

MEMORANDUM OF AGREEMENT with regard to
ANNUAL PROFESSIONAL PERFORMANCE REVIEW

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It is understood that this Memorandum of Agreement replaces Article 26 of the CBA, and as such, effectively becomes part of the language of the CBA as Article 26.

Part I: Rubric Selection

- A. The Valley Central School District's APPR Committee collaboratively selected the TED including the **NYSUT's Teacher Practice Rubric**. We agree that this rubric will be used until a successor agreement is reached. At the end of the 2012-13 school year, the APPR Committee will meet to discuss the strengths and weaknesses of the rubric and report to the Negotiations Committee.

Part II: Training of Evaluators

- A. The District will ensure that all Evaluators/Lead Evaluators are trained by a NYSUT approved trainer with respect to the TED system. In the event that no NYSUT approved training is available as mutually determined by the District and VCTA, local turnkey training will be provided until NYSUT approved training is available. In this situation, the VCTA Association President will be notified.
- B. The District agrees that members of the administration will not release teacher scores to the public, unless contrary to law or SED mandate. In addition, the administrators' scores on the TED training will not be released. However, in the event of a 3020a, training results will be released if available.
- C. The Superintendent or Board of Education will approve the list of Lead Evaluators.
- D. All unit members will be trained on the TED system (stakeholder training), including NYSUT's Teacher Practice Rubric. It is the District's responsibility to provide this training.

Part III: Plan for Evaluation (Multiple Measures)

- A. Tenured Teachers:
 - 1. A minimum of two observations will be completed each school year. One will be announced and one will be unannounced. One of the two will last at least for thirty minutes.

2. For announced observations, the teacher will fill out the lesson plan template and the pre-observation form, provide it to the evaluator and schedule a pre-observation meeting. If the teacher and administrator do not feel that a meeting is necessary, the teacher may simply hand in their lesson plan template and pre-observation form three days prior to the observation. Evaluators will notify teachers at least five school days prior to the announced observation. In all cases, the submission of the lesson plan template, pre-observation form and meeting date/time must take place three days prior to the announced observation.
3. Following the observation, a post-observation meeting will take place within 15 school days of the observation unless otherwise mutually agreed upon. If either person requests it, a “face to face” post observation conference will take place. If not, the evidences of the standards and elements will be collected and shared with the teacher through the evaluation management system. One observation must have a “face to face” post-observation meeting (preferably after the announced observation).
4. If an unannounced observation is used to collect evidences, the administrator will send an electronic alert through the electronic evaluation system or place the post-observation form in the teacher’s mailbox. The teacher will complete the lesson plan template and post-observation form within five days. If either person requests it, a “face to face” post observation conference will take place. If not, the evidences will be collected and shared with the teacher electronically within 15 school days of the observation unless otherwise mutually agreed upon.

B. Non-Tenured Teachers:

1. More than two observations will be completed each school year, at least one will be unannounced and one will last at least thirty minutes.
2. The announced observations will have a “face to face” pre-observation meeting at least three days prior to the observation.
3. Following the observations, a “face to face” post-observation meeting will take place within 15 school days of the observation.

C. Cancellation of Observation

1. An administrator's observation schedule will be given highest priority so that cancellation can be avoided. In the case that an administrator has to cancel an announced observation, every effort shall be made for the administrator to observe the teacher as soon as possible, to observe the same lesson at a different time or to observe the next possible lesson.
2. The administrator will meet with the teacher as soon as possible so that any changes to the pre-observation form/discussion can occur.
3. There are not a maximum number of observations that may be completed for any teacher. The number of observations may be determined by the District.
4. All teachers will be informed by convocation day of who will be their summative evaluator(s) for that school year.

D. Teacher of Record:

1. In general, after 20 consecutive school days of absence of the classroom teacher, the substitute teacher becomes the teacher of record retroactively to the first day of the classroom teacher's absence. In the case of CTM classrooms, the regular subject teacher and the special education teacher shall be the teacher of record for all students. They will share the HEDI scores for local and SLO assessments.
2. Unit members not required to be evaluated by the new system as specified by the new regulations will be evaluated by the APPR system previously established by the District. Those unit members who instruct less than 40% of the time will be considered as instructional support and fall under the old APPR process.

Part IV: Data Management and Test Security

- A. The District's student management system will be used to collect data for the State. As per State requirements, teachers have the right to access and verify data. Teachers are not responsible for discrepancies/errors caused by the transfer of information from the District's student management system to the State's data collection system.

- B. The District will ensure measures for delivery, storage and distribution of all State assessments. The Director of Data, Testing and Federal Programs, under the supervision of the Deputy Superintendent of Curriculum, will share the information and directions with administrators. The District will follow testing protocols.

Part V: Local Assessments and Student Learning Objectives

A. Local Measures: (20%)

1. The local measures portion of the APPR score will be derived from a targeted achievement rate of the students who are enrolled from BEDS day through June 15. All elementary and secondary level exams to be used in local measures will be district wide final exams developed at the local level that are common by subject and course.
2. For the purpose of HEDI criteria, the District and Association will adopt a local conversion rubric which assigns a passing rate of 70% to 13 of 20 points and mathematically distributes percentage scores to the remaining points proportionately.
3. For the local measures portion of the score, the teacher's raw score will be determined from the mean average of all students taught. The teacher's achievement score will be determined by the percentage of all students who pass the final of the courses taught by the teacher. The distributions of achievement percentage for those passing the exam are as follows:

Highly Effective	20	96-100%
	19	93-95%
	18	89-92%
Effective	17	85-88%
	16	81-84%
	15	78-80%
	14	74-79%
	13	70-73%
	12	65-69%
	11	59-64%
	10	54-58%
	9	48-53%
Developing	8	43-47%
	7	38-42%
	6	32-37%
	5	27-31%
	4	22-26%
	3	17-21%
Ineffective	2	12-16%
	1	5-11%
	0	0-4%

4. Should the value added model be required the point allocations in the following chart will be utilized:

HEDI Bands (0-15 Points)	Point Allocation	% of students achieving the target
Highly Effective	15	94-100%
	14	88-93%
Effective	13	83-87%
	12	75-82%
	11	69-74%
	10	63-68%
	9	57-62%
	8	50-56%
Developing	7	44-49%
	6	38-43%
	5	31-37%
	4	25-30%
	3	19-24%
Ineffective	2	13-18%
	1	6-12%
	0	0-5%

B. Student Growth (State Portion)

1. The District will determine who will have State-provided growth measures and who must have SLOs as “comparable growth measures” according to State regulations.
2. The teacher’s score will be based on the percentage of students measured by their SLO(s) who met the target set by the teacher and agreed to by the building principal.
3. For the purpose of HEDI criteria, the District and Association will adopt a SLO conversion rubric which assigns 70% of students who meet the target score to 13 of 20 points and mathematically distributes percentage scores accordingly.

Highly Effective	20	96-100%
	19	93-95%
	18	89-94%
Effective	17	85-88%
	16	81-84%
	15	78-80%
	14	74-79%
	13	70-73%
	12	65-69%
	11	59-64%
	10	54-58%
Developing	9	48-53%
	8	43-47%
	7	38-42%
	6	32-37%
	5	27-31%
	4	22-26%
Ineffective	3	17-21%
	2	12-16%
	1	5-11%
	0	0-4%

4. Should the value added model be required the point allocations in the following chart will be utilized:

HEDI Bands (0-15 Points)	Point Allocation	% of students achieving the target
Highly Effective	15	94-100%
	14	88-93%
Effective	13	83-87%
	12	75-82%
	11	69-74%
	10	63-68%
	9	57-62%
	8	50-56%
Developing	7	44-49%
	6	38-43%
	5	31-37%
	4	25-30%
	3	19-24%
Ineffective	2	13-18%
	1	6-12%
	0	0-5%

