

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made and entered into this **July 1, 2016**, by and between **MAINE-ENDWELL CENTRAL SCHOOL DISTRICT AND THE MAINE-ENDWELL TEACHERS' ASSOCIATION**.

RECITALS:

WHEREAS, the Superintendent of Schools and the Maine-Endwell Teachers' Association have met to conduct collective negotiations for a new Annual Professional Performance Review (APPR) Plan as required in section "as required in section 3012-d of the Education Law and the Rules of the Board of Regents as contained within 8 NYCRR ¶30-2 and ¶30-3".

WHEREAS, the parties subsequently conducted negotiations concerning the APPR Plan requirements contained in section §3012-d of the Education Law and the Rules of the Board of Regents, and have reached a negotiated agreement to implement the APPR requirements, were fully represented in such deliberations, and had all the terms and conditions herein contained thoroughly explained and fully understand the meaning thereof; and

NOW, THEREFORE, in consideration of the mutual undertakings and covenants herein contained, the parties stipulate and agree that the following terms and conditions shall set forth the agreements between them and shall be APPR Plan for the Maine-Endwell Central School District:

ARTICLE I

INTRODUCTION

The information contained within this document, referred to as the Maine-Endwell Central School District's Annual Professional Performance Review (APPR) plan, was developed in accordance with Education Law §3012-d, Sections 30-3 and 100.2(o) of the Rules and Regulations of the Commissioner of Education to enhance professional effectiveness and positively impact our total school environment.

The intent of the APPR is to provide a process which facilitates improvement of instructional practices; encourages work toward personal, professional and district goals; recognizes and promotes professional growth; and focuses efforts on student-centered excellence in teaching and learning.

The APPR Committee sees the APPR plan as a living document that will be monitored and adjusted on at least an annual basis and as new guidelines are generated by NYSED or to better meet the needs of our teachers and administrators. The APPR Committee is committed to providing an observation/evaluation system that is fair, equitable and rigorous, which will ultimately benefit our students.

The following staff are not subject to the new evaluation system and will continue to be evaluated with the District's former APPR plan (circa: 2011): Universal Pre-kindergarten teachers, school psychologists, school social workers, teaching assistants, long-term substitutes*, nurses, occupational therapists, physical therapists, speech teachers, librarians and guidance counselors.

ARTICLE II

GENERAL CONDITIONS

2.1 **Modifications to Negotiated Agreement.** Effective on the date this Agreement is approved and executed by both parties, this Agreement shall supersede any provision of the collective bargaining agreement between the District and the Maine-Endwell Teachers Association pertaining to the observation and evaluation of teachers covered by Education Law §3012-d, section 30-3 and 100.2 (o).

2.2 Nothing in this APPR Plan shall abrogate the rights of the Maine-Endwell Central School District, its Board of Education and Superintendent of Schools to:

Identify additional or different criteria for the evaluation of teachers, teacher assistants or principals or other individuals subject to the requirements of Education Law §3012-d, its amendments and implementing rules and regulations;

Discontinue the employment of a probationary teacher or teaching assistant in accordance with Education Law §3012 and 3031 or restrict or limit the discretion of the Superintendent of Schools or Board of Education in making a determination on the status of a probationary teacher, teaching assistant, principal or administrator and/or to deny tenure;

Apply the requirements of Education Law §3012-d, its amendments and implementing rules and regulations; or

Discontinue this APPR Plan and the provisions of this Agreement should Education Law §3012-d, its amendments and implementing rules and regulations be repealed or modified so that the APPR Plan is no longer required or is voluntary.

2.3 The inclusion of the APPR Plan elements in this memorandum that are not required subjects of negotiations shall not constitute a waiver of the right of the Superintendent of Schools and Board of Education to: (1) decline to negotiate such elements and/or (2) to make unilateral decisions and changes with respect to such elements. The inclusion of such elements in this memorandum is for informational purposes only and any decisions or actions with respect to such elements shall not be subject to the appeal procedures contained within this memorandum.

2.4 Test Integrity. The District will ensure that no teacher shall score or administer any examination where the teacher has a vested outcome in the results of that examination (used to determine the teacher's composite score, or any part thereof). The District will house assessments in a secure location until the time when the assessment will be administered to students. To the extent possible, local assessments will be regionally developed.

The District's Administrators are responsible for ensuring that all security requirements set forth in the SED Administrative Manuals are strictly followed for NYS Assessments administered in the district. The established protocols for storage, distribution, and administration of the assessments prohibit the possible dissemination to students before administration of the assessments.

The Administrators are also responsible for organizing scoring procedures in order to ensure that district scorers are trained to score the assessments and that they have no vested interest in the outcome of the assessments they score and to ensure that students have no knowledge of assessment tasks.

2.5 Nothing in this APPR Plan shall abrogate the rights of the Maine-Endwell Central School District or the Maine-Endwell Teachers Association from introducing proposed changes to the APPR Plan and its elements which are mandatory subjects of collective negotiations on an annual basis. When either of the said Parties wishes to collaboratively meet and discuss proposed changes to the plan, notification shall be made to the other Party by at least March 1st, of the plan year. Mutually approved changes which result from these collaborative meetings will thereafter lead to a change in the APPR Plan as long as those changes are consistent with Education Law 3012-d, its amendments and implementing rules.

The addition of this element would allow either party to introduce proposed changes to the plan on an annual basis. Notification would have to be made by March 1st. If changes were mutually agreed upon and consistent with the Law they could be incorporated into the APPR plan by the end of the school year and applied the following September

ARTICLE III

TEACHER EVALUATION

3.1. New York Teaching Standards

The professional performance review plan for teachers is based on the *New York State Teaching Standards* (see appendix for complete set of *Teaching Standards* and the accompanying performance indicators). These, therefore, are the criteria that will be used to evaluate teachers:

- **Knowledge of Students and Student Learning:** Teachers acquire knowledge of each student, and demonstrate knowledge of student development and learning to promote achievement for all students;
- **Knowledge of Content and Instructional Planning:** Teachers know the content they are responsible for teaching, and plan instruction that ensures growth and achievement for all students;
- **Instructional Practice:** Teachers implement instruction that engages and challenges all students to meet or exceed the learning standards;

- **Learning Environment:** Teachers work with all students to create a dynamic learning environment that supports achievement and growth;
- **Assessment for Student Learning:** Teachers use multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction. This includes assessment techniques based on appropriate learning standards designed to measure students' progress in learning and that he or she successfully utilizes analysis of available student performance data (for example: State test results, student work, school-developed assessments, teacher-developed assessments, etc.) and other relevant information (for example: documented health or nutrition needs, or other student characteristics affecting learning) when providing instruction;
- **Professional Responsibilities and Collaboration:** Teachers demonstrate professional responsibility and engage relevant stakeholders to maximize student growth, development, and learning. This includes the development of effective collaborative relationships with students, parents or caregivers, as needed, and appropriate support personnel to meet the learning needs of students; and
- **Professional Growth:** Teachers set informed goals and strive for continuous professional growth.

ARTICLE IV

TEACHER EFFECTIVENESS

4.1 Annual professional performance reviews shall differentiate teacher effectiveness using a composite effectiveness rating. Based on the teacher’s composite effectiveness score a classroom teacher shall be rated as either:

There are two components to the new APPR system (3012-d) for teachers:

1. Student Performance Component
2. Principal Observation Component

Each Teacher’s final rating is based on a matrix that takes into consideration the HEDI rating for each teacher on both categories above. The matrix is as follows:

Overall Rating		Teacher Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D	D	I	I

STUDENT PERFORMANCE COMPONENT:

Transition Period: sections 30-2.14 and 30-3.17

- i. During the 2016-17 through 2018-19 school years for the required subcomponent of the Student Performance Category: For teachers and principals who receive a State-provided growth score (i.e., grades 4-8 ELA and math teachers and principals of buildings that include grades 4-8 or all of grades 9-12), the growth score shall be excluded from the scores and ratings used to calculate the transition score and rating. Additionally, during the 2016-17 through 2018- 19 school years, the requirement that back-up SLOs be developed for grades 4-8 ELA/math teachers and principals of buildings that include those grade levels is being suspended and such measures do not need to be developed. Provided, however, that alternate SLOs must continue to be developed in instances where there are no remaining student performance measures for purposes of calculating transition scores and ratings.
- ii. For teachers and principals who do not receive their own State-provided growth scores (e.g., grade 3 ELA and math teachers, 6-8 science and social studies teachers, principals of K-2 buildings, etc.), the results of the grades 3-8 ELA and math State assessments and any State-provided growth scores must be excluded when calculating the transition score and rating. If a measure is based only in part on the grades 3-8 ELA/math State assessments or State-provided growth scores (e.g., an SLO based on a group measure using results from the 3-8 ELA State assessments and results from Regents assessments), districts/BOCES must determine whether to use the measure with the remaining assessments.
- iii. All Teachers will receive their Student Performance rating based on the following:

Highly Effective			Effective			Developing		Ineffective												
20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
97-100%	93-96%	90-92%	85-89%	80-84%	75-79%	67-74%	60-66%	55-59%	49-45%	44-48%	39-43%	34-38%	29-33%	25-28%	21-24%	17-20%	13-16%	9-12%	5-8%	0-4%

Overall Student Performance Category Score and Rating

HEDI Rating	MINIMUM	MAXIMUM
Highly Effective (H)	18	20
Effective (E)	15	17
Developing (D)	13	14
Ineffective (I)	0	12

NYS Regents Examination	65-100%
Algebra	100%
Geometry	100%
Algebra II / Trigonometry	100%
English	100%
Global History	100%
United States History	100%
Earth Science	100%
Living Environment	100%
Chemistry	100%
Physics	100%

$$\frac{\text{Total \# of NYS Regents Examinations Scoring a 65\% or Higher}}{\text{Total \# of NYS Regents Examinations Taken}} = \text{Target of 100\% at 65\% or Higher}$$

EXAMPLE:

School Year

<i>NYS Regents Examination</i>	<i>65-100%</i>	<i># of Exams at 65% or Higher</i>	<i>Total # of Exams Taken</i>	<i>% at 65%</i>
<i>Algebra</i>	<i>100%</i>	<i>150</i>	<i>160</i>	<i>94%</i>
<i>Geometry</i>	<i>100%</i>	<i>142</i>	<i>160</i>	<i>89%</i>
<i>Algebra II / Trigonometry</i>	<i>100%</i>	<i>80</i>	<i>92</i>	<i>87%</i>
<i>English</i>	<i>100%</i>	<i>190</i>	<i>200</i>	<i>95%</i>
<i>Global History</i>	<i>100%</i>	<i>170</i>	<i>190</i>	<i>89%</i>
<i>United States History</i>	<i>100%</i>	<i>185</i>	<i>200</i>	<i>93%</i>
<i>Earth Science</i>	<i>100%</i>	<i>140</i>	<i>160</i>	<i>88%</i>
<i>Living Environment</i>	<i>100%</i>	<i>155</i>	<i>160</i>	<i>97%</i>
<i>Chemistry</i>	<i>100%</i>	<i>90</i>	<i>110</i>	<i>82%</i>
<i>Physics</i>	<i>100%</i>	<i>75</i>	<i>75</i>	<i>100%</i>
TOTALS	100%	1377	1507	91%

$$\frac{\text{Total \# of NYS Regents Examinations Scoring a 65\% or Higher}}{\text{Total \# of NYS Regents Examinations Taken}} = \frac{\text{Target of 100\% at 65\% or Higher} \times 1377}{1507} = \boxed{91\%}$$

In this example, an average of 91%, when referenced with the HEDI scales equates to an 18, which translates to a rating of Highly Effective (H).

D. Teacher Observation Component

i. Rubric:

Based on its inclusion of the SED-approved list of rubrics, the NYSUT rubric will be used to evaluate classroom teachers. Teachers shall be evaluated annually on the seven (7) teaching standards of the rubric.

ii. The lead evaluator shall be the Building Principal. The independent evaluator shall be any other certified building administrator within the Maine-Endwell CSD.

iii. There will be a minimum of two (2) observations for all teachers (tenured and probationary). One (1) observation will be an announced observation and will be conducted by the Building Principal. One (1) observation will be unannounced. This observation will be conducted by any other certified building administrator within the Maine-Endwell CSD.

iv. Weighting of observations will be:

Announced = 90% - Lead Evaluator (Building Principal)

Unannounced = 10% - Independent Evaluator (Other Certified Building Administrator within MECSD)

If the Lead Evaluator or Independent Evaluators conduct additional observations, the score for each additional observation shall be averaged to determine the final score.

SCORING OF OBSERVATIONS

NYS Standards	Unannounced School Visit 10 Pts.	Announced School Visit 90 Pts.
1		3
2		4
3		3
4	2	

5		2
6	3	
7		3
Subtotal	5	15
Subtotal divided by number of domains evaluated (round to nearest tenth)	$5/2 = 2.5$	$15/5 = 3.0$
Weighting Value	$10/100 = .10$	$90/100 = .90$
Value of Weighted Scores	$2.5 \times .10 = .25$	$3.0 \times .90 = 2.70$
Sum of Weighted Scores		$.25 + 2.70 = 2.95$
HEDI Rating (Other Measures of Effectiveness)		Effective

Overall Rubric Score Conversion Principal Observation

HEDI Rating	MINIMUM	MAXIMUM
Highly Effective (H)	3.5	4.00
Effective (E)	2.5	3.49
Developing (D)	1.5	2.49
Ineffective (I)	0	1.49

F. Professional Development

Professional development objectives for the teacher will be based on the evaluation, in addition to school and/or district priorities.

G. Timely Provision of Feedback

Each tenured teacher shall have at least one observation of at least forty (40) minutes with a pre and post conference and at least one (1) walkthrough.

The time frame for completion of the formal observation process will not exceed twelve (12) school days from the date of the pre-observation to the date of the post-observation unless mutually agreed upon by the educator and administrator. Teachers are expected to sign the document, return and comment, if necessary, within five (5) school days of the post observation conference.

Unannounced Observations, or “Walkthroughs,” will be unannounced a minimum of 10 minutes. There will be no pre or post conferences and the Unannounced Observation Checklist developed by the District and Association will be used. A copy of the observation checklist will be shared with the teacher within five (5) school days of the Unannounced Observation and is attached to this APPR.

Teachers are expected to sign the unannounced observation checklist, return and comment, if necessary, within five (5) school days of receiving the checklist.

For formal observations, a pre-observation meeting will occur prior to the day of the scheduled observation at which time the teacher will present lesson/unit plans and other artifacts of evidence for Standards One and Two (Knowledge of Students and Student Learning and Knowledge of Content and Instructional Planning) pertaining to the lesson. The teacher will present the District approved lesson plan format at the pre-observation meeting.

Following a formal observation a post-observation meeting will occur at which time Standards Three, Four, and Five (Instructional Practice, Learning Environment, and Assessment for Student Learning) and Standards Six and Seven (Professional Responsibilities/ Collaboration and Professional Growth) will be discussed. The teacher will present evidence of student work and reflections on lesson observed. The evaluator will present evidence from lesson observed. The teacher and evaluator will discuss ratings and next steps for professional growth. The evaluator shall provide the teacher with a copy of the completed observation form.

Each teacher’s score and rating on the Teacher Observation (Other Measures of Effectiveness) subcomponent must be computed and provided to the teacher in writing no later than the last day of the school year.

The final composite score must be completed and provided to each teacher as soon as practicable, but in no case later than September 1 of the school year next following the school year for which the classroom teacher’s performance is being measured.

H. Scoring of Observations

DETERMINATION OF OVERALL RATING:

Determination of a principal’s overall rating will be computed as follows:

- HEDI Score on Student Performance Component
- HEDI Score on Principal Observation Component

Overall Rating		Teacher Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D	D	I	I

EXAMPLE:

HEDI Score on Student Performance Component = Highly Effective

HEDI Score on Principal Observation Component = Effective

Overall Rating		Teacher Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D	D	I	I

Overall Rating = Highly Effective

**ARTICLE V
EVALUATOR TRAINING**

5.1 Training and Certification of Lead Evaluators, Evaluators, and Independent Evaluators

- i. The district ensures that all evaluators, including impartial, independent evaluators, are appropriately trained. The Board of Education will annually approve the certification of evaluators.

Any individual who fails to receive required training or achieve certification or re-certification, as applicable shall not conduct or complete an evaluation.

- ii. The district participates in training for lead evaluators provided by Broome-Tioga BOCES lead evaluators, impartial/independent observers, and peer observers in accordance with the requirements of Education Law 3012-d.

Learning opportunities are aligned to all nine required elements for lead evaluators training:

- (1) The New York State Teaching Standards and their related elements and performance indicators and the Leadership standards and their related functions, as applicable;
- (2) Evidence-based observation techniques that are grounded in research;
- (3) Application and use of the student growth percentile model and any other growth model approved by the Department as defined in section 30-3.2 of this Subpart;
- (4) Application and use of the State-approved teacher or principal rubric(s) selected by the district for use in evaluations, including training on the effective application of such rubrics to observe a teacher or principal's practice;
- (5) Application and use of any assessment tools that the district utilizes to evaluate its classroom teachers or building principals;
- (6) Application and use of any locally selected measures of student growth used in the optional subcomponent of the Student Performance Category used by the district to evaluate its teachers or principals;
- (7) Use of the statewide instructional reporting system;
- (8) The scoring methodology utilized by the department and/or the district to evaluate a teacher or principal under this Subpart, including the weightings of each subcomponent within

a category; how overall scores/ratings are generated for each subcomponent and category and application and use of the evaluation matrix (is) prescribed by the commissioner for the four designated rating categories used for the teacher's or principal's overall rating and their category ratings; and

(9) Specific considerations in evaluating teachers and principals of English language learners and students with disabilities.

- iii.** The district participates in training for independent evaluators is provided by Broome Tioga BOCES. The training is a minimum of eighteen (18) hours and includes:
1. NYS Teaching Standards and their related elements and performance indicators and the Leadership standards and their related functions, as applicable
 2. Evidence-based observation techniques that are grounded in research; and
 3. Application and use of the State-approved teacher or principal rubric(s) selected by the district for use in evaluations, including training on the effective application of such rubrics to observe a teacher or principal's practice
- iv.** **Initial training of lead evaluators and evaluators** consists of a minimum of twenty one (21) hours of instruction. In addition to participating in learning opportunities consistent with the nine required elements listed in section B, participants will demonstrate inter-rater reliability and inter-rater agreement by:
- Collecting evidence of teacher/principal practices
 - Aligning the evidence with the rubric
 - Scoring the teacher/principal performance
 - Conducting a “post conference/coaching session” with a teacher/principal

Additionally, all evaluators have the opportunity to participate in customized on site visits, which include shadowing and coaching the evaluator in the observations, evidence collection, rubric alignment and scoring process.

- v.** **Annual Refresher training for previously certified evaluators** will consist of a minimum of nine (9) hours of training provided by the Broome-Tioga BOCES and the district which include, but is not limited to:
- Data analysis of scoring trends within districts
 - Review of subcomponents of the rubrics
 - Use of videos/simulations to collect evidence and “recalibrate”
 - individual or team “coaching the evaluator”
 - Facilitated “observation rounds”
 - Training and coaching on providing quality feedback to teachers/principals
 - Training and coaching on quality TIP and PIP processes

ARTICLE VI DATA LINKAGE

6.1 Working with the South Central Regional Information Center the Maine-Endwell Central School District will provide all of the data elements described by SED. Data will be submitted to the SED through the portal each year. This information includes a comprehensive course catalog, assessment scores, student enrollment information, and evaluation component score.

The District shall provide accurate data to the State Education Department in a format and timeline prescribed by the Commissioner. The District shall also provide access to teachers so they may verify the student rosters assigned at the beginning of each school year and prior to the administration of State assessments.

The designated Data Coordinator 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.

The Data Coordinator shall be responsible for reporting to the SED the individual subcomponent scores and the total composite effectiveness score for each covered classroom teacher in the District, and shall do so in a format and timeline prescribed by the Commissioner.

ARTICLE VII

PROCEDURES FOR APPEALING AN ANNUAL PROFESSIONAL

PERFORMANCE REVIEW

7.1 The following procedures are the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a tenured teacher's annual professional performance review. The procedures contained herein are not available to probationary teachers.

7.2 The grievance and/or arbitration procedures in any negotiated agreement shall not be used to appeal or review a tenured teacher's annual professional performance review. To the extent that a conflict exists between a negotiated agreement and this procedure, the terms and conditions of this procedure shall prevail and be applied.

7.3 Changes to the appeals process must be both agreed to by the parties and approved by the Commissioner as part of a material change request – see: §30-3.3(a)(1).

- (1) A tenured teacher who receives an overall rating of “ineffective” or “developing” may appeal his or her annual performance review. Ratings of “highly effective” or “effective” cannot be appealed.
- (2) A tenured teacher may appeal only the substance of his or her performance review, the school district's adherence to standards and methodologies required for such reviews, adherence to applicable regulations of the commissioner of education, and compliance with the procedures for the conduct of performance reviews set forth in the annual professional performance review plan.
- (3) A tenured teacher may not file multiple appeals regarding the same annual performance review. All grounds for appealing a particular annual performance review must be raised within the same appeal. Any grounds not raised at the time the appeal is filed shall be deemed waived.

- (4) Appeals concerning a tenured teacher's annual performance review must be received in the office of the Superintendent of Schools no later than September 10th. The failure to submit an appeal to the Superintendent of Schools within this time frame shall result in a waiver of the teacher's right to appeal that performance review.
- (5) An appeal committee will be convened consisting of two (2) administrators designated by the Superintendent and two (2) teachers designated by the Association President. The appeal committee shall be flexible and determined on a case by case basis.
- (6) Under this appeals process the teacher has the burden of proving a clear legal right to the relief requested and the burden of establishing the facts upon which he/she seeks relief. The burden of proof shall be by the preponderance of the credible evidence.
- (7) A tenured teacher wishing to initiate an appeal must submit a detailed description of the precise point(s) of disagreement over his or her annual performance review, along with any and all additional documents or written materials that he or she believes are relevant to the resolution of the appeal to the Superintendent or his/her designee. E-mail or other electronic submissions are not permitted.

Any additional information not submitted at the time the appeal is filed shall not be considered in the deliberations related to the resolution of the appeal.

- (8) The teacher's failure to comply with the requirements of these procedures shall result in a waiver and/or denial of the appeal.
- (9) The appeal committee will meet by September 25th to hear the appeal.
- (10) The appeals committee shall issue a written decision on the merits of the appeal no later than October 5th.
- (11) If the majority of the appeals committee dismisses or denies the appeal, the teacher's score and evaluation shall remain unchanged and the appeal process shall end, and the teacher shall be notified. The appeals committee's decision shall be final and binding and may not be reviewed or appealed further.
- (12) If the appeals committee sustains the appeal, the committee shall issue a recommendation for an appropriate remedy to the Superintendent or his/her designee. The Superintendent or his/her designee will make the final determination regarding the appropriate resolution to the successful appeal.
- (13) If the appeals committee fails to reach a majority decision, the appeal shall be forwarded to the Superintendent or his/her designee to review the appeal and then make a final determination regarding the appropriate resolution. The Superintendent will make a decision and respond in writing within five (5) school days.

- (13) The Superintendent or designee may not make a final decision regarding an appeal if he/she has conducted any observation of the tenured teacher during the year for which the appeal is filed.
- (14) Probationary and tenured teachers may request to have an informal meeting with the Superintendent to discuss negotiated APPR procedures. A request must be made within five days of the alleged violation. The meeting will be conducted and, if necessary, a decision made to rectify the situation within five days of receipt of each request.

ARTICLE VIII

TEACHER IMPROVEMENT PLANS

8.1 If a teacher's performance is evaluated as "ineffective" or "developing", the administrator shall be required to develop a Teacher Improvement Plan (TIP) in consultation with the educator. Such Plan will be shared with the educator and implemented within ten (10) calendar days of the first day of scheduled classes within the year which the Plan will be applied.

The Plan shall include, but not be limited to;

- (a) specific, measurable and realistic goals
- (b) timeline for achieving goals
- (c) suggestions and strategies for reaching the goals
- (d) when and how progress will be measured; and,
- (e) resources and support.

8.2 The district will provide a list of all teachers who receive a rating of "developing" or "ineffective" to the association president by the first day of classes each school year.

8.3 The administrator is expected to collaborate with the educator in developing the plan. In those cases in which there is disagreement, the staff member may make an appeal to the Appeal Committee.

8.4 TIP Appeals Procedure: The procedures outlined in Article VIII. will also be used for any and all appeals of Teacher Improvement Plans that are issued in accordance with the annual professional performance review plan. Appeals related to the issuance of an improvement plan are limited to issues regarding compliance with the requirements prescribed in applicable law and regulations for the issuance of improvement plans, and must be initiated by September 30th.

8.5 The terms of a TIP will remain in effect pending the outcome of an appeal.

8.6 Once the TIP has been completed or the time for completion has passed, the administrator will determine, in a discussion with the educator, followed by written documentation, that either:

- (a) identified goals have been achieved and the educator is no longer considered "in Need of Improvement" specific to the Teacher Improvement Plan.
- (b) the goals have not been satisfactorily achieved and the educator will still be considered "in Need of Improvement" with revised goals; or,
- (c) the goals have not been satisfactorily achieved and the educator may be subject to the provisions of the law.

**ARTICLE IX
AVAILABILITY OF DISTRICT'S APPR PLAN**

9.1 The District will file with SED, by regular mail, its APPR Plan, and revisions to the Plan, not later than September 10 of each school year. In addition, the District will make its Plan available to employees and members of the public by placing an electronic copy of the Plan on its website. The District will also provide notice of the availability of its Plan in its District newsletter during each school year.

**ARTICLE X
MISCELLANEOUS PROVISIONS**

10.1 In the event of a conflict between the provisions contained within this memorandum and those established in Education Law §3012-d, rules promulgated by the Board of Regents, regulations promulgated by the Commissioner of Education or federal statutory or regulatory requirements relating to teacher evaluation or performance, such federal statute and regulations shall govern.

10.2 In the event there is a conflict between the provisions contained within this Agreement and the collective bargaining agreement between the parties, the terms and conditions contained in this Agreement shall supersede and prevail.

10.3 If any provision of this Agreement or any application of the agreement to any employee or group of employees shall be found contrary to law, or would tend to impinge upon or reduce in any way the duties or responsibilities of the Board of Education as defined in Section 1709, 1711, or other sections of the Education Law pertaining to the duties and responsibilities of the Board of Education, then such provision or application shall not be deemed valid or subsisting, except to the extent permitted by law, but all other provisions or applications will continue.

FOR THE DISTRICT:

FOR THE META:

Jason R. Van Fossen **DATE**
Superintendent of Schools
Maine-Endwell CSD

Melissa Spierling **DATE**
President
Maine-Endwell Teachers' Association

MAINE-ENDWELL CENTRAL SCHOOL DISTRICT
TEACHER IMPROVEMENT PLAN (TIP)

The District's **Annual Professional Performance Review process (APPR)** is designed to recognize, support, and improve the teaching-learning process. The majority of teachers (as defined in the META contract) will be well served by the APPR process and will find it to be a valuable experience for professional growth. There may be a small number of individuals, however, who need additional support. That support will come through a mutually developed plan related to the Annual Professional Performance Review process.

The **TIP ~ Teacher Improvement Plan** ~ is designed to recognize, support, and improve the teaching-learning process. The TIP also is designed to help teachers address areas in need of improvement based on one or more of the eight New York State Criteria for Evaluation. The eight criteria are: (1) content knowledge; (2) preparation; (3) instructional delivery; (4) classroom management; (5) student development; (6) student assessment; (7) collaboration; and (8) reflective and responsive practice.

THE PURPOSES OF THE TIP

- To demonstrate the commitment of the district to the professional growth and development of all teachers;
- To improve the performance of teachers who are identified by the administration as needing improvement in any of the eight criteria for evaluation;
- To implement a process that is a good faith effort to provide a supportive and structured plan for improvement within a certain timeframe.

THE TIP PROCEDURES

The TIP procedures are guidelines for the administrator and teacher involved in the TIP process. The teacher may involve a selected representative, such as the Instructional Leader, veteran teacher, mentor, or an META representative.

THE TIP PLAN

The teacher and the administrator will draft and complete a TIP document using the district's model to guide the development of the TIP language. The TIP document will be signed by the teacher and the administrator. Every effort will be made to ensure confidentiality. The plan will include:

- Goal(s)
- Action Steps
- A Timeline
- Monitoring Steps
- Resources and Support
- Assessment Criteria and Evaluation

**MAINE-ENDWELL CENTRAL SCHOOL DISTRICT
TEACHER IMPROVEMENT PLAN**

Area(s) of Concern:

Goal(s):

Action Steps:

Timeline:

Monitoring Steps:

Resources and Support:

Assessment Criteria and Evaluation:

Teacher

Signature

Date

Administrator

Signature

Date

MEMORANDUM OF AGREEMENT
Between The
MAINE-ENDWELL CENTRAL SCHOOL DISTRICT
And The
MAINE-ENDWELL TEACHERS ASSOCIATION

MOA - Variance to APPR Plan Article X, 8.3, Item 15

The following is a variance to the Maine-Endwell Teachers Association (META) APPR Agreement negotiated in the late winter and spring of the 2015-2016 school year.

This Memorandum of Agreement, is made by and between Jason Van Fossen, Superintendent on behalf of the Maine-Endwell Central School District (hereinafter "District") and Melissa Spierling, President on behalf of the Maine-Endwell Teachers Association (hereinafter "Association"). The District and the Association agree as follows:

1. WHEREAS, the Parties conducted negotiations concerning the APPR Plan requirements contained in section 3012-d of the Education Law and the Rules of the Board of Regents as contained within 8 NYCRR ¶30-2 and ¶30-3, and have reached a negotiated agreement to implement those APPR requirements; and

2. WHEREAS, the Parties realized that subsequent to those negotiations the language agreed to in Article X, 8.3, Item 15, and reading as follows;

- (15) Probationary and tenured teachers (Principles) may request to have an informal meeting with the Superintendent to discuss negotiated APPR procedures. The meeting will be conducted and a decision made within five days of receipt of each request.

may lack clarity; and

3. WHEREAS, the Parties thereafter discussed the purpose, meaning and the intent of the aforesaid agreed to language and wish to clarify the way in which it should be applied;

NOW THEREFORE, the District and the Association agree as follows pertaining to the purpose, meaning and the intent of the way in which Article X, 8.3, Item 15 should be applied moving forward;

1. In the event an administrator fails to follow the negotiated APPR procedures, probationary and tenured teachers may file an immediate "Procedural Appeal" in writing to the Superintendent of Schools within five (5) school days of the alleged violation.
2. The Superintendent of Schools will make a decision and respond in writing within five (5) school days of the receipt of the "Procedural Appeal".

It is understood that this agreement does not alter any other provisions of the APPR Plan agreed to between the Parties.

FOR THE ASSOCIATION

MELISSA SPIERLING
ASSOCIATION PRESIDENT
MAINE-ENDWELL TEACHERS ASSOCIATION

DATE

FOR THE ASSOCIATION

JASON VAN FOSSEN
SUPERINTENDENT OF SCHOOLS
MAINE-ENDWELL CENTRAL SCHOOL DISTRICT

DATE

JB/njg
cwa 1141
Meta/5-22-13 sick

APPR Appeals Form

- Submit the signed and completed form to the Superintendent of Schools and the Association President within the appropriate time frame of the specific appeal you are filing according to the collective bargaining agreement.
- Please review the Appeals process found in the collective bargaining agreement to review the timelines for

1. Appeal Information

Member Name (please print): _____

Member Title: _____ Member Building: _____

Date Appeal Submitted: _____

2. Type of Appeal Check box that applies. (If you are appealing more than one observation category use additional forms.)

Procedural Appeal Unannounced Announced TIP

Explanation of why member believes the observation/TIP is procedurally flawed. Please include contractual language and specific dates that member believes are in violation.

Content Appeal

Rating being appealed: Developing Ineffective

What do you believe the rating should have been. Highly Effective Effective Developing

Explain why you believe the Annual APPR rating should be reviewed:

TIP Appeal

Explain why you believe your TIP should be reviewed:
