, 2017-18, and 2018-19 school years.

Should the law (3012-d) of 2015, the corresponding Rules of the Board of Regents, or NYSED guidance regarding 3012-d change from what was in place at the time of this agreement, if need be, the agreement shall be renegotiated to be consistent with further changes in law, regulation or NYSED guidance or with any required material change to the District APPR plan.

2. Students are required to pass four out of the five Regents examinations required to qualify for a high school diploma, the English Language Arts Regents, the United States History Regents, a science Regents and a math Regents. Broadalbin-Perth Central School District and the Broadalbin-Perth Teachers Association agree to use the ELA Regents, the US History Regents, the Living Environment Regents and the Algebra I Regents to compute the student performance category measure of the SLO. (See Section II)
3. The building administrator (or designated district-level administrator) shall be the lead evaluator for teachers and shall complete the required announced observational school visit(s). Persons serving as the required "independent observer" shall be NYS certificated and APPR trained BPCSD building administrators, assistant building administrators or directors and shall do the required unannounced observation. (See Section III)
4. The district shall utilize the Charlotte Danielson Framework for Teaching 2013 rubric.
5. Scores and ratings for both the Student Performance Category and Observation Category (rubric) shall be provided annually no later than June 30th. Final overall summative evaluations shall be provided to teachers annually no later than the July 15th. If data for any student performance measure is not available by June 30th, the related scores and ratings, including the final summative evaluation, shall be provided within 15 business days of receipt of the achievement results, or by some other District and Association mutually agreed upon date. The District agrees to mail the final summative report to the teacher provided summer address if different than the permanent address on file in the district office.
6. The following matrix, required by law and regulation, will be used to determine the overall rating for teachers.

EVALUATION RATING MATRIX

STUDENT PERFORMANCE	OBSERVATIONS				
	SCORES	H	E	D	I
	H	H	H	E	D
	E	H	E	E	D
	D	E	E	D	I
	I	D	D	I	I

7. Improvement plans for teachers with developing or ineffective overall evaluation ratings shall be created according to the attached format and process. Such plans shall be mutually agreed upon within the first ten (10) days of the school year. (SEE SECTION IV)

8. An appeal of any teacher's evaluation shall be for ineffective and developing ratings only. The reasons for appeal shall be those identified in law, regulation, and as identified in Section V. The attached appeal process shall be utilized. An appeal of an evaluation may NOT be initiated prior to the issuance of the final summative rating. (SEE SECTION V)

9. Normal rounding procedures shall apply to all score computations where the calculated score falls between the points on any applicable range of scores used to determine a HEDI rating.

10. Specific procedures and forms for each sub-component are contained in the attached Sections II to VI. Any additional forms needed shall be developed mutually by the Superintendent of Schools (or designee) and the Broadalbin-Perth Teacher's Association President (or designee) no later than 30 school days, or some other mutually agreeable date, following approval of the provisions of this agreement by NYSED.

SECTION II: STUDENT PERFORMANCE CATEGORY

The parties have agreed not to use an optional second subcomponent in the student performance category.

During the period of this agreement, from the 2016-2017 school year through the 2018-2019 school year, a district-wide SLO will be in effect for all teachers as required under New York State Education Law §3012-d. The following New York State Regents (Common Core, if given) assessments will be used:

New York State English Common Core
New York State US History
New York State Living Environment
New York State Algebra I Common Core

Broadalbin-Perth Central School District shall calculate the percentage of students meeting the target by dividing the total number of students achieving the state level of proficiency of the above-listed examinations by the total number of test takers. The results of the June Regents exam administration will then be used to calculate the student performance score for that school year. Normal rounding procedures shall apply to all score computations where the calculated score falls between the points on any applicable range of scores used to determine a HEDI rating.

The following NYSED SLO scoring charts will be required for scoring of any SLOs:

RATING	POINTS <i>(for state provided growth score use only)</i>	% STUDENTS MEETING TARGET
H	18-20	90-100
E	15-17	75-89
D	13-14	60-74
I	0-12	0-59

SECTION III: OBSERVATION CATEGORY

1. The parties agree that teachers shall be evaluated using the Charlotte Danielson Effective Teacher Performance Rubric 2013.
2. The building administrator (or designated district-level administrator) shall be the lead evaluator for teachers and shall complete the required announced observational school visit(s). Persons serving as the required “independent observer” shall be NYS certificated and APPR trained BPCSD building administrators, assistant building administrators or directors and shall do the required unannounced observation. (See Section III)
3. It is agreed upon that no recording devices of any kind will be used during the classroom observation of a teacher.
4. The rating of the building administrator/assistant building administrator shall constitute 90% of the rating for this category. The rating of the independent observer shall constitute 10% of the rating for the Observation Category.
5. For the unannounced visits by the Independent Observer, only domain 2 of the Danielson rubric will be scored. In addition to the unannounced observation, the teacher may choose to invite the independent observer to join a planned meeting or activity, do an additional walk-through visit, or engage in an educational planning discussion. For unannounced visits, the administrator will provide a five (5) day window period upon which the observation may be conducted. In unforeseen emergencies that occur during this five day window period both parties agree to reschedule the unannounced observation within the next five (5) day window period.
6. Each of the required, observable elements of the Charlotte Danielson rubric, in Domains 2 and 3, shall be rated by the building leader in a holistic manner, matching the performance of the teacher to the best fit language of the rubric for each element. The Danielson four point scale will be converted to a HEDI rating: 4 points = Highly Effective; 3 points = Effective; 2 points = Developing and 1 point = Ineffective.
7. Over the course of the year, all observable elements and domains (i.e. Domains 2 and 3) will be assessed at least once by the administrator.
8. All observations are to be completed annually between the 10th full day of classes and Memorial Day, with at least one occurring before and after January 1st. The following optional sources of information, if provided by the teacher during the “observation cycle”, shall be considered observable evidence of performance by the lead evaluator in utilizing the rubric and instrument. These shall be provided to the building administrator/assistant building administrator at the appropriate time (during, before or after) of an announced observational school visit.
 - a. Lesson and unit plans (before)

