

Memorandum of Agreement

Between

Edwards-Knox Teachers' Association

And

The Edwards Knox Central School District

for the 2017-2018 school year

Regarding Annual Professional Performance Review (3012-d)

The provisions of this Memorandum of Agreement shall be in effect upon ratification of the agreement in its entirety, by the board of education of the *Edwards Knox Central School District* and the membership of the *Edwards- Knox Teachers' Association*.

The parties agree to modify their collective bargaining agreement in accordance with a revised teacher evaluation procedure under the NYS budget and laws of 2015 (3012-d), as modified by the New York State Board of Regents on December 15, 2015, the primary components of which are outlined below. Both parties agree to meet annually in June for the purposes of ongoing review and possible adjustment of this MOA. Such review will include negotiations upon the request of either party.

1. Definition of Covered Teachers

This Agreement will apply to all classroom teachers who are providing direct instruction for at least 50% of their workday.

2. Ensuring Accurate Teacher and Student Data

The District shall provide accurate data to the State Education Department (the "SED") in a format and timeline prescribed by the Commissioner. The District shall also provide an opportunity for every covered teacher to verify the subjects and/or student rosters assigned to him/her. The District shall designate a Data Coordinator who shall be in charge of collecting the required data, overseeing changes in and maintenance of the local data management systems, and ensuring the accuracy of the data. The Data Coordinator shall have the authority to assign tasks and deadlines, as required.

3. Reporting Individual Ratings

The Data Coordinator (who shall not be a bargaining unit member) shall be responsible for reporting to the SED the individual subcomponent ratings and the final rating for each covered classroom teacher in the District, and shall do so in a format and timeline prescribed by the Commissioner. Covered teachers will be afforded the opportunity to verify the final data attributed to them within 5 school days before it is sent to the SED.

4. Development, Security and Scoring of Assessments

The Data Coordinator shall be responsible for overseeing the assessment development, security, and scoring processes utilized by the District and shall take steps to ensure that any assessments and/or measures used to evaluate teachers are not disseminated to students before administration, and that teachers and principals/instructional administrators do not have a vested interest in the outcome any assessments they score.

Student Performance Subcomponent Determination

For the 2017-2018 school year, the Student Performance Rating of all teachers under the terms of 3012-d will be based upon: a school-wide (building wide) measure, mutually agreed upon and derived from 9-12 regents and 4 and 8 science.

SLO Results will be inserted into a HEDI scale as follows:

Percent of Students	Scoring range	Percent of Students meeting target	Scoring range
0-4%	0	49-54%	11
5-8%	1	55-59%	12
9-12%	2	60-66%	13
13-16%	3	67-74%	14
17-20%	4	75-79%	15
21-24%	5	80-84%	16
25-28%	6	85-89%	17
29-33%	7	90-92%	18
34-38%	8	93-96%	19
39-43%	9	97-100%	20
44-48%	10		

This 20 point score will then be converted to a student performance rating using the following chart:

Rating	Minimum	Maximum
Highly Effective	18	20
Effective	15	17
Developing	13	14
Ineffective	0	12

In cases where there are extenuating circumstances (i.e. student mobility, large number of students with IEP's, students with attendance problems, et al), subject to the Superintendent's approval, the evaluator may weight individual students' scores to adjust the student performance rating. Documentation of any such circumstances will be maintained by the District.

For the 2019-2020 school year and thereafter, the student performance subcomponent will incorporate state tests as necessary by law, and a final arrangement regarding this subcomponent will have to be mutually agreed upon.

5. Details of the District's Evaluation System

A Teacher Performance rating shall be derived from evidence-based observation and evaluation, and shall be based on multiple measures and grounded in the New York State Teaching Standards. Evidence for evaluations may come from formal classroom observations, walk-through observations, teacher-created materials and other resources provided by the teacher or administrator through the observation process. The Marzano teacher practice rubric will be used to evaluate teacher practice. The assigned administrator's observations will account for 90% of the Teacher Observation rating, and the independent evaluator's observations will account for 10% of the Teacher Observation rating. The independent evaluator used will be mutually agreed upon between the District and the Association. The independent evaluator for PreK-6 teachers will be the EKCS High School Administrator. The independent evaluator for 7-12 teachers will be the EKCS Elementary School Administrator. The independent evaluators will be for unannounced walkthroughs only.