5. All SLO baseline, target, learning content, and post-tests must be common by course and level across the District and in compliance with State regulations.
6. SLOs will be developed in conjunction with the department/subject/level teams and building principals, and will be approved by the Superintendent. All SLOs developed must be comparable, rigorous and course specific as per current State regulations and approved on or about November 1.
7. Teachers will be given guidance by the District on the development of SLOs.
 - a) For Literacy Collaborative Leaders/ Coordinators: The SLO will be based upon the students they teach outside their Literacy Collaborative Leader/Literacy Collaborative Coach coaching duties. When two teachers share a class in the LC model, both share the SLO scores and both teachers will be considered the teacher of record.
 - b) CTM teachers: Teachers in a CTM will share the results of the SLO.
 - c) When students with disabilities are pulled out of a classroom for primary instruction in ELA and/or math, the special education teacher will be the teacher of record. The general education teacher will be the teacher of record for the non-disabled students.
8. If the District decides to utilize a building growth score as part of the a special area (PE, Music, Art, Computer, Library) teacher's composite score and that building's growth score is determined to make that teacher's composite score ineffective, that composite score is not used in an expedited 3020a.
9. With regard to any test or project utilized in a SLO, students will receive modifications as stated in IEP's and 504 plans to the extent that is legally required by law.

Part VI: Equity of Scheduling and Availability of Student information

- A. It is understood that equity of scheduling is crucial to success in this system. While it is noted that it is impossible to have perfect equity, every reasonable effort will be made to make the schedule as equitable as possible for the course and level and to limit the number of preps as is possible according to the scheduling needs of the building.

- B. Teachers will have access to a tentative roster of students by August 15. Teachers will have access through the student management system to tentative students' data which will include, but not be limited to, attendance, transcripts, personal information and report cards by August 15.
- C. There will be no voluntary student change in schedule (which affects the assignment of students to the teacher) after the second Friday of student attendance, barring unforeseen circumstance (for example, if this provision is detrimental to a student's ability to graduate, then exception may be made as long as the teacher is part of the process).
- D. All teachers will have access to data necessary for creation of SLOs.
- E. Data teams will be subject and level specific and given the opportunity to meet on at least one data half-day each year.
- F. An ongoing goal of the Professional Development Team will be to provide professional development to help unit members achieve success by understanding the components of the APPR System. When a member is absent from a professional development workshop/training provided by the District that occurs within the seven hour school day, s/he will be required to arrange to make up the training on a date and time outside of the school day as part of his/her professional responsibility.

Part VII: HEDI Chart

The NYSUT scoring rubric will be utilized to convert raw scores to the 60 point portion of the total evaluation points for the Multiple Measures portion of the score.

The VCSD scoring rubric will be utilized to convert raw scores to the 20 point portion of the total evaluation points for the Local measures portion of the score as per Article 26, Section V.

The VCSD scoring rubric will be utilized to convert raw scores to the 20 point portion of the total evaluation points for the SLO measures portion of the score as per Article 26, Section V.

As per state regulation the composite score of the teacher will be deemed as follows:

Elements of Evaluation	Points Available	Highly Effective	Effective	Developing	Ineffective
Observation	60	59-60	57-58	50-56	0-49
Local	20	18-20	9-17	3-8	0-2
State	20	18-20	9-17	3-8	0-2
Composite	100	91-100	75-90	65-74	0-64

Part VIII: Teacher Improvement Plans (TIP)

- A. All teachers will receive a summative evaluation as soon as testing scores are available. The summative evaluations for teachers whose scores fall within “effective” or “highly effective” as identified by the HEDI scoring bands will be available to them on OASYS. Teachers who receive a composite rating of “developing” or “ineffective” as identified by the HEDI scoring bands will be placed on a TIP.
- B. The District will inform the teacher of the need for a TIP due to their composite score by email or certified letter. **The TIP must be in place at least 10 days after the start of school or other time period as indicated by law.** It is preferred and recommended that teachers make an appointment with their principal within ten days of receipt of their composite score to discuss the score and to arrange a TIP meeting. Receipt of the score will be verified by checking the time and date that the email was opened or by postal return. VCTA officers will be notified by the principal by email.
- C. Nothing precludes an administrator from commencing a TIP anytime during the school year.
- D. The Teacher Improvement Plan will address the following areas:
 1. Areas in need of improvement: The TIP will be aligned to the NYS Teaching Standards and elements. Deficiencies will be noted along with suggested improvement to give the teacher clear instruction as to how to improve their performance. NYS Subject standards, CCS, Madeline Hunter lesson elements and Bloom’s taxonomy will be addressed in the TIP. While the administration may suggest other supplementary material for consideration to aid and assist in the development and growth of the teacher, these will only be suggested and not required elements to demonstrate. The TIP may not address every area of concern that an administrator has and concerns will be prioritized and made clear to the teacher. When those standards are deemed appropriately improved to an

effective/highly effective level, there will be discussion and agreement as to the next standard of priority for improvement.

