APPR PLAN RESOLUTION

RESOLVED, that the Board of Education herewith approves and adopts the District's Annual Professional Performance Review plan for classroom teachers and principals in compliance with Education Law Section 3012-d and 8 N.Y.C.R.R. 30-3, commencing with the 2016-2017 school year; and

BE IT FURTHER RESOLVED, that the Board authorizes the Superintendent or his/her designee to submit the plan via the online portal to the Commissioner of Education for review; and

BE IT FURTHER RESOLVED, that the Board authorizes the Superintendent and Board of Education President to execute the Joint Certification Form, as required for submission of the plan to the Commissioner of Education.



Port Jervis City School District

Office of the Assistant Superintendent for Instruction

Cynthia Benedict 9 Thompson Street Port Jervis, NY 12771 845-858-3100 cbenedict@pjschools.org

MEMO

To:

Superintendent Thomas Bongiovi

Board of Education

From:

Assistant Superintendent for Instruction Cynthia Benedict

Date:

September 1, 2016

Subject:

Approve APPR execution and submission

The Annual Professional Performance Review (APPR) is the process by which school districts in New York evaluate teachers and principals. Local Boards of Education are required to have plans in place for evaluating all educators within their districts.

In March 2012, state lawmakers enacted legislation that added a new section to the state's Education Law. Section 3012-c required school districts to negotiate APPR plans with teachers and principals. These plans were required to base 20 percent of the evaluation on student performance on state exams, 20 percent on local exams, selected by the district, and 60 percent on classroom observations. For teachers in subjects that do not have state assessments, student learning objectives (SLOs) – specific and measurable academic goals set for a teacher's students had to be used instead.

Three years after Section 3012-c was adopted, state lawmakers, in April 2015, enacted another new section to replace 3012-c. This new Section 3012-d created a matrix by which educators would be evaluated based on student test scores and observations. It also required all school districts to gain approval of their new APPR plans from the State Education Department. In addition, in December 2015, the state Board of Regents voted to implement a four-year moratorium on using grades 3-8 ELA and math exams in determining teacher and principal effectiveness.

Despite the moratorium, school districts are still required to negotiate APPR plans that are compliant with the new Section 3012-d requirement. Throughout this process described above, waivers have been implemented and deadlines have been changed. The current deadline has been extended for school districts to have approved plans in place for the 2016-2017 school year by December 31, 2016.

PJTA and PJAP have collaborated with the district to develop new plans that meet the statutory and regulatory requirments of 3012-d. The office of Ingerman Smith, L.L.P. reviewed the plans throughout the entire process and support the final agreeements. The plan is ready for submission to SED, contingent upon Board approval.

PRINCIPAL APPR AGREEMENT

SECTION I: General Agreement

APPR Addendum to the collective bargaining agreement between the Port Jervis Association of Principals and the Port Jervis City School District

Whereas the parties above are obligated to negotiate APPR provisions for principals consistent with Education Law 3012-d and subsequent NYSED regulation, they hereby agree to the following:

- 1. Application:
 - This provision shall apply only to the title of principal.
- 2. The Assistant Superintendent for Instruction shall be the lead evaluator for principals. The District shall file a request for a hardship waiver relating to use of an independent evaluator. In the case that the hardship waiver is denied, then the superintendent shall be the independent evaluator for principals. The lead evaluator's observations will constitute 90% of the weight; the independent evaluator's 10%.
- 3. In accordance with 3012-d, only assessments that have been approved by the state will be allowed.
- 4. For Alternative Student Learning Objectives (Alternative SLOs), the students to be included in the data shall be those students continuously enrolled from the BEDS day to the date of the applicable tests, and for whom there is an appropriate score for the previous year, where needed.
- 5. The District shall utilize the LCI's Multidimensional Principal Performance Rubric for principal evaluation. This shall be according to the attached instrument. The evaluation shall be based on no less than 2 visits to the school while in session, to include one thirty-minute announced observation by the Assistant Superintendent and one fifteen-minutes observation, which shall be unannounced, for both probationary and tenured principals. The fifteen minute observation shall be conducted by the Independent evaluator, unless the hardship waiver is granted, in which case the unannounced visit shall also be done by assistant superintendent. Nothing prohibits a supervisor from entering a building without notice and conducting a visit. Visits are to be completed no later than April 1.
- 6. Scores and ratings for the Observation Category (rubric) shall be provided annually no later June 30. Final overall summative evaluations, including the Student Performance Category, original composite scores, transition scores and ratings, shall be provided to principals no later than July 31 annually. If data for any student performance measure is not available by July 31, 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.
- 7. Improvement plans for principals with developing or ineffective ratings shall be according to the attached format and process. Such plans shall be mutually agreed upon within 15 school days at the beginning of the year annually.
- 8. An appeal of a principal's evaluation shall be based on the grounds identified in 3012-d and the accompanying regulations. The attached appeal process shall be utilized. An appeal of an evaluation may NOT be initiated prior to the issuance of the final composite score and rating. An appeal of the issuance of the improvement plan shall be made within 15 school days of its issuance. An appeal of the implementation

