SUPPLEMENTAL MEMORANDUM OF AGREEMENT

BY AND BETWEEN THE SUPERINTENDENT OF SCHOOLS AND BOARD OF EDUCATION OF THE GREENWOOD LAKE UNION FREE SCHOOL DISTRICT, hereinafter referred to as "The District" and **THE GREENWOOD LAKE ADMINISTRATIVE ASSOCIATION,** hereinafter referred to as "The Association";

WHEREAS, the parties have mutually agreed that the following subjects have been negotiated for inclusion in the District's Section 3012-d APPR Plan Document for the 2016-17 school year an thereafter:

1. Appeals Procedure – As attached as Appendix A.

2. Principal Improvement Plan – As attached as Appendix B.

3. School Visit Category Practice Rubric, Minimum/Maximum HEDI Band ranges for each HEDI band category and related procedures – As attached as Appendix C.

4. Student Performance Category Measure: The parties agree that no optional second negotiated Student Performance Category measure shall be used for the evaluation of building principals under Education Law Section 3012-d.

5. The Parties acknowledge that the implementation of this Section 3012-d APPR Plan is subject to approval by the Commissioner of Education, and the parties agree to meet in a timely and expeditious matter to negotiate any modifications to this plan that may be required by the Commissioner of Education for approval prior to September 1, 2016.

6. The District and the Association agree that the terms of this Supplemental Memorandum of Agreement may be reopened at the request of either party after the first year of its implementation (i.e. on or after March 1, 2017 for the 2017-18 school year or thereafter).

7. Upon signing this Supplemental Memorandum of Agreement, the Association and the District agree that the Association President, Superintendent of Schools and Board of Education President shall sign any certification required for the APPR Plan based upon this Agreement to be filed with the New York State Education Department.

SO AGREED, this 17th day of May, 2016, subject to ratification by the respective constituencies.

THE DISTRICT

By: _____
Christine Ackerman

THE ASSOCIATION

By: _____
Matthew Lawrence
Association President

APPENDIX A
Appeals Process

The parties have mutually agreed to the following timely and expeditious appeals process to be incorporated into the District's APPR Plan Document for principals covered by Education Law §3012-d and Part 30-3 of the Regents Rules:

1. Appeals Process
   A. Any principal who receives an "ineffective" or "developing" overall APPR rating, shall be entitled to appeal his/her annual APPR rating. The appeal shall be based upon a paper submission to the Superintendent of Schools or the Superintendent's administrative designee, who shall be trained in accordance with the requirements of the statute and regulations and also possess an district-wide administrative Certification. While an appeal may not be commenced until the principal's receipt of his/her annual composite APPR rating, nothing herein shall prevent a principal from informally discussing the School Visit Category rating or the Student Performance Category rating with the Superintendent of Schools prior to the issuance of the composite APPR rating. In the event that a Superintendent or the Superintendent's administrative designee was involved in the APPR evaluation process, the District and the Association shall mutually agree upon a different person to hear the appeal. Should there be a cost associated with the appeal, it shall be split by the District and the Association.

   B. The appeal must be brought in writing, specifying the area(s) of concern, but limited to those matters that may be appealed as prescribed in Section 3012-d of the Education Law. Further, a principal who is placed on a Principal Improvement Plan ("PIP") shall have a corresponding right to appeal concerns regarding the PIP in accordance with the requirements set forth in Section 3012-d of the Education Law.

   C. An appeal of an APPR evaluation or a PIP must be commenced within fourteen business days of the presentation of the final document to the principal or else the right to appeal shall be deemed waived in all regards; provided, however, that in the case of a PIP appeal, there shall be a second fourteen business day period for a PIP appeal following the end date of the PIP and failure to appeal the PIP within fourteen business days following the end date thereof shall be deemed a waiver of the right to appeal the implementation of the PIP. Notwithstanding the timeframes set forth above, all deadlines for initiating appeals shall be tolled by any planned vacation of the principal; provided, however, the appeal must be filed no later than 30 school days after receipt of the final evaluation.

   D. The Superintendent or the Superintendent's administrative designee or other agreed upon person as noted in paragraph 1(A) above shall respond to all appeals with a written answer granting the appeal and directing further administrative action, or denying the appeal with the specific reason for the appeal denial. The decision shall be made within fourteen business days of the receipt of the appeal, provided that such period shall be tolled by any period of planned vacation. So long as the decision is made within the timeframe set forth in this paragraph, the decision shall be final and binding in all regards and shall not be subject to review at arbitration, before any administrative agency or in any court of law. In the event that the decision is not made within the timeframe set forth in this paragraph, the Appeal shall be sustained.

