

**Memorandum of Agreement**  
**between the**  
**Schenectady City School District**  
**and the**  
**Schenectady Federation of Teachers**

**WHEREAS**, the Schenectady Federation of Teachers (SFT) and the Schenectady City School District (SCSD) understand that the School Improvement Grant awarded to the School District included a requirement to implement a new Annual Professional Performance Plan for teachers at Schenectady High School specifically designed for the 2011-12 school year; and

**WHEREAS**, the parties desire to satisfactorily comply with this requirement; and

**WHEREAS**, the parties acknowledge that there is pending litigation regarding Education Law 3012-c and accompanying regulations and the parties agree that, in the event the pending litigation makes changes to the Education Law and/or regulations, the parties agree to bargain the impact of such changes to this agreement; and

**WHEREAS**, the parties agree that nothing within this MOA shall abrogate the collectively bargained rights of teachers, where applicable, or the rights of the School District, its Board of Education and Superintendent to discontinue the employment of a probationary teacher in accordance with Education Law Section 3012 and Section 3031 or restrict or limit the discretion of the Superintendent and Board of Education in making a determination on the status of a probationary teacher, and/or deny tenure in compliance with law and the collective bargaining agreement; and

**IT IS THEREFORE AGREED**, that the parties will work together to implement the Annual Professional Performance Plan described herein for the teachers of Schenectady High School for 2011-12 only. This plan covers three key elements.

- Measuring Teacher Effectiveness
- Teacher Improvement Plans; and
- Appeals Process

**IT IS FURTHER AGREED**, that the provisions of this plan supersede the relevant sections of the current collective bargaining agreement for the teachers affected by this plan; and

**IT IS FURTHER AGREED**, that the parties agree to continue their joint efforts to complete negotiations for the full APPR plan applicable to all other district schools and teachers.

## Measuring Teacher Effectiveness

Schenectady City School District					
2011-12 Annual Professional Performance Review Plan for Schenectady High School Teachers					
Elements of Evaluation	Points Available	Points by Ranking			
		Ineffective	Developing	Effective	Highly Effective
<b>A Measure of Student Growth</b>	20	0 - 12.5	13 -14.5	15 - 17.5	18 - 20
<b>B New York State Teaching Standards</b> (Screened through NYSUT Teacher Practices Rubric)					
<b>1 Classroom Observations</b>	40	0 - 19.5	20 - 27.5	28 - 35.5	36 - 40
<b>2 Other Measures</b>	40	0 - 19.5	20 - 27.5	28 - 35.5	36 - 40
<b>Totals</b>	<b>100</b>	<b>0 - 52</b>	<b>53 - 70</b>	<b>71 - 89</b>	<b>90 - 100</b>

### **A. Measure of Student Growth for 2011-12**

**20 Points**

1. Student growth will be measured by comparing a student's score on a pretest given at the start of a course with that student's score on the local final examination at the end of the course.
  - i. In those courses where a pretest was not administered in the fall, a pretest will be administered at the start of the second semester.
2. For the 2011-12 school year only, a group measure of student growth will be calculated and assigned to each member of the group. The groups will be organized by subject areas (e.g., English, Math, Science, etc.).
3. At the start of the second semester at least one course for each member of the group will be identified for inclusion in the group measure. The complete list of courses to be included in the group measure, to the extent possible, should cover courses from each of the four grade levels (i.e., 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>).
4. Pretest scores will be collected and analyzed to establish district expectations for growth by subject area by March 2012. A joint work group will be established to provide leadership and support for completing this process and communicating the established expectations.
5. Student growth will be scored using the following criteria:
  - i. Highly Effective – Results are well above district established expectations for student growth – 18 to 20 points.
  - ii. Effective – Results meet district established expectations for student growth – 15 to 17.5 points.

- iii. Developing – Results are below district established expectations for student growth 13 to 14.5 points.
- iv. Ineffective – Results are well below district established expectations for student growth – 0 to 12.5 points.

## **B. Other Measures of Teacher Effectiveness**

**80 Points**

1. The NYSUT Teacher Practice Rubric has been selected by the parties as the tool to be used to help measure how teachers meet the New York State Teacher Standards.
  - i. Training on this rubric for both administrators and teachers will be scheduled as soon as practical.
2. Classroom Observations will focus on teaching standards 2, 3, and 4 and account for up to 40 points (16 points each for standards 2 and 3 and 8 points for standard 4).
  - i. At least one formal classroom observation will be conducted by a certified administrator who has completed Lead Evaluator training and training on the NYSUT rubric.
  - ii. The formal observation should follow the clinical supervision model which includes both a Pre-Conference (to be held up to 10 school days before the observation) and Post-Conference (to be held no later than 5 school days after the observation).
  - iii. All classroom observations will be screened through the NYSUT rubrics for appropriate scoring. During the pre-conference, the teacher and evaluator will agree upon the elements and applicable indicators for each of these standards that are to be the primary focus of the observation.
  - iv. A teacher may request an additional focused observation by the principal, another certified administrator or an appropriately trained peer.
3. Other Measures will focus on teaching standards 1, 5, 6 and 7 and account for up to 40 points, with a general guideline of 10 points per standard.
  - i. Teachers are expected to gather and share with their evaluator artifacts that illustrate performance consistent with these standards.
  - ii. Artifacts can include: lesson/unit plans, curriculum, assignment and assessments, student products, feedback on student work, achievement data, professional growth activities and other items clearly related to the standards.
    - A joint work group will develop a sample list of acceptable forms of evidence for each of the four standards covered in this section by February 2012.
  - iii. Sessions to review and discuss these materials can be held during the year, but must be concluded prior to the end of June 2012.
  - iv. The evaluation of these other measures will be screened through the NYSUT rubrics for appropriate scoring.

## **Teacher Improvement Plans**

A TIP must be initiated whenever a teacher receives a rating of developing or ineffective in a year-end evaluation. Both the teacher and administrator will meet for an evaluation conference at the end of the school year where the developing or ineffective evaluation is discussed. A TIP is designed by the building principal or designee in collaboration with the teacher and the President of the Schenectady Federation of Teachers or designee. The TIP must be in place no later than ten days after the date on which teachers are required to report prior to the opening of classes for the school year. An initial conference is held at the beginning of the school year where the TIP is discussed, signed and dated at the beginning of its implementation.

The teacher must be offered the opportunity for a peer mentor. The teacher will select the mentor, with the approval of the Superintendent and the Federation President. If the teacher cannot decide on a mentor, the Superintendent and the Federation President, or designees, will select a mentor. All dealings between the mentor and the teacher will be confidential. The mentor and the teacher will collaborate during the first quarter. During that time, the teacher will be observed by designated members of the administrative team who will concentrate on observing and evaluating goals identified in the TIP. A member of the administrative team will meet with the teacher in a timely manner (within 3 school days) to discuss the observations. Written observation summaries will be provided (within 7 school days) and must be signed by both parties. The teacher will have the right to respond to observation summaries and responses will be attached.

After the first quarter of teacher/mentor collaboration, the administration will assess the effectiveness of the intervention and the level of improvement. Based on that assessment, the TIP may be adjusted appropriately and quarterly meetings among all parties will continue. At the end of the year, if the TIP goals are met, it will terminate. The culmination of the TIP will be communicated in writing to the teacher and signed by both parties. If the teacher is again rated as developing or ineffective, a new plan will be developed by the teacher and the building principal in collaboration with the Association for the next school year.

Also at the end of the school year in which a TIP was in place, the administration shall provide the teacher with a summative evaluation for the school year which includes an APPR rating of highly effective, effective, developing or ineffective. The teacher upon receiving this summative year end APPR rating shall have the appeal rights accorded under the APPR Plan.

All costs associated with the implementation of a TIP including, but not limited to, tuition, fees, books and travel, shall be borne by the District in their entirety. No disciplinary action predicated upon ineffective performance shall be taken by the District against a teacher until a TIP has been fully implemented and its effectiveness in improving the teacher's performance has been evaluated. No disciplinary action shall be taken by the District against a teacher predicated on an ineffective rating who has met the performance expectations set by a TIP; however, nothing shall be construed to restrict or limit the district's right to deny tenure, or to otherwise terminate a probationary teacher, in compliance with law and the collective bargaining agreement.

### **The TIP must consist of the following components:**

- I. **Specific Areas for Improvement:** Identify specific areas in need of improvement. Develop specific, behaviorally written goals for the teacher to accomplish during the period of the Plan.

- II. **Expected Outcomes:** Identify specific recommendations for what the teacher is expected to do to improve in the identified areas. Delineate specific, realistic achievable activities for the teacher.
- III. **Resources:** Identify specific resources and support systems available to assist the teacher to improve performance. Examples: colleagues; coaching; role playing activities; visitations; courses; workshops; peer visits; materials; etc.
- IV. **Responsibilities:** Identify responsible administrator(s) and steps to be taken by administrator(s) and the teacher throughout the Plan. Examples: classroom observations of the teacher; supervisory conferences between the teacher and administrator(s); written reports and/or evaluations, etc.
- V. **Evidence of Achievement:** Identify how progress will be measured and assessed. Specify next steps to be taken based upon whether the teacher is successful, partially successful or unsuccessful in efforts to improve performance.
- VI. **Timeline:** Provide a specific timeline for implementation of the various components for the TIP for its final completion. Identify the dates for preparation of written documentation regarding the completion of the Plan.

## **SAMPLE COMPONENTS OF A TEACHER IMPROVEMENT PLAN**

### **I. TARGETED GOALS: AREAS FOR IMPROVEMENT**

- 1. Instructional Planning
- 2. Student Assessment
- 3. Classroom Management
- 4. Fulfillment of Professional Responsibilities
  - A. Attendance
  - B. Communication with colleagues/administration
  - C. Communication with home

### **II. EXPECTED OUTCOMES**

List of specific expectations related to targeted goals is identified in Section 1.

### **III. RECOMMENDED ACTIVITIES**

List of specific activities related to targeted goals identified in Section 1

- 1. Observe colleagues identified by Principal
- 2. Attend Workshops related to targeted goals
- 3. Meeting with designated members of administrative team on a defined scheduled

### **III. RECOMMENDED RESOURCES**

- 1. Identify the lead evaluator who has oversight of the TIP
- 2. List specific materials, people, workshop to be used to support the TIP
- 3. Identify the instrument or rubrics used to monitor progress

#### **IV. EVIDENCE OF ACHIEVEMENT**

1. Identify how progress will be measured and assessed.
2. Specify next steps to be taken based upon progress or lack thereof.

#### **V. TIMELINE FOR MEASURING ACHIEVEMENT OF EXPECTED OUTCOMES**

1. Identify dates for classroom observations consistent with APPR Plan
2. Identify dates for progress meetings with administrators related to each identified targeted goal
3. Identify dates for quarterly assessment of overall progress

### **Appeals Process**

#### **A. Teacher Request for Supporting Documents**

Within five school days of receipt of the APPR, a teacher may request, in writing, that the administrator issuing the APPR provide to the teacher a copy of any and all documents and written materials upon which the APPR was based. The authoring administrator shall provide all such documents to the teacher and the Director of Human Resources within five school days of the request. Only materials provided in response to this request shall be considered in the deliberations as to the validity of the APPR.

#### **B. Right to Appeal**

- 1.) Only tenured teachers who receive an APPR rating of “ineffective” or “developing” may appeal their APPR through the procedure herein. A teacher may file only one appeal from a single APPR.
- 2.) Probationary teachers may not file appeals through the procedure established herein, but may file a written rebuttal which shall be attached to the APPR. Probationary teachers only may challenge claims of APPR procedural violations through the contractual grievance procedure.

#### **C. Filing of Appeal by Tenured Teacher**

A tenured teacher may file a written appeal of the APPR within ten school days of the receipt of the requested supporting documents. Any appeal shall be filed with the superintendent of schools.

An appeal of an APPR must be based upon one or more the following grounds:

- a. The substance of the APPR;
- b. The District’s failure to adhere to the standards and methodologies required for the APPR that are set forth in *Education Law* §3012-c and applicable rules and regulations;
- c. The District’s failure to comply with locally negotiated procedures; and

- d. The District's failure to issue and/or implement the terms of the Teacher Improvement Plan, where applicable, as required under *Education Law* §3012-c.

The written appeal document must clearly identify the grounds for appeal, and shall explain, in detail, why the appealing teacher believes the APPR should be modified.

#### **D. Review by APPR Appeals Committee**

Appeals shall be referred for consideration by the APPR Appeals Committee, a standing committee made up of two tenured administrators from within the District appointed by the superintendent of schools, and two tenured teachers from within the District appointed by the president of the SFT. All members of the committee shall be appointed for a term of three years, and all members shall be required to complete the training required of lead evaluators under the APPR regulations. The parties agree that in the event the work of the committee would require a member of the committee to consider an appeal from an APPR that the committee member authored, or if a member of the committee wishes to be excused from consideration of any appeal, the appealing teacher shall have the option of either having the appeal considered by a subcommittee of one administrator and one teacher, or having the appeal considered by the remaining members of the committee and a substitute member selected, for that appeal only, by the superintendent of schools, in the event an administrator is excused, or by the president of the SFT, in the event a teacher is excused. While substituting administrators must have completed the training required of lead evaluators under the APPR regulations, such training shall not be required of substituting teachers.

The APPR Appeals Committee shall convene to consider the appeal within ten school days of the filing of the appeal. The committee shall determine its own rules and procedures, which may be altered as the Committee sees fit as it performs its duties. The committee shall determine, for example, whether to allow committee members to review the documents underlying an APPR prior to the convening of the committee, and whether to invite either the appealing teacher or the authoring administrator, or both, to address or be questioned by the committee.

It shall be the duty of the committee to answer the question, "Has the teacher demonstrated that the APPR should be modified?" In the course of answering this question, the committee may consider claims of procedural violations and shall determine whether the claimed violations are significant enough to modify the APPR.

#### **E. Determination of Appeal**

Upon the conclusion of its consideration of an appeal, each member of the committee shall vote to either to uphold the APPR or modify the APPR. If the committee unanimously agrees on one of these choices, the committee shall give written notice of its decision to the appealing teacher, the president of the SFT and the superintendent of schools, and the decision of the committee shall be final.

In the event the committee is not unanimous in its decision on an appeal, each member of the committee shall write a brief statement setting forth and explaining his or her recommendation for disposition of the appeal. The committee members' written statements, together with the full record of the appeal, shall then be forwarded to two educators, each of whom shall be jointly selected and jointly appointed by the superintendent of schools and the president of the SFT. The decision of these two

educators shall be in writing and will have as attachments all of the committee members' written statements attached thereto. This decision shall be final and there shall be no further appeal available.

**F. Exclusivity of Appeal Process**

The APPR appeals process set forth herein shall be the sole method of appealing either an APPR or claimed violations of the procedural or substantive requirements of the APPR process. Except as specifically allowed in Section B2, there shall be no appeal allowed through the contractual grievance procedure or to any administrative or judicial tribunal.

**For: Schenectady Federation of Teachers**

**For: Schenectady City School District**

  
Juliet Benaquisto, President

  
John Yagielski, Interim Superintendent

Date 2/7/12

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