			,
	/	Superintendent	/ Date
Association President	Date	Superintendent	Date

of the improvement plan shall be made within 15 school days of the implementation or lack of

implementation of the improvement plan at issue.

SECTION II: Observations

Observations: The district shall utilize the LCI's Multidimensional Principal Performance Rubric for principal observations and evaluation. This shall be according to the attached instrument. The evaluation shall be based on no less than 2 visits to the school while in session, to include one thirty-minute announced observation by the Assistant Superintendent for Instruction and one fifteen-minutes observation, which is unannounced, for both probationary and tenured principals. The fifteen minute observation shall be conducted by the independent evaluator unless the District successfully petitions the State Education Department for a hardship waiver. If a hardship waiver is granted, then the Assistant Superintendent for Instruction will conduct unannounced visit. Nothing prohibits a supervisor from entering a building without notice and conducting a visit. Visits are to be completed no later than April 30.

For the thirty minute observation, a pre-observation meeting between the Assistant Superintendent for Instruction and principal will be scheduled by the Assistant Superintendent for Instruction and take place at least one day but no more than three days prior to the day of the observation. A post-observation meeting between the Assistant Superintendent for Instruction and principal will be scheduled by the Assistant Superintendent for Instruction and take place no later than 10 school days following the observation. The Assistant Superintendent for Instruction must complete a draft form of the rubric and send it to the principal within 8 school days of the observation but at least 2 days prior to the post conference. The Assistant Superintendent for Instruction and the principal will discuss the completed draft form, and the principal will have the opportunity to give further input or voice questions/concerns regarding the completed draft form before it becomes final. Once the Assistant Superintendent for Instruction completes any discussed changes, a principal can choose to make comments that will become a permanent part of the first semester in the school year. In

Each principal will receive at least one visit – formal or informal – by the end of the first semester in the school year. In the case of a probationary principal or tenured principal whose last APPR was developing or ineffective, the principal will received a formal visit within the first ten weeks of the school year. A principal who received a visit and received an observation score of developing or ineffective range may request another announced visit by the Assistant Superintendent for Instruction.

Calculation of Overall Observation Category Score: Once all observations and walkthroughs are complete, an overall Observation Category Score must be computed. NOTE: If a principal has earned a score of 1 on all rated components across all observations, the overall observation score assigned must be a 0.

All observations conducted by the lead evaluator will be averaged together for a final formal observation score and

All observations conducted by the lead evaluator will be averaged together for a final formal observation score and weighted as 90% of the total score. The Independent evaluator's unannounced observation score will be weighted as 10%.

This overall observation score will be converted to an overall HEDI rating using the following table:

Overall Observation Category Score and Rating

·	Min	Max
Н	3.5	4.0
E	2.50	3.49
D	1.50	2.49
1	0	1.49

SECTION III: Student Performance Category for Principals

No optional measures of student performance shall be used to determine the rating for the student performance category. State provided growth scores and/or required Alternative Student Learning Objectives shall be the measures used to calculate original scores and a rating for this category.

In any instance where Alternate SLOs are required in lieu of a state growth score, the parties shall develop such Alternate SLOs, consistent with any related NYSED requirements, for approval by the Superintendent. They shall be submitted to the Superintendent by October 15, or as soon as practicable. The Superintendent shall meet with the principal and provide a decision on approval within 5 days of the submission by the principal. Once the assessments are completed, the Superintendent may request that a principal assist in the final category calculation.

Assessments Used

In accordance with 3012-d, only assessments that have been approved by the state will be allowed. Any allowable assessments which are utilized shall be mutually agreed upon between the parties prior to the signing and submission to NYSED of any plans or forms which include provisions for such alternate SLOs.

For the 2016-2017, 2017-2018, and 2018-2019 school years, all principals for whom a state-provided growth score is calculated, or who must use the grades 3-8 state ELA and/or math assessments in an alternate SLO, will create an alternate SLO using an alternative, state approved assessment to be used in their transition score.

Growth Target Setting Methods

The alternate SLO process determined by the Commissioner shall include a minimum growth target of one year of expected growth, or the length of the course if it is shorter. The goal setting methods for setting targets can be chosen from one of the following: individual growth target setting model, class-wide minimum rigor target setting model, or banded/range-based target setting model.

Poverty, students with disabilities, English language learners status, and prior academic history may be taken into account through the use of targets.

Alternate SLOs

The parties have selected Alternate SLOs to be used during the Transition Period for District principals as follows:

Elementary Principals: 4th grade Science Assessment

Middle School Principal: 8th grade Science Assessment, Earth Science Regents, and Algebra Regents

High School Principal: English Regents.

SECTION IV: Overall Evaluation Rating

Prior to the end of the school year in June, a summative conference to review the overall rating for each category, and the overall rating for the year, will be scheduled by the Assistant Superintendent for Instruction. For those principals who do not receive assessment results prior to the end of the school year, this conference will take place by September 15 of the following school year.

Based on the rating for each category, the overall evaluation rating will be determined by using the state required chart below.

	Obstracto			
	Highly Effective (H)	Effective (E)	Developins (D)	ineffective (I)
Highly Effective (H)	4 H	H	E E	D
Effective (E)		E	Augustia Augusti	Territoria
Developing (D)		E	D	
(neffective (I)	n D* Die	D.,	in place	la di e F educies

SECTION V: APPEAL PROCESS

Principal APPR Appeal Process Description of Appeal

A principal may challenge the determination of their APPR within 15 school days of receipt pursuant to Section 3012-d of the Education Law and will be handled in a timely and expeditious manner.

- 1. To the extent that a Principal wishes to issue an appeal, the principal will submit an appeal form (Appendix G).
- 2. Appeals of annual professional performance reviews may be initiated by any principal for ineffective or developing ratings or any rating tied to compensation. An appeal may only be initiated once a principal receives the overall composite score and rating.
- 3. The entire appeals record will be part of the administrator's APPR.
- 4. A principal may not file multiple appeals regarding the same performance review unless new information becomes available which may have an impact in the overall appeal.
- 5. In an appeal, the Principal has the burden of demonstrating a right to relief requested and the burden of establishing the facts upon which petitioner seeks relief.
- 6. The time line in Levels 1, 2, & 3 of the appeal process will be strictly adhered to unless extended by mutual agreement. Failure of the principal to meet a timeline will nullify the appeal; failure of the respondent to meet a time line will allow movement of the appeal to the next level.
- 7. Pursuant to Education Law section 3012-d, a principal may only challenge the following in an appeal:

 (a)The substance of the annual professional performance review, which shall include the instance of a principal rated Ineffective on the student performance category but rated Highly Effective on the observation category based on an anomaly, as determined locally; (b) The district's adherence to the standards and methodologies required for such reviews, pursuant to Education Law section 3012-d; (c) The adherence to the regulations of the commissioner and compliance with any applicable locally negotiated procedures, as required under Education Law section 3012-d; and (d) District's issuance and/or implementation of the terms of the principal improvement plan under Education Law section 3012-d.
- 8. The appeal shall be filed with the Superintendent. Within five days of receiving the appeal, the superintendent shall schedule a meeting with the principal making the appeal. The principal may have a union representative at this meeting. The meeting will be held within ten work days of the filing of the appeal unless mutually agreed between the principal and the superintendent to meet outside the ten day requirement. In no case will this meeting not be timely and expeditious.
- 9. The Superintendent's decision will be rendered within ten work days after the meeting with the principal. If the rating of developing or ineffective is upheld, than the PIP plan shall proceed to be implemented until the next evaluation cycle is complete. If the rating is not upheld, the Superintendent will direct the supervisor will set aside the original rating, and will modify the rating according to the appeal within ten days of the superintendent's decision.

- 10. Within five (5) school days of the receipt of the decision provided by the Superintendent as noted in section 9 above, a tenured principal who has received a second consecutive "Ineffective" rating may request, in writing, to appeal the decision to an arbitrator. The arbitrator shall be selected on a rotating basis from the following list, based on order and reasonable timeframe of availability: Sheila Cole, Louis Patack, Jeffrey Selchick, and Howard Edelman, who shall make a final and binding decision upon the appeal of the APPR evaluation. The cost of said hearing shall be borne by the District. The proceedings shall be in the nature of a labor arbitration and not a statutory hearing under section 3020-a or section 3020-b of the Education Law. The appeal must articulate the substantive areas of disagreement over the performance review and must include any documents or materials relevant to the appeal.
- 11. The burden of proof shall rest with the principal.
- 12. The decision shall address the reasons and factual basis for the determinations found regarding the issues raised in the appeal. Copies shall be provided to the principal, the evaluator and anyone responsible for implementing an improvement plan.
- 13. Nothing herein shall limit the right of a non-tenured principal to exercise his/her rights pursuant to Education Law Section 3031 and/or bring a grievance charging a procedural violation of the provisions of the collective bargaining agreement and APPR procedures.
- 14. The current appeal procedure shall be in effect during the employment of the present superintendent. Once the superintendent separates from service for any reason, the appeal process shall be null and void immediately and the parties agree to begin to negotiate a replacement appeals process.

Waiver

Any issues not raised in an appeal shall be deemed waived. Failure to file an appeal in a timely manner shall be deemed a waiver of the right to appeal.

SECTION VI: Improvement Plan

Upon rating a principal as ineffective or developing, an improvement plan designed to rectify perceived or demonstrated deficiencies must be developed and commenced as early as July, but no later than October 1st. The superintendent, in consultation with the principal, must develop an improvement plan that contains:

- 1. A clear delineation of the deficiencies that resulted in the ineffective or developing assessment.
- 2. Specific improvement goal/outcome statements.
- 3. Specific improvement action steps/activities.
- 4. A reasonable time line for achieving improvement including interval meetings with the Superintendent.
- 5. Required and accessible resources to achieve goal, for example, frequent meetings with the supervisor, professional development, and/or mentoring.
- 6. A formative evaluation process documenting meetings strategically scheduled throughout the year to assess progress. These meetings shall occur at least bi-monthly during the year, beginning in August. A written summary of feedback on progress shall be given within 5 business days of each meeting.
- 7. A clear manner in which improvement efforts will be assessed, including evidence demonstrating improvement.
- 8. A formal, final written summative assessment delineating progress made with an opportunity for comments by the principal by June 15th.
- 9. All costs associated with the implementation of a PIP including, but not limited to, tuition, fees, books, and travel shall be borne by the district in their entirety. Unless otherwise required under ED Law 3020-B, no disciplinary action predicated upon ineffective performance shall be taken by the district against a principal until a PIP has been fully implemented and its effectiveness in improving the principal's performance has been evaluated. Unless otherwise required under ED Law 3020-B, no disciplinary action for pedagogical incompetence shall be taken by the district against a principal predicated upon an ineffective rating who has met the performance expectations set by a PIP; however, nothing shall be construed to restrict or limit the district's right to deny tenure, or to otherwise terminate a probationary principal, in compliance with law and the collective bargaining agreement.

PJCSD Principal Improvement Plan

Name of Principal	
School Building	Academic Year
Deficiency that promulgated the "ineffective" or "developing" perfor	mance rating:
Improvement Goal/Outcome:	
Action Steps/Activities:	
Timeline for completion:	
Required and Accessible Resources, including identification of respor	nsibility for provision:
Dates of formative evaluation on progress (lead evaluator and princip	pal initial each date to confirm the meeting):
November:	
January:	
March: .	
May:	
Evidence to be provided for Goal Achievement:	

Assessment Summary: Superintendent is to attach a narrative summary of improvement progress, including verification of the provision of support and resources as outlined above no later than 10 days after the identified completion date. Such summary shall be signed by the superintendent and principal with the opportunity for the principal to attach comments.

SECTION VIII: ADDITIONAL ATTACHMENTS

List of district's NYSED approved student achievement assessments for evaluation.

LCI Multidimensional Rubric, available as pdf from the following SED web site:

 $\underline{http://usny.nysed.gov/rttt/teachers-leaders/practicerubrics/Docs/MultidimensionalPrincipalPerformanceRubric.pdf}$

APPENDIX B2: RUBRIC AVERAGE ELEMENT SCORE - WEIGHTING CHART

		HEDI SCORE	MULTIPLIER	
DOMA	INS	1= I	FOR	
& Elements		2= D	WEIGHTING (AND NUM-	
OX IN	- Contents	3= E	BER FOR THE DIVISOR TO	TOTAL
		4= HE	EQUATE AN AVERAGE)*	WEIGHTED
		NR= not rated		POINTS
1.	SHARED VISION OF LEARNING			
	Culture		3.5	
a.			1	
b.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM		1.5	
b.	Sustainability		2	
b. 2.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM			
b. 2.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture		2	
b. 2. a. b.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture Instructional Program		2 4	
b. 2. a. b. c.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture Instructional Program Capacity Building		2 4 2	
b. 2. a. b. c. d. e.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture Instructional Program Capacity Building Sustainability	IMENT	2 4 2	
b. 2. a. b. c. d. e.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture Instructional Program Capacity Building Sustainability Strategic Planning Process	IMENT	2 4 2	
b. 2. a. b. c. d. e.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture Instructional Program Capacity Building Sustainability Strategic Planning Process SAFE, EFFICIENT, EFFECTIVE LEARNING ENVIRON	IMENT	2 4 2 1	
b. 2. a. b. c. d. e.	Sustainability SCHOOL CULTURE & INSTRUCTIONAL PROGRAM Culture Instructional Program Capacity Building Sustainability Strategic Planning Process SAFE, EFFICIENT, EFFECTIVE LEARNING ENVIRON Capacity Building	IMENT	2 4 2 1 1	

4.	COMMUNITY			
a.	Strategic Planning Process: Inquiry		3	
b.	Culture		1	
c.	Sustainability		1	
5.	INTEGRITY, FAIRNESS, ETHICS			
a.	Sustainability		2	
b.	Culture		1	
6	POLITICAL SOCIAL ECONOMIC LEGAL& CHITHRA	I.		
6.	POLITICAL, SOCIAL, ECONOMIC, LEGAL & CULTURA CONTEXT	L		
6. a.		L	1	
	CONTEXT	L	1 1	
a.	CONTEXT Sustainability	DOES NOT APPLY		
a. b.	Sustainability Culture	DOES NOT APPLY	35*	

For observations that have scores for only some elements, the total shall be calculated using only observed and rated elements. In those cases, the total in the "Multiplier" column, used as the divisor to determine the average, will be less than when all elements are rated.

The parties agree, on an annual basis, to reevaluate this APPR plan during the transition period comprising the 2016-17, 2017-18 and 2018-19 school years. If either party determines that changes are necessary, then the parties agree to engage in immediate good faith negotiations.

Nonetheless, the parties further agree to enter into negotiations for a successor APPR agreement no later than March 1, 2019.

Thomas M. Bongiovi Superintendent of Schools	Date
Andrew Marotta Port Jervis Association of Principals	Date
Deborah Lasch Board of Education President	Date

Memorandum of Agreement
Between
Port Jervis Teachers' Association
(PJTA)
&
Port Jervis City School District
(PJCSD)
Regarding
Annual Professional Performance Review (APPR)

On April 13, 2015, Governor Andrew Cuomo signed Chapter 56 of the Laws of 2015 to add a new Education Law §3012-d to establish a revamped evaluation system. As a result, during the June 15, 2015 meeting of the Board of Regents, subpart 30-2 was amended and a new subpart 30-3 of the Rules of the Board of Regents was added as an emergency adoption in order to implement Education Law §3012-d. The Board of Regents has made more revisions that they adopted on September 16, 2015, November 9, 2015, and December 15, 2015. From these revisions, the law requires certain provisions of the New York State Teacher and Principal Evaluation be established, assigned, or determined through mutual agreement.

The new Education Law §3012-d requires teachers to be evaluated based on two categories: the Student Performance Category and the Observation or School Visit Category. These components are given scores depending on a teacher's performance. Under Education Law §3012-d, New York State will continue to differentiate teacher effectiveness using the four rating categories - Highly Effective, Effective, Developing or Ineffective (HEDI). A numerical score in each category will be converted to a HEDI rating. A teacher or principal's overall HEDI rating will be determined according to the State's HEDI matrix. If the teacher receives a developing or ineffective rating, the teacher will have a Teacher Improvement Plan (TIP) that will be in place for the following year by October 1. If a teacher is rated Ineffective for three consecutive years, the district is mandated to file 3020-a charges against the teacher.

A. Evaluation System

- 1. The parties agree to use the Charlotte Danielson Framework for Teaching (2011 revised edition) for the Observation portion of the teachers' APPR. The Charlotte Danielson Framework for Teaching (2011 Revised Edition) and negotiated point allocation (Attached as Appendix "A") for the same will be executed during the 2016–2017, 2017–2018, and 2018–2019 school years. During the 2018–2019 school year, this agreement shall reopen to allow the parties to determine if they want to continue with such rubric and point allocation, or select an alternate rubric and/or negotiate a different point allocation for the following school year.
- The PJCSD agrees to have all district evaluators who will be conducting APPR evaluations trained as lead evaluators and trained as such for the Charlotte Danielson Framework for Teaching (2011 revised edition) during the 2016–2017, 2017–2018, and 2018–2019 school years.

B. Student Performance Category

1. For the advisory score, a teacher whose course ends in a State created or administered test for which there is a State-provided growth model and at least 50 percent of a teacher's

- students are covered under the State-provided growth measure, shall have a State-provided growth score.
- 2. For the transition score, said teacher shall have a district-wide Student Learning Objective ("SLO") utilizing the average of the district-wide scores on the fourth (4th) grade State science assessment.
- 3. Teachers with courses ending in a Regents exam, or the eighth (8th) grade State science assessment, will have an individual SLO based upon the mandated assessment.
- 4. A teacher whose course does not end in a State created or administered test or where less than 50 percent of the teacher's students are covered under the State-provided growth measure shall have a district-wide SLO utilizing the average of the district-wide scores on the fourth (4th) grade State science assessment.
- 5. The Student Performance Category Score and Rating chart below will be used once the growth scores have been determined.

Student Performance Category Score and Rating

HEDI Bands (0-20 Points)	Point Allocation	% of Students Achieving the Target
<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	20	97-100%
Highly Effective	19	93-96%
,	18	90-92%
	17	85-89%
Effective	16	80-84%
	15	75-79%
	14	67-74%
Developing	13	60-66%
	12	55-59%
•	11	49-54%
	10	44-48%
	9	39-43%
	8	34-38%
	7	29-33%
Ineffective	6	25-28%
	5	21-24%
	4	17-20%
	3	13-16%
	2	9-12%
	1	5-8%
	0	0-4%

6. For State Provided Growth Score only, a student must meet the minimum enrollment duration rule of 60 percent in order to be included in the teacher's growth score. For example, a student who was enrolled with the teacher for 80 percent of a course and attended 90 percent of the time he/she was enrolled would be weighted 0.8 X 0.9 or 0.72.

C. Selection of Teacher Practice Rubric and Student Performance Growth

- 1. The parties agree to convene between January and June 2019 to review the rubric and selected measures of growth, which may include the following: meeting with or attending vendor presentations on such products, attending online training about such products, and/or visiting or consulting with other school districts using such programs in order to assist them in evaluating/choosing a program for the following school year.
- 2. In the event that the parties decide to use the same rubric and/or the student performance growth component that was used in the previous school year, the parties agree to waive the requirements of this section. To be valid, such waiver must be in writing and signed by the PJTA President and the Superintendent of Schools.
- 3. On or before June 30, 2019, the parties will determine which teacher practice rubric and student performance growth component will be used in subsequent years and/or if they will continue to convene and make recommendations for such in subsequent years.

D. Point Allocation

- 1. The remaining portion of the teacher's overall HEDI rating will be based upon the Charlotte Danielson Framework for Teaching (2011 revised edition) Flow Chart (Attached as Appendix "A").
 - a. Ninety (90) percent will be based upon:
 - i. the announced observation by the building administrator for all observable components of Domains 2&3
 - ii. the rating of Domain 1 by the building administrator
 - b. Ten (10) percent will be based upon all observable components of Domains 2&3 of the unannounced observation by the Impartial Independent Trained Administrator.
 - c. As per Education Law §3012-d, the following point system will be used to determine a teacher's observation:

Overall Observation Score and Rating		
	Min	Max
Н	3.50	4.0
E	2.50	3.49
D	1.50	2.49
I	0*	1.49

^{*}In the event that an educator earns a score of 1 on all rated components of the Charlotte Danielson Framework for Teaching (2011 revised edition) Rubric across all observations, a score of 0 will be assigned.

E. Timely Observation/Constructive Feedback

1. All teachers shall be observed and receive first an announced formal written evaluation by the building administration once each year. Each formal observation will be preceded by a preconference that will take place five (5) to seven (7) school days prior to the announced observation at which time the teacher's plan for the lesson will be discussed, unless waived by mutual consent of the teacher and administrator. A formal observation will cover one class period at the secondary level and one lesson at the elementary level. No formal observation

will be conducted during the last week of instruction. No later than seven (7) to ten (10) school days after such formal observation, there shall be a post-observation conference between the teacher and administrator, during which time the lesson will be evaluated and the evaluation discussed, unless waived by mutual consent of the teacher and administrator.

- 2. An Impartial Independent Trained Administrator will conduct a minimum of one (1) unannounced observation of ten (10) to fifteen (15) minutes.
- 3. Both the announced and unannounced observations will be completed using a rubric with rating categories that are aligned to the HEDI ratings and 1–4 levels. Once all evaluations are complete, each observation score will be combined using a weighted average, producing an overall Observation category score between1–4. This overall Observation score will be converted into a HEDI rating based on the ranges set forth above.
- 4. Teachers who receive a HEDI rating of Developing or Ineffective for the announced observation who wish to improve their raw score on any part of the teacher practice rubric shall have the opportunity to request, within five (5) school days of the post observation conference, a walkthrough to be conducted by the building administrator. Within five (5) school days of the member's request for a walkthrough, the member and the building administrator shall meet/confer to schedule a mutually agreeable time/date for the walkthrough to be conducted. Within five (5) school days of the walkthrough, the building administrator and member shall again meet to discuss the additional points (if any) that will be averaged to the member's raw rubric score based upon the observable performance indicators observed during the walkthrough.

F. Teacher Improvement Plan (TIP)

- 1. All teachers will receive the observation component rating by the end of the school year. Teachers who receive a composite rating of "developing" or "ineffective" as identified by the HEDI scoring bands will be placed on a TIP.
- 2. The TIP must be in place by October 1. It is preferred and recommended that teachers make an appointment with their principal within (10) ten school days of receipt of their overall HEDI rating to discuss the rating and to arrange a TIP meeting.
- 3. The teacher improvement plan will address the following areas:
 - (a) <u>Areas in need of improvement</u>: The TIP will be aligned to the common core state standards and elements. Deficiencies will be noted and prioritized along with suggested methods of improvement. While the administration may suggest other supplementary material, these will only be suggested and not be required elements to demonstrate.
 - (b) <u>Timeline for improvement</u>: There will be a maximum time during which the teacher is expected to improve in the areas outlined in the TIP. A TIP will not exceed (1) one school year. If the teacher has still not shown improvement, a new TIP will be initiated.

(c) <u>Interventions and activities to support improvement</u>: In addition to suggested ways to improve, the TIP will contain intervention and support activities that may include, but are not limited to: professional conference, online courses, required reading/discussion, and other means as needed. The teacher will meet with the administrator to ensure he or she is progressing in a satisfactory manner. If the teacher is not making satisfactory progress, a meeting will be arranged with the teacher, a union representative, and the administrator immediately.

G. Appeals Process

- 1) Composite performance ratings of "Ineffective" and "Developing" and/or TIP are the only ratings subject to appeal. Teachers who receive a composite rating of "Highly Effective" or "Effective" shall not be permitted to appeal their rating, but may file a rebuttal.
- 2) Within five (5) school days of the receipt of a teacher's annual evaluation and/or TIP, the teacher may request, in writing, an additional meeting with his/her immediate supervisor (the person who completed the evaluation) regarding his/her evaluation and/or TIP. The purpose of such meeting is to explore whether the supervisor wishes to consider any changes in the evaluation and/or TIP based upon information provided by the teacher.

The immediate supervisor shall provide a written determination regarding any changes in the evaluation within five (5) school days of the meeting noted above.

- 3) Within five (5) school days of the receipt of the immediate supervisor's decision regarding changes to the evaluation and/or TIP, the teacher may request, in writing, an appeal of the evaluation to the Assistant Superintendent of Instruction.
- 4) The appeal to the Assistant Superintendent of Instruction must articulate the specific basis for the appeal. Failure to articulate a particular basis for the appeal shall be deemed a waiver of that claim. The appeal may only raise those issues set forth in the Section 3012-d of Education Law. As such, the appeal may only challenge the following:
 - the substance of the annual professional performance review,
 - the school district's adherence to the standards and methodologies required for such reviews pursuant to Section 3012-d of the Education Law,
 - the school district's adherence to the regulations of the commissioner and compliance with any applicable locally negotiated procedures, and
 - the school district's issuance and/or implementation of the terms of the teacher improvement plan.
- 5) Within ten (10) school days of the receipt of the appeal, the Assistant Superintendent for Instruction shall provide the teacher with a written determination of the appeal.
- 6) Within five (5) school days of the receipt of the appeal determination provided by the Assistant Superintendent for Instruction as noted in #5 above, the teacher may request, in writing, an appeal to the Superintendent of Schools.

- 7) Within ten (10) school days of the receipt of the appeal, the Superintendent of Schools shall render a written decision.
- 8) Within five (5) school days of the receipt of the decision provided by the Superintendent as noted in #7 above, a tenured teacher who has received a second consecutive "Ineffective" rating may request, in writing, to appeal the decision to an arbitrator. The arbitrator shall be selected on a rotating basis from the following list, based on order and reasonable timeframe of availability: Sheila Cole, Louis Patack, Jeffrey Selchick, and Howard Edelman, who shall make a final and binding decision upon the appeal of the APPR evaluation. The cost of said hearing shall be borne by the District. The proceedings shall be in the nature of a labor arbitration and not a statutory hearing under section 3020-a or section 3020-b of the Education Law.

THE PARTIES AGREE, ON A YEARLY BASIS, TO REEVALUATE THIS APPR DURING THE 2016–2017, 2017–2018, AND 2018–2019 SCHOOL YEARS. IF EITHER PARTY DETERMINES THAT CHANGES ARE NECESSARY, THE PARTIES FURTHER AGREE TO NEGOTIATE IMMEDIATELY.

Thomas M. Bongiovi Superintendent of Schools	Date
Regis A. Foster Jr. Port Jervis Teachers' Association President	Date
Deborah Lasch Board of Education President	Date