E. Notwithstanding the aforementioned language, nothing herein shall be construed as limiting the right of the employee to challenge any evaluation in any proceeding brought pursuant to Education Law Section 3020-b or an alternative disciplinary arbitration to the extent allowed by law.

2. **Optional Appeals Process for a tenured principal who has received a second consecutive ineffective APPR composite rating or a probationary building principal** rated developing or ineffective for a second time during his/her probationary period or is rated ineffective during his/her final probationary year**:**

A. Notwithstanding Paragraphs 1(A) through (D) above, in the event that (i) a tenured principal has received two consecutive ineffective overall APPR ratings, or (ii) a probationary principal has been rated developing or ineffective for a second time during his/her probationary period or is rated ineffective during his/her final probationary year the appeal may, at the option of the principal, be made to one of the four agreed upon arbitrators set forth below[1] selected on a rotating basis from the following list, based on order and reasonable timeframe of availability: Dennis Campagna, Jeffrey Selchick, Howard Edelman and Sheila Cole, who shall make a final and binding decision upon the appeal of the APPR evaluation and/or PIP in a timely and expeditious manner, within 35 days of the his/her receipt of the written appeal. In the event that either party has a question regarding the authenticity of such documentation, the same shall be presented in writing immediately to the arbitrator and copied to the other party for the arbitrator's review and consideration. The Arbitrator shall review the evidence underlying the observations of the principal along with all other evidence submitted by the principal prior to rendering a decision. The cost of the arbitrator shall be split by the District and the Association.

In the case of a tenured principal, in the event that the district then proceeds to a probable cause finding under Section 3020-b of the Education law, and determines to conduct such a hearing, the arbitrator who ruled upon the appeal shall be jointly selected by the principal and the district to be the Section 3020-b hearing officer, so long as he/she is on the list provided by SED and agrees to accept service. Notwithstanding the aforementioned language, nothing herein shall be construed as limiting the right of the employee to challenge said evaluation in any proceeding brought pursuant to Education law §3020-b, so long as the identical issue wasn't resolved in the earlier appeal to the arbitrator or clearly should have been presented in the earlier appeal and was not.[2]

B. In order to take advantage of the procedure outlined in paragraph 2(A) above, a tenured principal must consent to the use of one of the above-named arbitrators should the District proceed to find probable cause under §3020-b of the Education Law, so long as the arbitrator's name is on the list provided by SED and the arbitrator agrees to serve. If the tenured principal is unwilling to do so, the appeal shall be heard by the Superintendent or the Superintendent's administrative designee, or other agreed upon person as set forth in paragraph 1(A) above.

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[1] In the event any of the above-named arbitrators are no longer serving in such capacity or are otherwise unavailable, the parties shall mutually agree upon alternative named arbitrators to be placed within this paragraph.

[2] Likewise, nothing contained in the agreed upon PIP procedure shall prevent the District from introducing into evidence an evaluation or a PIP in a subsequent disciplinary action.

*** Nothing in this appeals process shall in any way be construed to limit the unfettered right of the District to terminate probationary building principals subject to applicable laws and regulations, including during the pendency of an appeal for the performance that is the subject of the appeal.**

APPENDIX B
Principal Improvement Plan

A. The Principal Improvement Plan for a principal who has received an APPR composite rating of "ineffective" or "developing" shall be comprised of the following elements:

1. The area or areas in need of improvement, drawn from the evaluation criteria (set forth in the Marshall Rubric) of this APPR.

2. A PIP shall be commenced by October 1 or as soon as practicable thereafter in the school year following the year for which the principal received an ineffective or developing overall APPR rating. The length of a PIP for a probationary principal shall range between 3 and 5 months, as determined by the District; provided, however, the length of a PIP for a probationary principal may be extended at the sole discretion of the District. The length of a PIP for a tenured principal shall be the duration of the school year (to terminate on June 30th of the year during which the tenured principal received an ineffective or developing overall APPR rating). The length of a PIP for a probationary or tenured building principal may be shortened by mutual agreement of the parties.

3. A statement of differentiated activities to support improvement that shall be developed collaboratively by the Superintendent and the Principal, with any differences to be resolved by the superintendent's determination. These differentiated activities shall be based upon the areas in the rubric that were deemed in need of support to enable an effective level of performance and may include mentoring, in-service coursework, and/or other administrative assistance. The supports shall be objectively measurable and reasonable in nature.

4. The manner of assessment of improvement that shall be in the nature of direct observation, review of materials (where applicable), review of behaviors (where applicable) and/or attention to educational directives (where applicable).

B. After the issuance of the PIP, the Superintendent shall meet with the principal at least once a month to review his or her progress regarding the areas identified in the PIP. At the conclusion of the PIP the Superintendent shall issue a written statement that reflects upon the quality of the artifacts shared by the principal in the areas in need of improvement and the observational information viewed by the Superintendent in such areas, if applicable.

C. The PIP shall be provided on the Form annexed hereto.

PRINCIPAL IMPROVEMENT PLAN FORM

(1) AREA(S) IN NEED OF IMPROVEMENT	(2) TIME LIMIT FOR ACHIEVING IMPROVEMENT	(3) DIFFERENTIATED ACTIVITIES TO SUPPORT IMPROVEMENT	(4) MANNER OF ASSESSMENT OF IMPROVEMENT

Principal's Signature **Date**

Evaluator's Signature **Date**

Upon final evaluation at the terminal date of the PIP, the following has been determined:

[ ] PIP Completed **Date of PIP Completion (if applicable) _____**
[ ] PIP Not Completed

Principal's Signature **Date**

Evaluator's Signature **Date**

APPENDIX C
School Visit Category

General School Visit Category Timelines and Procedures:

- The first school visit shall take place by December 15th, unless otherwise mutually agreed.
- There shall be a mid-year conference in the event that there are areas of concern noted by the lead evaluator. In such case the mid-year conference would culminate in written feedback.
- No school visit shall be performed later than May 31st absent extenuating circumstances.
- By no later than June 15th each building principal will be given draft rubric observation score and rating. If any disagreements on the scoring between the Superintendent and the Principal exist, the Principal shall have one week in which to submit evidence in support of the Principal's position, which will then be reviewed and considered.
- Within a week of the principal's receipt of the draft rubric score and rating, the superintendent shall hold a meeting with any principal whose draft observation score resulted in a developing or ineffective rating. The meeting shall constitute a "natural conversation" and upon review of material provided during such meeting the Superintendent or his/her designee can rate non-observable and observable domain subcategories, if such rating assists building principal.
- By June 30th the final School Visit category score and rating will be provided to each principal.
- By September 1 of the school year following the school year for which the principal's performance is measured, the entire APPR (comprised of the School Visit Category and Student Performance Category ratings) shall be provided to the principal. Provided that if September 1 falls on a weekend or holiday, then same shall be provided during the next business day following September 1.

Principal Practice Rubric:

- The District and the Association agree to continue the use of the Multidimensional Principal Performance Rubric.
- All observable Domains and ISLLC Standards shall be appraised annually, but not necessarily all components of the rubric.

Weighting of School Visits:

- To arrive at an Overall School Visit Category Score and Rating, 90% of the School Visit Category score shall be based upon the school visit(s) conducted by the principal's lead evaluator and 10% of such score shall be based upon the school visit conducted by the independent trained evaluator.
- A 1-4 rating shall be provided based upon the visit(s) conducted by the lead evaluator and a 1-4 rating shall be provided based upon the visit conducted by the independent trained evaluator, and these ratings shall be averaged based upon the agreed upon weightings listed above to arrive at the overall School Visit Category score and rating.

Methodology for determining School Visit ratings by lead evaluator and independent trained evaluator:

- For the 10% of the school visit category rating attributable to the school visit conducted by the independent trained evaluator, the principal shall receive a school visit rating based upon an average of the rating received in each Domain.
    - The District and the Association shall agree upon what Domains shall be appraised by the independent trained evaluator.
- For the 90% of the school visit category rating attributable to the school visit(s)

conducted by the lead evaluator, the principal shall receive a rating at the Domain level, based upon the average of the rating received in each Domain.

Number of school visits:

- For probationary building principals there shall be at least three school visits annually, at least one of which shall be unannounced.
- For tenured building principals there shall be at least two school visits annually, at least one of which shall be unannounced.
- It is understood that additional school visits beyond the numbers enumerated above may be performed to the extent that they are provide for as part of a Principal Improvement Plan.

- Pre-observation/school visit meeting to be held at a mutually agreed upon time prior to an announced observation least one calendar week prior to each scheduled formal observation. During the pre-observation meeting the parties shall discuss what domains shall be the focus of the school visit; provided, however, said discussion would not preclude the Superintendent/other trained administrator from appraising areas that were not expressly discussed during the pre-school visit meeting to the extent that evidence to support ratings in other Domains/subcomponents of the rubric were observed. The number of domains/subdomains observed during each school visit shall be reasonable in light of surrounding circumstances.

- It is understood that evidence to support rubric ratings for the observable Domains/ISLLC standards that are not assessed during the school visits will be assessed by the lead evaluator through natural conversations that occur between the lead evaluator and the principal throughout the school year.

- Upon request of either the evaluator or the principal, there shall be a post-school visit meeting to be held at a mutually agreed upon time. The principals will be provided with written feedback regarding the observed domains and a 1-4 rating for each domain being observed within a reasonable timeframe following the school visit. The written summary, which must include detailed recommendations and guidance in all areas rated developing or ineffective. Principal shall have one (1) week to submit a response to the observation including any supporting documentation.

Constructive written feedback shall be provided after a school visit for areas in need of improvement.

Principals may provide artifacts to support ratings on component of the rubric.

Unannounced School Visits:

- Unannounced school visits shall be a maximum of thirty (30) minutes in duration, unless otherwise mutually agreed.
- There shall be no pre-visitation conference for unannounced school visits.

- Post-visitation conferences shall be provided for unannounced school visits only if requested by the evaluator or the principal.

Announced School Visits:

- Announced school visits shall be a minimum of thirty (30) and a maximum of sixty (60) minutes in duration, unless otherwise mutually agreed.
- There shall be pre-visitation conferences for announced school visits to be held at a time mutually agreed upon by the evaluator and the principal.
- There shall be post-visitation conferences for announced school visits to be held at a time mutually agreed upon by the evaluator and the principal, unless the principal and evaluator waive requirement.

School Visit Category HEDI Cut Scores:

For the School Visit Category, the parties agree to the following minimum/maximum cut scores for building principals evaluated hereunder:

	Overall School Visit Category Score and Rating	
	Minimum	*Maximum*
H	3.5	4.0
E	2.5	3.49
D	1.5	2.49
I	0[3]	1.49

[3] In the event that a principal earns a score of 1 on all rated Domains of the practice rubric across all school visits, a score of 0 will be assigned.

ANNOUNCED & ANNOUNCED OBSERVATION DOCUMENT FOR PRINCPALS

Note: All Domains of the Multi-Dimensional Rubric may not be observed during a single school visit. Boxes not scored indicate that a Domain was not observed.

Principal:	Evaluator:
School:	# of Participants:
Observation Date:	Time Frame:
Activity:	Location:

DATE OF PRE-OBSERVATION CONFERENCE- ANNOUNCED OBSERVATION: _____

- *required for all announced observations*

DATE OF POST-OBSERVATION CONFERENCE: _____

- *optional for announced/unannounced observations*

Principal's Status (check one)	**Probationary**	**Tenured**
Evaluator Status (check one)	**Lead Evaluator (90%)**	**Independent Evaluator (10%)**

Observation Type:

___ First Announced Observation

___ Unannounced Observation

Untenured & Principals on Improvement Plans

___ Second Announced Observation

MULTIDIMENSIONAL PRINCIPAL PERFORMANCE RUBRIC

MULTIDIMENSIONAL PRINCIPAL PERFORMANCE RUBRIC	**Evaluator will enter a 1, 2, 3, or 4 for each *Domain* of the rubric.** **(A rating of "1" corresponds with "ineffective", a rating of "2" corresponds with "developing", a rating of "3" corresponds with "effective" and a rating of "4" corresponds with "highly effective")**
DOMAIN 1:Shared Vision of Learning	Overall Score for Domain:
a. Culture	
b. Sustainability	
DOMAIN 2: School Culture and Instructional program	Overall Score for Domain:
a. Culture	
b. Instructional Program	
c. Capacity Building	
d. Sustainability	
e Strategic Planning Process	
DOMAIN 3: Safe, Efficient, Effective Learning Environment	Overall Score for Domain:
a. Capacity Building	
b. Culture	
c. Sustainability	
d. Instructional Program	
DOMAIN 4: Community	Overall Score for Domain:
a. Strategic Planning Process: inquiry	
b. Culture	
c. Sustainability	
DOMAIN 5: Integrity Fairness, Ethics	Overall Score for Domain:
a. Sustainability	
b. Culture	
DOMAIN 6: Political, Social, Economic, Legal & Cultural	Overall Score for Domain:
a. Sustainability	
b. Culture	
TOTAL (averaging all Domain scores):	

SUMMARY COMMENTS

Administrator's Comments Based on Evidence Collected (to be completed after the observation):
Principal's Comments (to be completed after the observation):

Observer's Signature **Date**

Principal's Signature **Date**

Signature does not necessarily indicate the principal's agreement with the contents contained herein. The principal shall have a right to attach a written response hereto and/or use the space above to comment on the observation