- b. School documents and records related to components of the rubric. (when appropriate)
- c. Progress on any instructional goals. (when appropriate)
- d. The teacher's reflection of the rubric for joint review and discussion. (after)

All pre-lesson documents will be submitted electronically. The district agrees to provide training to all teachers during hours of regular school business on computer based documents.

9. Each announced observational visit shall result in an observational report provided to the teacher within 10 school days of the observation. This will include the scores and/or ratings for elements observed as well as narrative information. Unannounced observational visits shall result in an observational report within 10 school days to include the ratings for the elements observed. For any element observed and rated "Ineffective" or "Developing", the observer shall:
- Substantiate such scores/ratings with a reference to the specific observed evidence leading to such score.
10. A non-probationary teacher may select either the traditional (two full lesson observations) or the mini-lesson (walkthrough) observation method to be conducted by district employed, certificated and APPR trained evaluators.
- Mini-Lesson details:
- There will be no pre-conference.
 - A teacher may receive to two "wave offs" during the school year. The building administrator Principal also has a wave off when necessary that doesn't count against teacher wave off.
 - The teacher cannot wave off consecutively unless agreement with the building administrator.
 - A Mid-year meeting will be conducted between the teacher and the building administrator to check on rating progress and teacher improvement
11. Probationary teachers will be observed using the traditional, full lesson, according to the following schedule:
- Probationary Year One - three observations
 - Probationary Year Two - two observations
 - Probationary Year Three - two observations
 - Probationary Year Four - two observations
12. During probationary year two or three, a full classroom observation will be conducted by a certified and APPR trained Broadalbin-Perth administrator. The administrator will conduct informal walkthroughs in the same content area as that of the probationary teacher and concurrent to the time period of the classroom observation.
13. For the teacher's final Observation Category score, the element scores shall be weighted according to lead evaluator 90% and independent observer 10%. Rounding to the

nearest hundredth shall apply to average element scores to match the HEDI ranges in the conversion chart.

14. If the independent observer waive is accepted by SED, then all observation will be by building administrator or assistant building administrator, except for probationary teachers will still have a administrator as the lead evaluator in year 2 or 3.

Observation Category (Rubric): Average Score* to HEDI Rating Conversion	
<u>Average rubric score</u>	<u>Performance Level</u>
3.50 to 4.00	Highly Effective
2.50 to 3.49	Effective
1.50 to 2.49	Developing
1.00 to 1.49	Ineffective

Summative Evaluation:

Based on a review of all observation scores, documented and agreed upon conversations about professional performance, and other sources of evidence reviewed in observation cycles, the building leader/assistant building leader shall compile an end-of-year summative evaluation.

Element scores of 1 (I) or 2 (D), shall be supported by reference to specifically observed evidence during the observation cycles.

A final overall rubric score shall be computed using the average of all of the summative element scores. Normal rounding will apply to an overall average element score falling between the negotiated Observation Category HEDI ranges. This final average overall element score shall be the Overall Summative Observation Score from the building leader/assistant building leader as lead evaluator (weighted at 90% in determining the final Observation Category Rating).

For example:

Announced Observation (90%)

$$3.75 \times .90 = 3.105 \qquad 3.105$$

Unannounced Observation (10%)

$$2.80 \times .10 = .28 \qquad .28$$

$$3.385 - \text{rounded to } 3.39$$

The building leader/assistant building leader’s summative evaluation report shall be presented, reviewed, and discussed in an end-of-year post-observation conference.

SECTION IV: TEACHER IMPROVEMENT PLAN (TIP) PROCESS

Upon receiving a rating of “developing” or “ineffective”, a teacher shall be provided with a TIP. The TIP shall be provided as soon as practicable, but in no case later than ten school days after the opening of classes for the school year. The Parties understand and agree that the sole and exclusive purpose of a TIP is the improvement of teaching practice and that the issuance of a TIP is not a disciplinary action. The TIP shall be developed in consultation with the teacher, and Association representation shall be afforded to the teacher. The teacher shall be advised of his/her right to such representation. The Association president shall be notified on or before August 1 whenever a teacher is placed on a TIP and, with the agreement of the teacher, shall be provided with a copy of the TIP.

A TIP shall clearly specify: (i) the area(s) in need of improvement; (ii) the performance goals, expectations, benchmarks, standards and timelines the teacher must meet in order to achieve improved instructional performance ; (iii) how improvement will be measured and monitored, and provide for periodic reviews of progress; and (iv) the appropriate differentiated professional development opportunities, materials, resources and supports the District will make available to assist the teacher including, where appropriate, the assignment of a mentor teacher.

After the TIP is in place, the teacher, administrator, mentor (if one has been assigned) and an Association representative (if requested by the teacher) shall meet, according to the schedule identified in the TIP, to assess the effectiveness and appropriateness of the TIP, for the purpose of assisting the teacher to achieve the goals set forth in the TIP. Based on the outcome of such assessment(s), the TIP shall be modified accordingly.

A teacher who believes that the terms of a TIP are arbitrary, unreasonable, inappropriate or defective, or that the District has failed to meet its obligation to properly implement the terms of a TIP, may seek relief through the appeals process.

All costs associated with the implementation of a TIP including, but not limited to, tuition, fees, books and travel, shall be borne by the District in their entirety. No disciplinary action predicated upon ineffective performance shall be taken by the District against a teacher until a TIP has been fully implemented and its effectiveness in improving the teacher’s performance has been evaluated. No disciplinary action shall be taken by the District against a teacher predicated on an ineffective rating who has met the performance expectations set by a TIP.

Termination and Tenure Determinations for Probationary Teachers

The APPR is to be a significant factor for termination and tenure determinations. In the event that an evaluator is concerned with the competence of a probationary teacher, it is agreed that the teacher will be invited to a conference with the evaluator, appropriate administrator (if different from the evaluator), and the Association President or his/her designee as early in the school year as reasonable. The conference will result in an intervention and TIP being developed.

SECTION V: TEACHER APPR APPEAL PROCESS

The purpose of the internal APPR appeal process is to foster and nurture growth of the professional staff in order to maintain a highly qualified and effective work force. The appeal procedures shall provide for the timely and expeditious resolution of the appeal. All tenured and probationary employees who meet the appeal process criteria identified below may use this appeal process. A teacher may not file multiple appeals regarding the same performance review or TIP. All grounds for appeal must be raised within one appeal, provided that the teacher knew or could have reasonably known the ground (s) existed at the time the appeal was initiated, in which instance a further appeal may be filed but only based upon such previously unknown ground(s).

APPR Subject to Appeal Procedure

Any teachers aggrieved by an APPR rating of either “ineffective,” or “developing” may challenge that APPR.

Grounds for an Appeal

An appeal may be filed challenging the APPR based upon one or more of the following grounds:

1. The substance of the Annual Professional Performance Review, which includes receiving a rating of Ineffective in the student performance component and a rating of Highly Effective in the observation category based on an anomaly;
2. The district’s failure to adhere to the standards and methodologies required for the Annual Professional Performance Review, pursuant to *Education Law* §3012-d and applicable rules and regulations;
3. The district’s failure to comply with either the applicable regulations of the Commissioner of Education, or locally negotiated procedures;
 1. The district’s failure to issue and/or implement the terms of the Teacher Improvement Plan, where applicable, as required under *Education Law* §3012-d.
 1. The district’s failure to adhere to the timelines set forth in this agreement.

Notification of the Appeal

In order to be timely, the notification of the APPR appeal shall be filed, in writing, within five school days after the teacher has received the results of an observation or the remaining parts of the APPR. Notification of the appeal shall be provided to the Superintendent or his/her designee.

Decisions on Appeal

APPR Review Committee. The Committee make up shall be:

1. Two administrators (building administrators and/or directors), certified to conduct evaluations, and appointed by the Superintendent or his/her designee. The administrators appointed shall not be the lead evaluator who authored the evaluation and. Two tenured teachers appointed by the President of the Association or his/her designee. The teacher appealing their APPR may not serve on the Committee.

The committee shall reach its finding by majority.

2. If the Committee determines that the appeal should be denied, the teacher's APPR rating will stand. If the appeal is sustained in whole or in part, the Committee may modify a rating.

If a majority is not achieved, then a second committee shall be convened to review the evidence presented on appeal and reach a decision by majority as to whether or not the appeal should be sustained or denied.

That second committee shall consist of:

1. Two administrators (building administrators and/or directors) who are different from those who served on the first committee and named by the Superintendent or his/her designee and
2. Two tenured teachers appointed by the President of the Association or his/her designee who are different from those who served on the first Committee
3. Neither the teacher appealing their APPR nor the evaluating administrator may serve on the second Committee.

In the event that the second Committee cannot reach a majority then the final APPR rating being appealed shall stand.

Regularly check the following websites for updates:

NYS Education Department:

www.nysed.gov

Engage New York:

<http://engageny.org/>

NYSUT Website (Members only section):

www.nysut.org**Timeline**

This Memorandum of Agreement is subject to approval by the Board of Education.

For the Association:



Phillip Meashaw
President

For the District:



Stephen Tomlinson
Superintendent of Schools