

## 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 TEACHERS’ ASSOCIATION,** hereinafter referred to as “the Association” or “the GLTA”;

**WHEREAS,** the District and the Association have entered into negotiations and mutually selected the Danielson Framework for Teaching (2011 Revised Edition) as the teacher practice rubric to be utilized for the Teacher Observation Category of the District’s Annual Professional Performance Review pursuant to New York State Education Law §3012-d and Part 30-3 of the Rules of the Board of Regents (the new APPR law):

### **Observation/School Visit Category:**

**WHEREAS,** the parties agree the points allocated in the Observation Category will be weighted as follows: 80% of the Overall Observation Category Rating shall be attributable to observations conducted by the Lead Evaluator or other trained administrator (who may share the same BEDS Code as the teacher) and 20% of the Overall Observation Category Rating shall be attributable to the observation conducted by the Independent Trained Evaluator (who may not have the same BEDS Code as the teacher).

The parties have further agreed to weight the teacher practice rubric such that all components will be equally weighted for the 80% of the Teacher Observation Category attributable to the observation(s) conducted by the lead evaluator and/or other trained building administrator for those teachers subject to the new APPR law.

Each observed component of the teacher practice rubric will receive a 1-4 rating during each observation and all observed components will be averaged to arrive at observation rating (where 1 = “ineffective”, 2 = “developing”, 3 = “effective” and 4 = “highly effective”).

Danielson 2011 Revised Framework for Teaching	
<b>1. PLANNING &amp; PREPARATION: Average Score (1-4pts)</b>	
Element 1a: Demonstrating Knowledge of Content and Pedagogy.	1-4pts
Element 1b: Demonstrating Knowledge of Students.	1-4pts
Element 1c: Setting Instructional Outcomes.	1-4pts
Element 1d: Demonstrating Knowledge of Resources.	1-4pts
Element 1e: Designing Coherent Instruction.	1-4pts
Element 1f: Designing Student Assessments.	1-4pts
<b>2. THE CLASSROOM ENVIRONMENT: Average Score (1-4pts)</b>	
Element 2a: Creating an Environment of Respect and Rapport.	1-4pts
Element 2b: Establishing A Culture for Learning.	1-4pts
Element 2c: Managing Classroom Procedures.	1-4pts
Element 2d: Managing Student Behavior.	1-4pts
Element 2e: Organizing Physical Space.	1-4pts
<b>3. INSTRUCTION: Average Score (1-4pts)</b>	
Element 3a: Communicating with Students.	1-4pts
Element 3b: Using Questioning and Discussion Techniques.	1-4pts

Element 3c: Engaging Students in Learning.	1-4pts
Element 3d: Using Assessment in Instruction.	1-4pts
Element 3e: Demonstrating Flexibility & Responsiveness.	1-4pts
<b>4. PROFESSIONAL RESPONSIBILITIES: Average Score(1-4pts)</b>	
Element 4a: Reflecting on Teaching.	1-4pts
Element 4b: Maintaining Accurate Records.	1-4pts
Element 4c: Communicating with Families.	1-4pts
Element 4d: Participating in a Professional Community.	1-4pts
Element 4e: Growing and Developing Professionally.	1-4pts
Element 4f: Showing Professionalism.	1-4pts
<b>Average Score of all 4 Domains (1-4 pts)</b>	

Neither peer evaluation nor video recording shall be utilized in the Observation Category of the APPR.

**WHEREAS**, the parties further agree to the following Overall Observation Category minimum/maximum HEDI bands are determined to fall within the following ranges:

	<b>Overall Observation Category Score &amp; Rating</b>	
	<i>Minimum</i>	<i>Maximum</i>
H	3.5	4.0
E	2.5	3.49
D	1.5	2.49
I	0	1.49

**Classroom Observation/Evaluation Procedures for Classroom Teachers:**

The parties have agreed to differentiate observation/evaluation procedures for probationary teachers and tenured teachers that are less than “Effective” on their Observation Category Rating from the prior school year, than for those tenured teachers who are rated at or above “Effective” on their Observation Category Rating; provided, however, the District may, as it determines necessary, decide to observe a teacher who receives an “Effective” rating on the Observation Category Rating the prior school year model in the event that notwithstanding the receipt that score, has deficiencies in areas that deem it necessary to utilize a more structured approach (e.g., the teacher received a score within the “Effective” range on the Observation Category Rating but had received three developing ratings within Domain 3 – evidencing the need for a more structured observation process to enhance instruction).

- A. For probationary teachers and any tenured teacher who receives a developing or ineffective Observation Category Rating (or for tenured teachers otherwise identified as requiring a more structured process as referenced in paragraph 1 above), a formal structured approach shall be maintained to ensure that sound planning and preparation methodologies can be developed which should foster development of pedagogically sound classroom management and instructional techniques.

The following observation procedures shall apply to all probationary teachers and the cohort of tenured teachers described in paragraph "A" above:

1. All probationary teachers and tenured teachers described in paragraph "A" above shall have an announced classroom observation prior to any unannounced visit, unless otherwise mutually agreed.
2. Probationary teachers and tenured teachers described in paragraph "A" above shall have two announced classroom observations.
3. For announced classroom observations, there shall be a pre and a post-observation conference within a timeframe mutually agreed upon by the teacher and the administrator. The pre-observation form shall be provided to the evaluator not less than 2 days prior to the pre-observation conference. For announced observations, post-observation feedback shall be provided on the agreed-upon form within 10 school days of the announced observation, absent extenuating circumstances.

*\* The pre-observation forms for the announced classroom observations are annexed hereto.*

4. Administrators shall also perform one or more unannounced visits during the school year. For unannounced visits, there shall be a post-observation conference within a timeframe mutually agreed upon by the teacher and the administrator. The unannounced observation feedback shall be provided within 10 school days following the visit, absent exigent circumstances or unless otherwise mutually agreed. Upon mutual agreement of the observer and the teacher, an unannounced visit may be redone.
  5. For probationary teachers, the lead evaluator shall discuss any subcomponents of the Teacher Practice Rubric that have not been observed (Domain 4) at an end-of-year evaluation meeting. The teacher shall not be required to produce evidence/artifacts of performance unless the Evaluator has previously documented a concern and requested the collection of specific artifacts.
  6. By June 15<sup>th</sup> of the school year, each teacher shall receive his/her final summative evaluation, containing his/her Overall Observation Category Rating, which shall be based upon the weighted average of the 80% of the observation process attributable to the lead evaluator/other trained administrator and the 20% of the observation process attributable to the observation conducted by the independent trained evaluator. If multiple observations are performed by the lead evaluator/other trained administrator, such multiple observation scores shall be averaged together to arrive at the HEDI point value that comprises 80% of the Observation Category score and corresponding HEDI rating.
- B. The following observation/evaluation procedures shall apply to those tenured teachers who receive effective or highly effective Observation Category Rating from the prior school year, unless the supervising administrator determines there is a need to implement a more structured observation process or the tenured teacher requests to be observed pursuant to the more structured process described directly above:

1. Evidence of Domains 1-4 shall be collected based upon a minimum of one announced 30-45 minute classroom observation and one unannounced classroom observation.
  - a. For announced classroom observations, there shall be a pre-observation conference within a timeframe mutually agreed upon by the teacher and the administrator. The pre-observation form shall be provided to the evaluator not less than 2 days prior to the pre-observation conference. For announced observations, post-observation feedback shall be provided on the agreed-upon form within 10 school days of the announced observation.

*\* The pre-observation forms for announced classroom observations are annexed hereto.*
  - b. Unannounced observations shall be in the nature of short-duration classroom visitations (approximately 10-15 minutes in duration). The unannounced feedback shall be provided within 10 school days following the visit, absent exigent circumstances or unless otherwise mutually agreed. Upon mutual agreement of the observer and the teacher, an unannounced visit may be redone.
  - c. The evaluating administrators shall determine the order of the announced/unannounced classroom observations.
  - d. Evidence to form the basis of rubric ratings for Domains 1-4 will be observed/collected during these classroom visitations and pre/post observation meetings.
2. By June 15<sup>th</sup> of the school year, each teacher shall receive his/her final summative evaluation, containing his/her Observation Category Rating, which shall be based upon an average of the observation rating received in each Domain during the observation process.

A unit member who disagrees with any of his/her Observation reports and is eligible to appeal his/her rating under the Appeals procedure in the District's APPR plan, shall use such Appeal procedure to contest the score. Notwithstanding the above, if a classroom teacher believes that there has been a flagrant violation of these observation/evaluation procedures, he/she, through a union representative, may immediately appeal such matter to the Superintendent of Schools for corrective action, which may include a "do-over" or declaring a teacher's observation or Observation Category rating, as applicable null and void.

#### **The Student Performance Category**

The parties agree that there shall be no second negotiated Student Performance Category measure utilized in the District's Section 3012-d APPR Plan.

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1 In the event that a tenured teacher with an effective or highly effective Observation Category Rating from the prior school year requests that a more formal observation/evaluation process be instituted, then the procedures outlined in Section A, paragraphs 1 through 5 above will be utilized; provided, however, there shall only be one announced observation (as opposed to two) and a minimum of one unannounced observation.

## **TEACHER IMPROVEMENT PLAN**

**TEACHER IMPROVEMENT PLAN:** The parties have agreed upon the following Teacher Improvement Plan (TIP) Procedure and Form for teachers covered under Education Law § 3012-d and Part 30-3 of the Regents Rules who receive a “developing” or “ineffective” overall APPR rating:

Upon receiving an overall APPR rating of “developing” or “ineffective”, a teacher shall be provided with a Teacher Improvement Plan (TIP).

Whenever a teacher is placed on a TIP and with the agreement of the teacher, the Association Presidents shall be provided with a copy of the TIP. The member shall be entitled to have a GLTA representative at any meeting to discuss any aspect of the TIP.

**Purpose:** The parties understand and agree that the sole and exclusive purpose of a TIP is the improvement of teaching practice and that the issuance of a TIP is not a disciplinary action.

**Process:**

- I. The TIP shall be developed in consultation with the teacher. The Association President(s) shall be informed of the District’s intent to provide a TIP to a teacher by October 1<sup>st</sup> for the corresponding school year.
- II. If the teacher has been assigned a mentor, at the option of the teacher, he/she shall be permitted to bring the mentor during any meeting associated with the TIP.

**Duration:** The length of a TIP for a probationary teacher shall be between three (3) and five (5) months in duration, as determined by the District. The length of a TIP shall be between five (5) and ten (10) months in duration for a tenured faculty member, as determined by the District. Notwithstanding the above, the length of a TIP may be shortened by mutual agreement of the District and the unit member who is on the TIP. In the case of a probationary teacher, the length of a TIP may be extended if the District determines the need to do so.

**Form:** A TIP shall be provided on the form annexed hereto.

**Contents:** A TIP shall clearly specify:

- (i) the area(s) in need of improvement;
- (ii) the performance goals, expectations, benchmarks, standards and timeliness the teacher must meet in order to achieve an effective rating;
- (iii) how improvement will be measured and monitored, and provide for periodic reviews of progress and goal achievement;
- (iv) the anticipated frequency and duration of meetings of the teacher, administrator, and mentor (if one is assigned); and
- (v) the appropriate differentiated professional development opportunities, materials, resources and supports the District will make available to assist the teacher, including, where appropriate, the assignment of a mentor teacher.

In the event that the administrator recommends coursework, any tuition costs or registration fees shall be borne by the District in their entirety; provided, however, in the event that the teacher submits an application for in-service or graduate credits attached to any coursework recommended by the District and the same is approved by the Superintendent, then he/she shall bear the cost of the course(s) if he/she elects to receive the in-service or graduate credits. No disciplinary action predicated upon ineffective performance shall be taken by the District against a teacher until a TIP has been fully implemented. However, nothing herein shall prevent the District from introducing into evidence an evaluation or a TIP in a subsequent disciplinary action so long as it has not been nullified in an appeal.

If a member successfully appeals his/her Overall APPR rating such that a TIP is no longer required under this section, the TIP shall be stopped immediately and any documents relative to the TIP shall be removed from the member's personnel file.

Timing: The TIP shall be provided by October 1<sup>st</sup> of the school year following the year for which an ineffective or developing Overall APPR rating is received, or as soon as practicable thereafter.

**TEACHER IMPROVEMENT PLAN FOR TEACHERS SUBJECT TO SECTION 3012-d OF THE EDUCATION LAW AND  
PART 30-3 OF THE REGENTS RULES**

(For a teacher who received an overall ineffective or developing APPR Rating)

1. The area(s) in need of improvement	2. The performance goals, expectations, benchmarks, standards and timeliness the teacher must meet in order to achieve an effective rating	3. How improvement will be measured and monitored, and provide for periodic reviews of progress and goal achievement	4. The anticipated frequency and duration of meetings of the teacher, administrator, and mentor (if one is assigned)
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5. The appropriate differentiated professional development opportunities, materials, resources and supports the District will make available to assist the teacher, including, where appropriate, the assignment of a mentor teacher.

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**Date of Completion (if applicable)**

**[ ] Completed**

☐ Not Completed

**Teacher's Signature**

**Date** \_\_\_\_\_

**Administrator's Signature**

**Date****Completion Date**

**Teacher initials below:**

**Yes: Please send a copy of this TIP to the GLTA President(s); or**

**No: I do not want a copy of this TIP sent to the GLTA President(s)**



**WHEREAS**, the parties have mutually agreed to the following appeals process to be incorporated into the District's APPR Plan Document for teachers covered by education law § 3012-d and part 30-3 regents rules:

1. Appeals Process:

- A. Any teacher who receives an ineffective or developing overall APPR rating shall be entitled to appeal his/her annual APPR rating, based upon a paper submission (including email) to the Superintendent of Schools or the Superintendent's designated Administrator, who shall be adequately trained and certified, in the evaluation rubric, trained in accordance with the requirements of statute and regulations and who possesses an appropriate administrative Certification. In the event that the Superintendent or the Superintendent's designated Administrator served as an evaluator or lead evaluator he/she shall not hear the appeal.
- B. The appeal must be brought in writing (including email), 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. A copy of the appeal shall be sent to the GLTA President(s), unless the unit member objects to the same.

The areas of concern as referenced above for which a teacher who is rated ineffective on his/her APPR may bring an appeal are:

- 1. The substance of the annual professional performance review, including where a teacher is rated ineffective in the Student Performance Category but rated highly effective in the Observation category based on an anomaly, as determined locally;
- 2. The District's adherence to the standards and methodologies required for the APPR;
- 3. The adherence to the Part 30 Regents Rules; and/or
- 4. Compliance with the locally negotiated procedures that govern the APPR.

Further, a teacher who is placed on a Teacher Improvement Plan (TIP) shall have a corresponding right to appeal concerns regarding the TIP upon the District's issuance and/or implementation of a TIP (where applicable), in accordance with the requirements of Section 3012-d of the Education Law.

- C. An appeal of a composite APPR rating or a TIP must be commenced within ten (10) school days of the presentation of the document to the teacher or else the right to appeal shall be deemed waived in all regards.
- D. The Superintendent or the Superintendent's designated Administrator shall respond to the appeal with a written answer granting the appeal and directing further

administrative action or denying the appeal. The Superintendent or his/her designated Administrator shall review the evidence underlying the observations of the teacher along with all other evidence submitted by the teacher prior to rendering a decision. Such decision shall be made within ten (10) school days of the receipt of the appeal.

- E. The decision of the Superintendent or the Superintendent's designated Administrator, so long as the decision is made within the timeframe set forth in paragraph D, 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 rendered within the timeframe set forth in paragraph D, the appeal shall be sustained.
- F. 1. Notwithstanding the above, in the event that a tenured teacher has received two or three consecutive ineffective Overall APPR ratings, the appeal shall be made, within the timeframe set forth in paragraph 1(C) above, to one of the arbitrators set forth within Article XVI(E)(1) of the Collectively Negotiated Agreement between the District and the Association, selected on a rotating basis, based on order and reasonable timeframe of availability, who shall make a final and binding decision upon the appeal of the APPR evaluation and/or the teacher improvement plan on an expedited basis, within 45 days of the receipt of the written appeal. The documentation to be furnished to the Arbitrator on behalf of the tenured teacher and by the District shall be exchanged between the tenured teacher and the administration on an immediate basis at the time of submission to the Arbitrator. In the event that either party has a question regarding the authenticity of such documentation, the same shall be presented in writing within 48 hours to the arbitrator and copied to the other party for the arbitrator's review and consideration.
- 2. In order to take advantage of the procedure outlined in F(1) above, the Association must agree to split the cost of an arbitrator with the District. If the Association is unwilling to do so, the appeal shall be heard by the Superintendent or the Superintendent's designated administrator.
- G. The provisions set forth above, shall neither be construed to alter or affect the rights of probationary teachers pursuant to Section 3031 of the New York State Education Law.

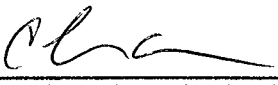
The District and the GLTA agree to annually review this Supplemental Memorandum of Agreement in order to make modifications upon mutual agreement of the parties.

NOW, therefore, the parties agree to incorporate the contents of this Supplemental Memorandum of Agreement into the District's APPR Plan Document, which shall remain in full force and effect, until such time as the parties have reached agreement on the negotiable elements of a new APPR Plan and such modifications have been approved by the Commissioner.


The terms of this Supplemental Memorandum of Agreement supersede in all regards the all prior Supplemental Memorandum of Agreement regarding APPR effective commencing with the 2016-17 school year upon the State's approval of the District's revised APPR Plan Document.

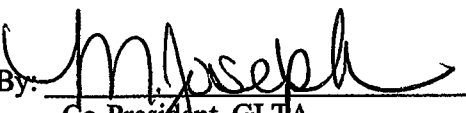
SO AGREED, this 17<sup>th</sup> day of May, 2016, subject to approval of the Board of Education.

THE DISTRICT

By:   
Superintendent of Schools

THE ASSOCIATION

By:   
Co-President, GLTA

By:   
Co-President, GLTA