The district uses the following terms and clarifications for their evaluation system:

- (1) Formal - a full instructional period (30-40 minutes) with a pre and post conference
- (2) Walkthrough - a twenty minute observation with a post conference
- (3) Announced -notification will be given via an email no later than 2:55 on the last school day of the week prior to the observation.

- (4) Unannounced- an administrator will show up, enter the room and ask if they are permitted to conduct a walkthrough.
- (5) Pass- each teacher has one pass each year to be used at their own discretion during an unannounced walkthrough. If this option is taken the administrator will conduct an unannounced walkthrough at a different time.

Lesson Plans for the agreed upon academic area to be submitted for observations:

Formal: Upon entrance the administrator will be given a lesson plan for the class period they are about to observe. The template (previously used in 2014-15, 2015-16 and 2016-17 school year) created and used during the 2013-14 school year will be used for this submission.

Announced Walkthrough: Administrator will be given a lesson plan for the class period they observed using the template within 24 hours of the observation. The template (previously used in school year) created and used during the 2013-14 school year will be used for this submission.

Unannounced Walkthrough: The weekly lesson plans submitted by the teacher will be used by the administrator for the unannounced walkthrough. In the event that a tenured teacher chooses two unannounced walkthroughs on their off year, a lesson plan using the template will be given to their direct supervisor for the class that is observed within 24 hours of their observation. The template (previously used in 2014-15, 2015-16 and 2016-17 school year) created and used during the 2013-14 school year will be used for this submission.

Observation Cycle

Tenured staff will have two observations annually that will consist of the following make-up:

1. A three year schedule has been created to allow one mandatory formal observation within a three year time period. Additionally a staff that is in their cycled year will have one unannounced walkthrough.
2. On the off two years a tenured staff member will have one unannounced walkthrough and one evaluation to include: walkthrough announced or unannounced, a formal, or a video lesson. This academic area to be observed in will be chosen by completing the designated form and returned to the administrator of record by the first Monday after Labor Day.*

Non-Tenured staff will have two formal observations and one unannounced walkthrough which will not occur until one of the formals has been completed. This academic area to be observed in will be chosen by completing the designated form and returned to the administrator of record by the first Monday after Labor Day.*

However, this does not preclude the administrator from conducting more formal or walk-through observations. It is expected that a teacher who is deemed Ineffective or Developing based on the current year observation process, will be subject to a greater number of observations than one who has earned a rating of Effective or Highly Effective, and at least one traditional formal observation will be conducted during the year for any teacher who will receive a Developing or Ineffective rating. Additional observations will be included into the rating system within iObservation.

*The designated form will include the academic area for the formal and/or announced walkthrough and will be mutually agreed upon by the teacher and the primary evaluator. An additional block of 40 minutes will be the teacher's choice to allow for an unannounced walkthrough by the independent evaluator. (This allows for four 20-minute time blocks for the independent evaluator.)

The observation cycle will begin no sooner than the 10th day of class for tenured teachers, no sooner than the 20th day for non-tenured teachers and will end on the third Friday in May. The following days are exempt from being observed: Halloween, day after Halloween, day before Thanksgiving break, 3 days before holiday break, day after holiday break, day after mid-winter break, and the day after spring break.

Note: Tenured teachers only may be observed during the block-out dates or outside of the observation window, but the observation must be mutually agreed upon by both parties for formal and announced observations.

No unannounced observations may take place during the block out dates.

1. The administration has seven school days following the observation to provide staff members with a written fully compiled evaluation and meet to discuss its contents. Administration and teacher must complete a sign-off for the observation date recognition and post conference meeting time. If finalized, initial Completed Final.
2. If warranted, staff members have two work days to submit additional evidence regarding the observation to the administrator for review.
3. By day eleven following the observation date, the EKTA member will have access to a finalized plan and will sign-off Completed Final. The score should be available through iObservation at this point.

Each Teacher will receive a final average score on the 1-4 rubric rating scale. This score is converted to a HEDI rating. The HEDI rating categories are:

	<i>Score Range</i>	
	<i>Minimum</i>	<i>Maximum</i>
Highly Effective (H)	3.5	4.0
Effective (E)	2.5	3.49
Developing (D)	1.5	2.49
Ineffective (I)	0	1.49

The following weighted system will be used to derive the HEDI rating:

Domain	Sub-Component	Evidence	Percentage Weight
Domain 1: Classroom Strategies and Behaviors (Assessed with each observation)	<ul style="list-style-type: none"> Communicating Learning Goals and Feedback Establishing Rules and Procedures Helping Students Interact with New Knowledge Helping Students Practice and Deepen New Knowledge Helping Students Generate and Test Hypotheses Engaging Students Recognizing Adherence to Rules and Procedures Establishing and Maintaining Effective Relationships with Students Communicating High-Expectations for All Students 	Teacher Self-Evaluation Formal Classroom Observation Walk-Through Observations Teacher-Created Materials (i.e lesson plans, unit plans, projects, tests) Other resources provided by teacher or gathered by the administrator	50%
Domain 2: Planning and Preparation (Assessed and opened throughout the year until last final formal or announced observation submission.)	Planning and Preparing Lessons and Units Planning and Preparing for Use of Resources and Technology Planning and Preparing for the Needs of English Language Learners Planning and Preparing for the Needs of Students Receiving Special Education Planning and Preparing for the Needs of Students Who Lack Support for Schooling	Formal lesson plan ("meaty section" from template), Collaboration on Domain 2 form on iObservation (completion of 2 out of 8 elements of teacher's choice), conversation and presentation of lesson plans during pre- and/or post-conference.*	50%

**Domain 2 will be discussed in the post and pre-conference of a formal observation, or in the post-conference of the announced walkthrough. In the event that a tenured teacher chooses an unannounced walkthrough on their off year, domain 2 will be discussed in the post-conference of the unannounced with their direct supervisor.*

Professional Development

The district will support each teacher's development and ensure that all individuals receive appropriate professional development. Everyone within the system should focus on the goal of student achievement (as per APPR regulations). The district will identify in a timely manner standard areas that need improvement and will provide opportunities for growth. All staff will submit at the end of each school year a list of all mandatory and voluntary professional development completed throughout the year. The district will be responsible for inputting all hours of professional development for those staff members who possess a professional certificate into the Teach site annually.

Prior to the end of the school year, the principal will arrange to meet with each teacher. The purpose of this conference will be to review the evidence gathered throughout the school year, assess progress on the teacher's professional growth goals, and to arrive at the teacher's observation rating. This rating will be combined with the student performance rating to arrive at the teacher's overall rating. The Rubric below will be used to ascertain the final rating:

TEACHER OBSERVATION					
S T U D E N T P E R F O R M A N C E		HE	E	D	I
	HE	HE	HE	E	D
	E	HE	E	E	D
	D	E	E	D	I
	I	D	D	I	I

6. TEACHER IMPROVEMENT PLANS

A Teacher Improvement Plan (TIP) must be determined no later than October 1st of the school year following the applicable rating. The specific document to be used to develop the teaching improvement plan is found on the following page. Teacher Improvement Plans will be mutually developed and agreed upon between the evaluator, the teacher, and his/her representative (at the option of the teacher).

Teachers' Improvement Plan

Teacher

Administrator

Subject/Grade Level

Score Breakdown

Composite Score

Date(s): _____
Preconference

Observation(s)

Coaching

Standards Chosen for Further Development	Action(s) to be Taken	Administrator's Responsibilities	Teacher's Responsibilities	Timeline for Progress	Indicators of Success	Improvements Made and Documented

Administrator's Signature: _____ Date: _____

Teacher's Signature: _____ Date: _____

Representative/Witness Signature: _____ Date: _____

Or Teacher's Signature
Waiving Representation: _____ Date: _____

6. Appeals of Annual Professional Performance Reviews

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. 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 unit member aggrieved by an APPR rating of either “ineffective,” or “developing” may challenge that APPR. [Unit members may also appeal a rating of “effective” if the member is denied opportunities for advancement with additional compensation, based on that rating.]

In accordance with Education Law §3012-d, an APPR which is the subject of a pending appeal shall not be sought to be offered in evidence or placed in evidence in any Education Law §3020-a proceeding, or any locally negotiated procedure, until the appeal process is concluded.

Grounds for an Appeal

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

- a. The substance of the Annual Professional Performance Review;
- b. 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;
- c. The district’s failure to comply with either the applicable regulations of the Commissioner of Education, or locally negotiated procedures;
- d. 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.
- e. In the instance of a teacher rated Ineffective on the Student Performance Category but rated Highly Effective on the Observation/School Visit Category based on an anomaly, as determined locally.

Notification of the Appeal

In order to be timely, the notification of the APPR appeal shall be filed, in writing, within fifteen (15) school days after the teacher has received the APPR. Notification of the appeal shall be provided to the superintendent of schools or his designee. If a teacher is challenging the issuance or implementation of a teacher improvement plan, the appeal must be submitted in writing within fifteen (15) school days of issuance or of the time when the teacher knew or should have known of an alleged implementation breach of such plan.

When filing an appeal, the teacher must submit a detailed written description of the specific grounds for the appeal as well as the performance review and/or improvement plan being challenged. Along with the appeal, all supporting documentation must be submitted, or specifically noted if pending.

Assigned Administrator's written response to appeal

Within five (5) school days of receipt of an appeal, the supervising administrator must submit a detailed written response. The response must include any and all additional documents or written materials that are specific to the point(s) of disagreement and/or are relevant to the resolution of the appeal. Material not submitted at the time the response is filed shall not be considered in the deliberations related to the resolution of the appeal.

Decisions on Appeal

Step 1 – Meeting with the supervising administrator. The bargaining unit member shall upon request be entitled to an Association representative being present. This meeting shall be an informal meeting wherein the authoring administrator and the employee are able to discuss the evaluation and the areas of dispute. If the bargaining unit member is not satisfied with the outcome, he/she may proceed to the second step. The second step shall be initiated by the unit member and/or Association notifying the Superintendent in writing, within five (5) days of the conclusion of the conference.

Step 2 - Superintendent

- a. Within five (5) school days of receipt of the Level 1 response, if a teacher and/or Association is not satisfied with such response the teacher and/or Association must submit the appeal to the Superintendent of Schools, or the Superintendent's designee. The superintendent or designee will be provided all documentation submitted in step one of the appeal and the responses from the evaluator. In the case where the Superintendent and the evaluator is the same person, the Superintendent will designate at least two (2) administrators to act as proxy.

- b. Within five (5) school days of receipt of the teacher's appeal, the Superintendent or designee will conduct a hearing at which the teacher (and representative at the option of the teacher) and the evaluator (and representative at the option of the evaluator) will be allowed to present oral arguments in support of the appeal and the response, respectively.
- c. Within five (5) school days of the Superintendent hearing, the Superintendent or designee will issue a written determination to the teacher, the Teachers' Association President, and the evaluator

Step 3 - Binding Arbitration

Within five (5) school days of receipt of the Level 2 response, if a teacher and the Association are not satisfied with such response the appeal may be submitted to Arbitration if and only if the overall rating is ineffective. Appeals shall be decided in final and binding arbitration by an arbitrator. The arbitrator shall be mutually agreed upon between the Association and the District. If the District and the Association cannot agree on an arbitrator, the American Arbitration Association will be used. The demand for arbitration shall be filed within five (5) school days after notification of the step three (3) appeal is delivered by the superintendent or his designee. The cost of the arbitration shall be borne equally by the school district and the Association.

If the Association does not agree to take the appeal forward to Arbitration, the teacher may do so at his/her own expense using the procedure set forth above. In that case, if the rating is positively changed, the District shall pay the entire cost of the Arbitration. If the rating is unchanged, or negatively changed, the appealing teacher shall pay the entire cost of the Arbitration.

The decision shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the appeal. The Arbitrator shall have the authority to rescind, modify, or affirm the rating.

7. Duration and Nature of Training Provided to Evaluators and Lead Evaluators

- a) The "lead evaluator" is the administrator who is primarily responsible for a teacher's APPR composite rating. The term "evaluator" shall include any administrator who conducts an observation or evaluation of a teacher.
- b) All evaluators shall successfully complete a training course that meets the minimum requirements prescribed by the law and shall include application and use of teacher practice rubrics selected for use by the parties in evaluations.
- c) To be deemed a district certified lead evaluator one must successfully complete a training course meeting the minimum requirements prescribed in the law and

regulations.

- d) Other details of the District's training for evaluators, lead evaluators, and appeals panel members, including the duration and nature of such training, the process for certifying lead evaluators, and issues related to the particular practice rubrics selected by the parties, may need to be negotiated at a later time.
- e) Nothing herein shall be construed to prohibit an evaluator who is properly certified by the State as a school administrator from conducting classroom observations or school visits as part of an annual professional performance review under 3012-d prior to completion of the training required by said statute, as long as such training is successfully completed prior to completion of the annual professional performance review.

8. Effect on Existing Collective Bargaining Agreements

Unless specifically revised or modified by this Memorandum of Agreement, nothing herein shall be construed to abrogate any provisions of the parties' collective bargaining agreement.

FOR THE DISTRICT:

Superintendent

Board President

FOR THE ASSOCIATION:

Name _____

Title	Date
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