

Hamburg Central School District
&
Hamburg Teachers Association

Annual Professional Performance Review
Memorandum of Agreement

Outline and Procedures

2020-2021 School Year

The evaluation process outlined was agreed upon to help teachers improve their instructional practices, to enhance communication about effective teaching between and among teachers, and to positively affect student achievement. It is also meant to be a collaborative process between teachers and administrators with the final professional performance rating representing everything that an administrator knows about the teacher as a professional.

The procedures outlined in this section apply to all teachers in the Association, including regular substitutes and part-time teachers in positions of .4 or more in public school system. Members of the Association not covered under this section are all AIS, Social Workers, Psychologists, Speech Therapists, Counselors, OTs, PTs, COTAs, Nurses, Library Media Specialists, any Teachers on Special Assignment, and part-time teachers in positions less than .4. The aforementioned excluded members will continue to be evaluated according to the existing Evaluations outlined in the Hamburg Teachers Association Agreement.

The 3012-D APPR Evaluation is calculated using two categories:

Category 1: Observation:

- 1- Announced- 90%
- 1-Unannounced 10%

Category 2: Student Performance:

Student Learning Objectives

Your overall rating is calculated on your score from each category and applied to matrix below:

	Observation Category= Highly Effective Weighted Average Score of 3.5-4.0	Observation Category=Effective Weighted Average Score of 2.5-3.49	Observation Category=Developing Weighted Average Score of 1.5-2.49	Observation Category=Ineffective Weighted Average Score of 0-1.49
Student Performance Category= Highly Effective 90-100% of students meet the target	Your rating is Highly Effective	Your rating is Highly Effective	Your rating is Effective	Your rating is Developing
Student Performance Category= Effective 75-89% of students meet the target	Your rating is Highly Effective	Your rating is Effective	Your rating is Effective	Your rating is Developing
Student Performance Category= Developing 60-74% of students meet the target	Your rating is Effective	Your rating is Effective	Your rating is Developing	Your rating is Ineffective
Student Performance Category= Ineffective 0-59% of students meet the target	Your rating is Developing	Your rating is Developing	Your rating is Ineffective	Your rating is Ineffective

Observation Category

Teachers appraised in this area will be evaluated through the use of the 2007 Charlotte Danielson Model. There will be two observations one announced and one unannounced. Each observation will be scored separately. Either observation may occur first. All teachers will be observed individually. For teachers in their final year of probation, both observations must occur before April 1. No administrator will evaluate teachers unless he or she has been trained in the use of the rubric. All NEW Teachers will receive training by an Administrator on the 2007 Charlotte Danielson Model

Announced Observation

- A. The announced observation will be done by the teacher's primary evaluator and will count for 90% of the weighted average in this category.
- B. Announced observation may take place between **October 20** and May 31.
- C. Announced observation will not exceed 40 minutes in length.
- D. Teachers may choose which class/subject matter in which they are observed.
- E. The pre-observation will be in advance prior to the scheduled observation and require an Article VII lesson plan template to be filled out by the teacher being observed.
- F. If the teacher requests a different time for the scheduled formal observation based on special events occurring in the classroom, an assessment being given, or other reason, such requests will not be unreasonably denied.
- G. Announced observations **cannot occur** the day before or after a recess period, in a week in which parent-teacher conferences/annual reviews are scheduled, on the same day a holiday party or classroom celebration is scheduled, on a day of State or district testing, and on a day of department event.
- H. During the announced observation the primary evaluator will evaluate Domain 1, 3, 4 and assign one score on a scale of 1-4 for each of the three domains.
- I. A post-observation conference will take place within 10 business days. The teacher will know their observation score at end of the conference.
- J. The post observation will include discussion of Domain 4 and the primary evaluator will assign a single score on a scale of 1-4 based on the announced observation and the conversation occurring in the post-conference about the observation.
- K. Teacher may request a specific administrator for observation.
- L. Should an observation be canceled an additional lesson plan with for the rescheduled observation will not be required.
- M. In the event the district fails to conduct the related conference in the time frame noted, the teacher shall receive full credit for the observation.

Unannounced Observation

- A. Unannounced observations will take place between **October 20** and May 31.
- B. Unannounced observation will not exceed 15 minutes in length.
- C. The unannounced observation will be completed by the teacher's selected independent evaluator and will count for 10% of the weighted average in this category. *For the **2020/2021 School year** you may select your building administrator(s).*
- D. Teachers must identify their independent evaluator and submit their request electronically by **October 19, 2020**.
- E. District employees eligible to be independent evaluators are assistant superintendents, principals, assistant principals, directors, and curriculum coordinators.
- F. On the first day of teacher attendance, teachers will be provided names of all independent evaluators.
- G. During the unannounced observation the independent evaluator will evaluate Domain 2 and assign one score on a scale of 1-4 for the domain.

- H. Unannounced observations **cannot occur** the day before or after a recess period, in a week in which parent-teacher conferences/annual reviews are scheduled, on the same day a holiday party or classroom celebration is scheduled, on a day of State or district testing, and on a day of department event.
- I. Teachers will be notified of a two-week time period when the observer will be coming in.
- J. Unannounced observation must be completed and submitted to the teacher within 2 business days of the observation.
- K. The teacher or principal may request a post-conference if the score given is less than 3.5 and the request must be honored.
- L. If requested, a post observation conference must take place within 7 days of the unannounced observation.
- M. In the event the district fails to conduct the related conference in the time frame noted, the teacher shall receive full credit for the observation.

Overall Observation Scores

- A. The final weighted average of these scores will be placed on the State scale to assign a designation of H, E, D, or I for the Observation category of the matrix.

Weighted Average	HEDI Designation
3.5 – 4.0	Highly Effective
2.5-3.49	Effective
1.5-2.49	Developing
0-1.49	Ineffective

Student Performance Category

All teachers will utilize a Student Learning Objective (SLO) that contains the passing rate (65%) for the 5 required Regents examinations (CC Algebra, Living Environment, US History and Government, Global Studies, and CC English Language Arts). Each of the five exams will be given a score of 1-20 based on the passing rate (65%). These five scores (ranging from 1-20) will then be averaged to calculate the HEDI score out of 20 points, as shown below in the NYSED issued scoring chart. The examination period will be for January and June.

Example:

Exam	Passing Rate	Points
Algebra	88%	19
Living Environment	92%	20
US History and Government	95%	20
Global Studies	84%	19
English Language	94%	20

Average of 5 scores: 19.6 =Overall Student Performance Rating of Highly Effective (H)

Conversation Chart from passing rate to Points:

Points	Rating	Start	End	
0.00	Ineffective ▼	0.00	7.00	<7%
1.00	Ineffective ▼	8.00	16.00	8%-6%
2.00	Ineffective ▼	17.00	25.00	17%-25%
3.00	Developing ▼	26.00	30.00	26%-30%
4.00	Developing ▼	31.00	34.00	31%-34%
5.00	Developing ▼	35.00	38.00	35%-38%
6.00	Developing ▼	39.00	42.00	39%-42%
7.00	Developing ▼	43.00	46.00	43%-46%
8.00	Developing ▼	47.00	50.00	47%-50%
9.00	Effective ▼	51.00	53.00	51%-53%
10.00	Effective ▼	54.00	56.00	54%-56%
11.00	Effective ▼	57.00	59.00	57%-59%
12.00	Effective ▼	60.00	62.00	60%-62%
13.00	Effective ▼	63.00	65.00	63%-65%
14.00	Effective ▼	66.00	68.00	66%-68%
15.00	Effective ▼	69.00	71.00	69%-71%
16.00	Effective ▼	72.00	73.00	72%-73%
17.00	Effective ▼	74.00	75.00	74%-75%
18.00	Highly effective ▼	76.00	83.00	76%-83%
19.00	Highly effective ▼	84.00	91.00	84%-91%
20.00	Highly effective ▼	91.00	100.00	>91%

Overall Student Performance Rating:

Overall Student Performance Category Score & Rating		
	<i>Minimum</i>	<i>Maximum</i>
H	18	20
E	15	17
D	13	14
I	0	12

Overall ratings:

The overall rating will be the observation and Student performance categories scores applied to the matrix below:

STUDENT PERFORMANCE	OBSERVATIONS				
	SCORES	H	E	D	I
	H	H	H	E	D
	E	H	E	E	D
	D	E	E	D	I
	I	D	D	I	I

- All teachers will receive an overall rating before the end of the school **2020/2021 school year.**
- Each teacher will receive an overall rating of High Effective, Effective, Developing or Ineffective.
- The Principal will meet with the teacher to review the overall rating.

Special Considerations

In accordance with NYSED APPR Guidance, “To the extent practicable, any teacher who is the teacher of record will need to be evaluated pursuant to the requirements of Education Law 3012-d and the requirements of the district’s approved APPR plan.”

HTA President or designee and Assistant Superintendent of Student Services, Curriculum & Instruction or designee will confer on a base by base case to determine teacher of record status.

APPR Appeals Process

In the event that a teacher wishes to challenge his/her performance review and/or improvement plan (TIP) under the new APPR system, the District has developed an appeals procedure. This appeals procedure does not diminish the authority of the School Board to terminate probationary teachers during their probationary term. While the APPR shall be a “significant factor” in tenure and other employment decisions, nothing herein requires an appeal be exhausted before a tenure determination can be made.

In addition, appeal procedures shall not cause a teacher to acquire tenure by estoppel (failure to follow established procedures) when an evaluation appeal is pending. In accordance with the law, for purposes of disciplinary proceedings under Education Law§3020-D, a “pattern” of ineffective teaching or performance shall be defined as two consecutive annual ineffective ratings received by a teacher through the APPR process.

APPEAL PROCEDURES

- A. Section §3012-d of the Education Law establishes a comprehensive annual evaluation system for classroom teachers, as well as the issuance and implementation of improvement plans for teachers whose performance is assessed as either developing or ineffective.
- B. To the extent that a teacher wishes to challenge a performance review and/or improvement plan under the new evaluation system, the law requires the establishment of an appeals procedure.
- C. This appeal procedure addresses a teacher's due process rights while ensuring that appeals are resolved in an expeditious manner.
- D. In order to implement the requirements of N.Y. Education Law §3012-d, and notwithstanding any other current bargaining obligation or agreement, the District and the Association hereby agree as follows:

APPEALS OF INEFFECTIVE AND DEVELOPING RATINGS ONLY

- A. Appeals of annual professional performance reviews will be limited to those that rate a teacher as ineffective or developing. However, before an annual APPR evaluation is final, regardless of the rating, the teacher will receive a copy of the evaluation that is based on the 50% of multiple measures of teacher practices no later than June 1. A teacher may request a meeting with the principal within 5 days of receiving the evaluation to discuss the substance of the evaluation, provide feedback, and obtain additional detail.
- B. Should New York State establish a merit pay for performance program, applicable to Hamburg Central School District, teachers who receive a rating of "effective" may appeal that rating according to this section.

WHAT MAY BE CHALLENGED IN AN APPEAL

Appeal procedures will limit the scope of appeals under Education Law §3012-d to the following subjects:

- (1) The substance of the evaluation
- (2) The school district's adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-d
- (3) The adherence to the Commissioner's regulations, as applicable to such reviews
- (4) Compliance with any applicable locally negotiated procedures applicable to annual professional performance reviews or improvement plans
- (5) The school district's issuance and/or implementation of the terms of a teacher improvement plan under Education Law §3012-d

PROHIBITION AGAINST MORE THAN ONE APPEAL

A teacher may not file multiple appeals regarding the same performance review or improvement plan. All grounds for appeal must be raised with specificity within one appeal. Any grounds not raised at the time the appeal is filed shall be deemed waived

TIMEFRAME FOR FILING APPEAL

- A. The district will notify each teacher by email at least 10 days prior to the date when the APPR ratings will be available on the teacher's district email account
- B. All appeals must be delivered to the Superintendent's office in writing no later than 10 days from APPR ratings postings. If a teacher is challenging the issuance of a teacher improvement plan, an appeal must be delivered to the Superintendent's office no later than 10 days after receiving said plan. The failure to deliver an appeal within these timeframes shall be deemed a waiver of the right to appeal and the appeal shall be deemed abandoned.
- C. When filing an appeal, the teacher must submit a detailed written description of the specific areas of disagreement over his or her performance review, or the issuance and/or implementation of the terms of his or her improvement plan and any additional documents or materials relevant to the appeal. The performance review and/or improvement plan being challenged must also be submitted with the appeal. Any information not submitted at the time the appeal is filed shall not be considered.
- D. If the decision maker believes he/she needs clarification or has questions he/she will schedule a meeting with the teacher who is appealing to get clarification or answers. Said meeting shall be no later than 5 days after the District's response to the appeal has been filed.
- E. "Day" means a day when teachers are required to be in attendance. During the summer recess, day may mean any calendar day except a Saturday, Sunday, or legal holiday.

TIMEFRAME FOR DISTRICT RESPONSE

Within 10 days of receipt of an appeal, the school district must submit a detailed written response to the appeal. The response must include any and all additional documents or written materials specific to the point(s) of disagreement that support the school district's response and are relevant to the resolution of the appeal. Any such information that is not submitted at the time the response is filed shall not be considered in determination of the appeal. The teacher initiating the appeal shall receive a copy of the response filed by the school district, and any and all additional information submitted with the response, at the same time the school district files its response.

DECISION-MAKER ON APPEAL

There shall be an appeals committee consisting of five members. Three members and an alternate shall be chosen by the President of the Hamburg Teachers' Association. Two members and an alternate shall be chosen by the Superintendent (excluding the administrator involved in the rating)

The committee shall make a recommendation to the Superintendent to approve or deny the appeal based upon the information submitted. The recommendation of the committee is binding and shall be

confidential and will not be disclosed to any third party except as required by law without a subpoena or court action.

DECISION

A written decision on the merits of the appeal shall be rendered no later than 30 days from the date upon which the teacher delivered his or her appeal unless a meeting is necessary for questions or clarification. The decision shall then be delivered no later than 5 days from said meeting. The appeal shall be based on a written record, comprised of the teacher's appeal papers and any documentary evidence accompanying the appeal, as well as the school district's response to the appeal and any additional documentary evidence submitted with such papers. Such decision shall be final and binding on the parties.

The decision shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the teacher's appeal. If the appeal is sustained, the decision maker may set aside a rating and order a new evaluation if it has been affected by substantial error or defect or if procedures have been violated. A copy of the decision shall be provided to the teacher and the representative of the District.

EXCLUSIVITY OF SECTION 3012-D APPEAL PROCEDURE

The §3012-d appeals procedure shall constitute the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a teacher performance review and/or improvement plan. A teacher may not resort to any other contractual grievance procedures for the resolution of challenges and appeals related to a professional performance review and/or improvement plan. As an exception to this paragraph, a teacher who takes advantage of the appeals process described herein does not waive his/her right to submit a written rebuttal to the final evaluation. A teacher who elects to submit a written rebuttal to his/her evaluation must do so within 10 days upon receipt of decision.

Teacher Improvement Plans

Teacher Improvement Plans (TIPs)

- A. Upon a teacher rating of “Developing” or “Ineffective” through the APPR, the District shall develop and commence implementation of a Teacher Improvement Plan (TIP) for the individual teacher
- B. The TIP shall be developed locally. Negotiations are required of the format for such teacher improvement plans. The TIP must be implemented no later than 10 staff days after the date on which a teacher receives their overall rating.
- C. In accordance with Commissioners’ regulations, each individual TIP must include at least:
 1. Identification of needed areas of improvement
 2. A timeline for achieving improvement
 3. The manner in which improvement will be assessed
 4. Where appropriate, differentiated activities to support the individual’s improvement in those areas
- D. The TIP shall describe the professional learning activities the educator is expected to complete and these shall be connected to the areas needing improvement.
- E. “Artifacts” such as lessons, student work, or unit plans shall be described so that the individual can produce benchmarks of improvement and evidence for the final stage of his/her improvement plan.
- F. The supervisor shall state in the TIP the additional support and assistance that the educator will receive.
- G. In the final stages of the TIP, the teacher shall meet with his/her supervisor to review the plan alongside any artifacts and evidence from evaluations in order to provide a final summative rating for the teacher.
- H. Below is the District’s Teacher Improvement Plan (TIP) and the required agreed upon process, format, and elements according to section “I”.
- I. The Teacher Improvement Plan (TIP) for a teacher who is rated ineffective or developing shall be comprised of the following elements:
 1. The area or areas in need of improvement, drawn from the evaluation criteria of this APPR
 2. The time limit for achieving improvement that shall be up to 12 months
 3. A statement of differentiated activities to support improvement that may include: observing other professional educators, modeling by administrators or other educators, in-service training, educational conferences and reference to pedagogical writing based upon scientific research, working with mentors and video-tape review
 4. The manner of assessment of improvement that shall be in the nature of direct observation, review of educational materials (where applicable), review of behaviors (where applicable), attention to educational directives (where applicable), evidence of employment of differentiated instruction (where applicable) and student progress based upon the measure as determined by the state and locally under this APPR (where applicable)

Review and Expiration

- A. The Article VII Committee sees the APPR plan as a living document that will be monitored and adjusted as new guidelines are generated by NYSED or to better meet the needs of our teachers and administrators.
- B. All teachers and administrators will be provided training on the components of the APPR plan. Such training will include the extended observations, walk-throughs and related forms, reflective and summative narratives, assessment point distributions and responsibilities for teachers and evaluators.
- C. Additional recommendations from the Article VII Committee can be considered under negotiations;

This MOA will expire at the end of the appeals process for the *2020-21 school year*, although members on TIPs will continue on those plans for the duration of *the 2021-22 school year* or the Education Law 3012-d APPR, whichever comes first.

For the District: _____

For the Association: _____

Michael Cornell, Superintendent

Amy Takacs, President

Date: _____

Date: _____

APPENDICES: