

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is hereby made and entered into this 17th day of January 2012, by and between Syracuse City School District (“SCSD”) and The Syracuse Teachers Association (“STA”). The terms of this agreement will expire on June 30, 2012, although the parties acknowledge that the results of State Assessments may not be available until after June 30, 2012 and therefore the Composite Scores for teachers may not be completed until such information is incorporated.

RECITALS

WHEREAS, the Superintendent of Schools and the STA have met to review the existing evaluation procedures and relevant provisions of the existing negotiated agreement; and

WHEREAS, the purpose of this agreement is to implement the new APPR for all teachers (K-12) in PLA Schools for the 2011-2012 school year. All other teachers shall be evaluated for the 2012-13 school year in accordance with Education Law 3012-c pursuant to an APPR agreement to be negotiated by the SCSD and STA by April 1, 2012; and

WHEREAS, the parties have determined that certain existing provisions should be altered from the existing collective bargaining agreement to permit new procedures to be developed and implemented in accordance with Education Law 3012-c and accompanying regulations as amended by litigation; and

WHEREAS, the parties acknowledge that there is pending litigation regarding Education Law 3012-c and accompanying regulations and the parties further 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 document; and

WHEREAS, the parties subsequently negotiated the Annual Professional Performance Review (APPR) provisions as required in section 3012-c of the Education Law and subpart 30-2 of the Rules of the Board of Regents (the “Rules”) and have reached a negotiated agreement to implement the APPR requirements; and

WHEREAS, the parties, by revising the current evaluation system, acknowledge a shared and collaborative responsibility to improve instructional practices, to focus on student achievement, to promote teacher development and collaboration among teachers, and to secure timely feedback for teachers; and

NOW, THEREFORE, in consideration of the mutual undertakings and covenants herein contained, the parties stipulate and agree that: (1) the relevant provisions of the existing Collective Bargaining Agreement (CBA) shall be modified as follows, and that (2) the implementation of APPR shall be as follows:

CONTRACTUAL CHANGES

The parties agree that Article 14(B)(1), (B)(2), and (G) of the collective bargaining agreement between the Syracuse City School District and the Syracuse Teachers Association shall not apply to teachers assigned to PLA schools for the 2011-12 school year. It is further agreed that the Model for Practitioner Evaluation shall not apply to teachers assigned to PLA schools for the 2011-12 school year.

IMPLEMENTATION

1. The information contained within this document, referred to as the SCSD's Annual Professional Performance Review (APPR), was developed in accordance with Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents and Section 100.2(0) of the Regulations of the Commissioner of Education, as amended by litigation, to enhance professional effectiveness and to positively impact our school environments.

2. The intent of our Agreement is to facilitate improvement of instructional practices; support teacher development; and promote learner-centered schools.

3. This implementation plan will apply for the 2011-2012 school year only. The parties have reconvened to negotiate the APPR for the 2012-2013 school year and beyond, as State regulations pertaining to this agreement become finalized.

4. Composite Score for Classroom Teachers of Common Branch Subjects or ELA or Math in Grades Four through Eight in PLA schools

A. State Assessments for 4 – 8 ELA and Mathematics Teachers

For classroom teachers of common branch subjects or English language arts or mathematics in grades four through eight, 20% of the composite score shall be based upon student growth data on state assessments as prescribed by the commissioner.

B. Locally Selected Measures of Student Achievement

The parties agree that for the 2011-2012 school year only, locally selected measures of student achievement for a total of 20% shall be a school-wide increase of three percentage points in elementary and middle school students receiving a score of proficient on the grades four through eight ELA and math assessments. 10% of the locally selected measure of student achievement shall be derived from the grades four through eight ELA scores and 10% shall be derived from the grades four through eight math scores.

C. Elementary/Middle School 4 – 8 ELA and Mathematics Local Subcomponent scoring bands

Percentage Point Change of Students Scoring Proficient or Better in ELA
Any percentage point change of students scoring proficient or better in ELA will be multiplied by a factor of 3.33 to determine points earned, for a maximum of 10 points. This result will be added to the Math score below.

Percentage Point Change of Students Scoring Proficient or Better in Mathematics
Any percentage point change of students scoring proficient or better in Math will be multiplied by a factor of 3.33 to determine points earned, for a maximum of 10 points. This result will be added to the ELA score above.

In the instance the combined ELA and Math scores end in .5 or higher, the result will be rounded up to the nearest whole point. The subcomponent performance level will be determined by the State scoring bands. The New York State School Report Card will be the source for this data. If the New York State School Report Card is not yet available, the student level files for 3-8 ELA and Math that are posted to the district’s SED SFTP site will be used as the source.

D. Professional Practice

- i. There shall be a minimum of two (2) classroom observations for each teacher with at least one observation being announced. Classroom observations shall be conducted by trained evaluators, with at least one observation conducted by a certified administrator. Classroom observation shall comprise of up to 40% of the teachers composite score.
- ii. The parties agree to use the Danielson TEACHSCAPE Framework for Teaching (2011 Revised Edition) rubric approved by the New York State Education Department for the 2011-2012 school year.
- iii. The Professional Practice portion will consist of the following elements:

Observation #1	20%
Observation #2	20%
Individual Professional Growth Plan & Self Reflection	20%

- iv. The Individual Professional Growth Plans and Self Reflections will be developed in alignment with appropriate domains and/or elements of the Danielson TEACHSCAPE rubric.
- v. If the teacher chooses to continue their Alternative Evaluation the Professional Practice portion will be as follows:

Observation #1	15%
Observation #2	15%
Alternative Evaluation	20%
Individual Professional Growth Plan & Self Reflection	10%

- vi. The Alternative Evaluation and Individual Professional Growth Plan and Self Reflection will be developed in alignment with appropriate domains and/or elements of the Danielson TEACHSCAPE rubric.
- vii. In the event that the Board of Regents and Commissioner prevail in their appeal of the Decision and Order issued in *New York State United Teachers, et al v. Board of Regents*, the above Professional Practice allocations will change to the following: Observation 1 (20%); Observation 2 (20%); Alternative Evaluation (10%); Individual Professional Growth Plan & Self Reflection (10%).

SUBCOMPONENT AND COMPOSITE SCORE RANGES

Level	Student Growth on State Assessments or Other Comparable Measures	Locally Selected Measures of Student Achievement	60% Other Measures
Ineffective	Results are well-below State average for similar students (or district goals if no State test).	Results are well-below district or BOCES-adopted expectations for growth or achievement of student learning standards for grade / subject.	Overall performance and results are well below standards
Developing	Results are below State average for similar students (or district goals if no State test).	Results are below district or BOCES-adopted expectations for growth or achievement of student learning	Overall performance and results need improvement in order to meet standards.

		standards for grade/subject.	
Effective	Results meet State average for similar students (or district goals if no State test).	Results meet district or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
Highly Effective	Results are well-above State average for similar students (or district goals if no State test).	Results are well above district or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.

Overall Composite Scoring Bands for all teachers in 4 – 8 Mathematics and ELA

Level	Student Growth on State Assessments or Other Comparable Measures	Locally Selected Measures of Student Achievement	Professional Practice Points	Overall Composite Score
Ineffective	0-2	0-2	0-39	0-64
Developing	3-11	3-11	40-44	65-74
Effective	12-17	12-17	45-54	75-90
Highly Effective	18-20	18-20	55-60	91-100

Multiple Observations – Other Measures (60 Points)

Danielson Rubric

Domain 1: Planning and Preparation 5 Points

Domain 2: Classroom Environment 15 Points

Domain 3: Instruction 15 Points

Domain 4 : Professional Responsibilities 5 Points

Total Observation Rubric 40 Points

Individual Professional Growth Plan

And Reflection 20 Points

Total 60 Points

or

Multiple Observations – Other Measures (60 Points)

Danielson Rubric

Domain 1: Planning and Preparation 5 Points

Domain 2: Classroom Environment 10 Points

Domain 3: Instruction 10 Points

Domain 4 : Professional Responsibilities 5 Points

Total Observation Rubric 30 Points

Alternative Evaluation 20 Points

Individual Professional Growth Plan

And Reflection 10 Points

Total 60 Points

Note: The Individual Professional Growth Plans and Self Reflections will be developed in alignment with appropriate domains and/or elements of the Danielson TEACHSCAPE rubric.

5. Composite Score for all other Teachers in PLA Schools

A. **State Growth Scores for all teachers not 4 – 8 ELA and Mathematics**

For classroom teachers of subjects other than common branch subjects, or English language arts or mathematics in grades four through eight, twenty percent of the composite score shall be a school-wide increase of three percentage points in elementary and middle school students receiving a score of proficient on the grades four through eight ELA and math assessments and at the high school level, a school-wide increase of three percentage points in the number of students in cohort 2011 promoted from ninth to tenth grade compared to the number of students promoted from ninth to tenth grade in cohort 2010 and the number of students in cohort 2010 promoted from tenth to eleventh grade compared to the number of students promoted from tenth to eleventh grade in 2009, as well as an increase of three percentage points in students passing the English and Integrated Algebra Regents.

B. **Elementary/Middle School**

Percentage Point Change of Students Scoring Proficient or Better in ELA

Any percentage point change of students scoring proficient or better in ELA will be multiplied by a factor of 3.33 to determine points earned, for a maximum of 10 points. This result will be added to the Math score below.

Percentage Point Change of Students Scoring Proficient or Better in Mathematics
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Any percentage point change of students scoring proficient or better in Math will be multiplied by a factor of 3.33 to determine points earned, for a maximum of 10 points. This result will be added to the ELA score above.

In the instance the combined ELA and Math scores end in .5 or higher, the result will be rounded up to the nearest whole point. The subcomponent performance level will be determined by the State scoring bands. The New York State School Report Card will be the source for this data. If the New York State School Report Card is not yet available, the student level files for 3-8 ELA and Math that are posted to the district's SED SFTP site will be used as the source.

C. High School

Percentage Point Change of Students Passing the English Regent

Any percentage point change of students passing the English Regent in the January and June test administrations of 2012 compared to the January and June test administrations of 2011 (according to the state passing score) will be multiplied by a factor of 1.67 to determine points earned, for a maximum of 5 points.

Percentage Point Change of Students Passing the Integrated Algebra Regent

Any percentage point change of students passing the Integrated Algebra Regent in the January and June test administrations of 2012 compared to the January and June test administrations of 2011 (according to the state passing score) will be multiplied by a factor of 1.67 to determine points earned, for a maximum of 5 points.

Percentage Point Change of Students Promoted from 9th and 10th Grade

Any percentage point change of students in Cohort 2011 promoted from 9th to 10th grade compared to the 2010 cohort will be multiplied by a factor of 1.67 to determine points earned, for a maximum of 5 points.

Percentage Point Change of Students Promoted from 10th and 11th Grade

Any percentage point change of students in Cohort 2010 promoted from 10th to 11th grade compared to the 2009 cohort will be multiplied by a factor of 1.67 to determine points earned, for a maximum of 5 points.

In the instance the combined English Regent, Integrated Algebra Regent, Students Promoted from 9th to 10th Grade, and Students Passing the 10th and 11th Grade scores end in .5 or higher, the result will be rounded up to the nearest whole point. The subcomponent performance level will be determined by the State scoring bands.

D. Professional Practice

- i. There shall be a minimum of two (2) classroom observations for each teacher with at least one observation being announced. Classroom observations shall be conducted by trained evaluators, with at least one observation conducted by a certified administrator. Classroom observation shall comprise of up to 40% of the teacher's composite score.

ii. The parties agree to use the Danielson TEACHSCAPE Framework for Teaching (2011 Revised Edition) rubric approved by the New York State Education Department for the 2011-2012 school year.

iii. The Professional Practice portion will consist of the following elements:

Observation #1	30%
Observation #2	30%
Individual Professional Growth Plan & Self Reflection	20%

iv. The Individual Professional Growth Plans and Self Reflections will be developed in alignment with appropriate domains and/or elements of the Danielson TEACHSCAPE rubric.

v. If the teacher chooses to continue their Alternative Evaluation the Professional Practice portion will be as follows:

Observation #1	20%
Observation #2	20%
Alternative Evaluation	20%
Individual Professional Growth Plan & Self Reflection	20%

vi. The Alternative Evaluation and Individual Professional Growth Plans and Self Reflections will be developed in alignment with appropriate domains and/or elements of the Danielson TEACHSCAPE rubric.

SUBCOMPONENT AND COMPOSITE SCORE RANGES

Level	Student Growth on State Assessments or Other Comparable Measures		80% Other Measures
Ineffective	Results are well-below State average for similar students (or district goals if no State test).		Overall performance and results are well below standards
Developing	Results are below State average for similar students (or district goals if no State test).		Overall performance and results need improvement in order to meet standards.

Effective	Results meet State average for similar students (or district goals if no State test).		Overall performance and results meet standards.
Highly Effective	Results are well-above State average for similar students (or district goals if no State test).		Overall performance and results exceed standards.

Non 4 – 8 Mathematics and ELA Composite Scoring Band

Level	Student Growth on State Assessments or Other Comparable Measures	Locally Selected Measures of Student Achievement	Professional Practice Points		Overall Composite Score
Ineffective	0	0-2	0-51		0-64
Developing	0	3-11	52-59		65-74
Effective	0	12-17	60-72		75-90
Highly Effective	0	18-20	73-80		91-100

Multiple Observations – Other Measures (60 Points)

Danielson Rubric

<u>Domain 1: Planning and Preparation</u>	<u>10 Points</u>
<u>Domain 2: Classroom Environment</u>	<u>20 Points</u>
<u>Domain 3: Instruction</u>	<u>20 Points</u>
<u>Domain 4: Professional Responsibilities</u>	<u>10 Points</u>
<u>Total Observation Rubric</u>	<u>60 Points</u>

Individual Professional Growth Plan

And Reflection 20 Points

Total 80 Points

or

Multiple Observations – Other Measures (60 Points)

Danielson Rubric

<u>Domain 1: Planning and Preparation</u>	<u>5 Points</u>
<u>Domain 2: Classroom Environment</u>	<u>15 Points</u>
<u>Domain 3: Instruction</u>	<u>15 Points</u>
<u>Domain 4 : Professional Responsibilities</u>	<u>5 Points</u>

<u>Total Observation Rubric</u>	<u>40 Points</u>
<u>Alternative Evaluation</u>	<u>20 Points</u>
<u>Individual Professional Growth Plan And Reflection</u>	<u>20 Points</u>
<u>Total</u>	<u>80 Points</u>

The Individual Professional Growth Plans and Self Reflections will be developed in alignment with appropriate domains and/or elements of the Danielson TEACHSCAPE rubric.

TEACHER IMPROVEMENT PLANS

If a teacher's performance is evaluated as "ineffective" or "developing", the supervisor will be required to develop a Teacher Improvement Plan in consultation with the teacher. The teacher shall be entitled to STA representation for the development of this Plan. Such Plan will be provided to the staff member and implemented within ten days of the start of the school year within which the Plan will be applied. The Plan shall include, but not be limited to, an identification of the areas in need of improvement, a timeline for achieving improvement, suggestions for improvement, support to be provided, and measurable outcomes to be evaluated.

The Plan will describe the professional learning activities that the teacher must complete. These activities will be connected to the areas needing improvement. The artifacts that the teacher must produce that could serve as benchmarks for improvement and as evidence for the successful completion of their improvement plan will be described and could include such items as lessons, student work, or unit plans for a teacher and for a principal. The Plan will include the additional support and assistance that will be provided to the teacher. Upon completion of the improvement plan, the supervisor will meet with the teacher to review the plan, including artifacts and evidence in order to provide a final, summative rating for the staff member.

A. 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/principal is expected to do to improve in the identified areas. Delineate specific, realistic achievable activities for the teacher/principal.
- iii. Resources: Identify specific resources and support systems available to assist the teacher to improve performance. Examples: colleagues; coaches, 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/principal throughout the Plan. Examples: classroom observations of the teacher; supervisory conferences between the teacher/principal 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**
 - a. Instructional Planning
 - b. Student Assessment
 - c. Classroom Management
 - d. Fulfillment of Professional responsibilities
 - Attendance
 - Communication with colleagues/administration
 - Communication with home

- ii. **Expected Outcomes**

List of specific expectations related to targeting goals identified in Section i.

- iii. **Recommended Activities**

List of specific activities related to target goals identified in Section i.

 - a. Observe colleagues identified by Principal
 - b. Attend workshops related to targeted goals
 - c. Meeting with designated members of administration team on a defined schedule

- iv. **Recommended Resources**
 - a. Identify the lead evaluator who has oversight of the TIP
 - b. List specific materials, people, workshop to be used to support the TIP
 - c. Identify the instrument or rubrics used to monitor progress

- v. **Evidence of Achievement**
 - a. Identify how progress will be measured and assessed
 - b. Specify next steps to be taken based upon progress or lack thereof

- vi. **Timeline for Measuring Achievement of Expected Outcomes**
 - a. Identify dates for classroom observations consistent with APPR Plan
 - b. Identify dates for progress meetings with administrators related to each identified targeted goal
 - c. Identify dates for quarterly assessment of overall progress

**PROCEDURES FOR APPEALING AN ANNUAL PROFESSIONAL
PERFORMANCE REVIEW**

1. Only teachers receiving a rating of ineffective and developing shall have the right to appeal their rating.
 - A. The teacher shall be entitled to a hearing on the reasons for his/her rating if s/he notifies the Superintendent or his/her designee to this effect, in writing, no later than five (5) school days following receipt of the final rating notice. Failure to file for a hearing within the five (5) school days shall be considered as a waiver of this appeal process.
 - B. The request for hearing must state the particular provisions of the evaluation and/or process that the teacher believes to be inaccurate. The hearing will be scheduled within ten (10) school days of the teacher's request, and completed within thirty (30) calendar days thereafter, by a Hearing Panel consisting of three (3) members and comprised of the Superintendent's designee, one teacher named by the Association, and a third person who shall be selected by the Superintendent and the President of the Association. The third person must be trained as an evaluator. A panel member may not have been involved in the evaluation process of the teacher who is appealing. Any extension beyond the thirty (30) day limitations shall be by mutual agreement of the Superintendent and the President of the Association.
 - C. The hearing shall consist of all documents comprising the evaluation and any rebuttal documents. The panel and/or the teacher may request testimony from the teacher and/or evaluator(s). The hearing shall be closed to the public.

The panel shall make its recommendation within five (5) school days of the conclusion of the hearing. The panel's recommendation shall be advisory to the Superintendent of Schools whose final decision shall be binding on the parties.² The grievance and/or arbitration procedures in the negotiated agreement shall not be used to appeal or review a teacher's performance review for APPR results conducted in the 2011-12 school year. 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.

3. The parties understand that they will negotiate an appeal process for the 2012-2013 and subsequent years.
4. Nothing in this memorandum or in the APPR Plan shall abrogate the rights of the SCSD, its Board of Education and Superintendent of Schools to discontinue the employment of a probationary teacher in accordance with Education Law §§3012 and 3031 or the collective bargaining agreement, as applicable, 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, and/or to deny tenure.

GENERAL CONDITIONS

1. In the event of a conflict between the provisions contained within this memorandum and those established in Education Law §3012-c, rules promulgated by the Board of Regents, regulations promulgated by the Commissioner of Education or State, as amended by litigation, statutory or regulatory requirements relating to teacher evaluation, such statute and/or regulations shall govern.

This memorandum shall take effect as of the date of approval is completed by both parties and the date the memorandum is executed.

FOR THE DISTRICT:



Sharon L. Contreras, Superintendent of Schools

Dated: 1/18/12

FOR THE ASSOCIATION:



Kevin Ahern, STA President

Dated: 1/18/12