2. Timeline for improvement: There will be a minimum time and a maximum time during which the teacher is expected to improve in the areas outlined in the TIP. A TIP will not exceed one school year. If the teacher has still not shown improvement, a new TIP will be initiated.
3. Interventions and activities to support improvement: In addition to suggested ways to improve, the TIP will contain intervention and support activities that may include, but are not limited to, peer observation, professional conference, online courses, required reading/discussion and other means as needed. The teacher will have meetings with the administrator to ensure they are progressing in a satisfactory manner. If the teacher is not making satisfactory progress, a meeting will be arranged with the teacher, union representative and administrator to address the problem immediately.
4. If an observer or administrator finds additional areas of new concern while the teacher is on a TIP, the new areas of concern will require a new TIP. A teacher may find him/herself on multiple TIPs at one time. While an administrator may find evidences for multiple TIPs in one observation/conference session, the teacher could be required to work as many hours outside of the school day on a monthly basis in correspondence to the number of TIPs they have. For example, a teacher with 3 TIPs would be required to stay 3 hours outside the school day over the course of the month; however, only one hour per day will be expected/ required of the teacher on one day.
5. When possible, there will be no change of assignment or transfer for a teacher if on a TIP, unless the teacher requests such.
6. Anyone on a TIP at the close of the 2011-12 school year will have the TIP reviewed and a new TIP written in accordance to the guidelines set forth above before September 1, 2012.

Part IX: Appeals

A. Probationary Teachers:

Probationary teachers may submit a written rebuttal that will be attached to their evaluation in the teacher's personnel file. Probationary teachers may not appeal their evaluation.

B. Tenured Teachers:

Stage 1

The teacher will appeal to the evaluator in writing with detailed specific areas of disagreement within 15 calendar days of receipt of the summative evaluation with appropriate documentation. The evaluator will provide a written response to the teacher's appeal within 15 calendar days.

Stage 2

If the appeal is denied by the evaluator, the teacher may appeal to the Superintendent within 15 days of the denial. The request will be made in writing with detailed specific areas of disagreement provided. The Superintendent or a designee (i.e. an Assistant Superintendent, Building Administrator or Program Director) will respond within 15 days of the request by the teacher. The decision of the Superintendent shall be final and binding. In the event the District seeks 3020a proceedings against the member, the member's evaluations may be reviewed de novo.

In addition,

- A teacher may not file multiple appeals on one performance review.
- All grounds for appeal must be raised in the same appeal or is deemed waived.
- In an appeal, the teacher has the burden of demonstrating a clear legal right to the relief requested and the burden of establishing the facts upon which the teacher seeks relief.
- Only teachers who are ineffective or developing may appeal their evaluation.
- The District and the Association agree that the composite score of any teacher in the 2012-13 school year only will not be used in an expedited 3020a hearing since so much of this process requires experience to effectively implement.

Part X: Review of process

- ### **A.**
- The District and the Association agree that particular attention will be paid to the evaluation process and it will be a monthly topic of discussion at meetings of the District administrators and Association officers to monitor the system.

1. Particular attention will be given to this system in the negotiation process for the successor CBA.

Part XI: Conformity of Law

- A. Any modifications to the process which occur after this Memorandum of Agreement is signed will be incorporated as required by SED or Commissioners Regulations, the law or if the District and Association agree it is in the best interest of all stakeholders to do so.

VALLEY CENTRAL SCHOOL DISTRICT

VALLEY CENTRAL TEACHERS' ASSOCIATION

By: _____

By: _____

Teacher Improvement Plan

Name of Teacher: _____ Administrator: _____

School Building: _____ Year: _____

- Deficiency that promulgated the “ineffective” or “developing” performance rating:

- Improvement Goal/Outcome

- Action Steps/Activities:

- Timeline for Improvement: