

# Iroquois Central School District

## Annual Professional Performance Review (APPR) Plan for Teachers Pursuant to Education Law §3012-c and Subpart 30-2 of the Commissioner's Regulations

The following APPR Plan is being implemented pursuant to Education Law §3012-c and regulations promulgated by the New York State Board of Regents. On August 24, 2011, a New York State Supreme (trial level) Court decision was issued in NYSUT et. al. v. NYS Board of Regents et. al., No. 4320-11 (Sup. Ct. Albany County, August 24, 2011) (hereinafter, "August 24 Court Decision"). That decision successfully challenged various elements of the regulations adopted by the Board of Regents. The decision invalidated several areas of the regulations – areas needed for the District's implementation.

SED has indicated an intent to appeal the trial court proceeding. Until that matter is resolved, either through an appeal in court or through changes in regulations, the precise requirements for the District's APPR plan remain unclear. The following Plan is adopted in good faith and in the closest way possible to ensure compliance with the law. Those areas which were addressed in the Court Decision are noted with an (\*\*) and will be implemented and/or acted upon as soon as clarification is provided. These various areas will be revised in an amended APPR Plan (including any negotiations required) upon final resolution of the court decision and regulations promulgated thereunder.

Adopted August 31, 2011

## I. Philosophy of Evaluation

### Introduction

The goal of this document is to present a complete APPR plan for the District which is consistent with Education Law §3012-c and Subpart 30-2 of the Commissioner's Regulations. This plan is set forth by the Iroquois Central School District (District) in order to comply with the mandates of the law and regulations.

This APPR procedure will result in teachers and administrators of the District receiving a single composite effectiveness score and a rating of highly effective, effective, developing, or ineffective. The composite score is determined as follows:

- **20% based on student growth** on State assessments or other comparable measures of student growth, increased to 25% upon implementation of a value-added model.
- **\*\*20% based on locally-selected measures** of student achievement, decreased to 15% upon implementation of a value-added model. The locally selected option may include use of State assessments.
- **60% based on other measures** of teacher effectiveness consistent with the requirements of the law and regulations and the selected scoring rubric.

The following points are incorporated into the District's APPR Plan for the 2011- 2012 school year:

1. Any existing and previously approved APPR procedures pursuant to Section 100.2(o) of the Regulations of the Commissioner of Education remain in effect for teachers and administrators who are not subject to New York State Education Law §3012-c.

2. For the 2011-2012 school year, this APPR Plan and the procedures and methods described herein shall apply to all classroom teachers of common branch subjects and English Language Arts and mathematics teachers in grades four through eight, plus the administrators in any building consisting of grades four through eight.
3. Beginning in the 2012-2013 school year, the evaluation system shall include all classroom teachers and building principals. The District recognizes that the State Education Department (SED) recommends that, to the extent possible, the District begin the process of rolling this system out for the evaluation of all classroom teachers and building principals in the 2011-2012 school year so that New York can quickly move to a comprehensive teacher and principal evaluation system. The District endeavors to do this.
4. \*\*Consistent with the Commissioner’s Regulations (§30-2.1(d)), nothing in this Plan shall affect or be construed to affect the rights of the Board of Education to terminate a probationary teacher or restrict the discretion of the Superintendent and/or the Board of Education to make a determination on the status of a probationary teacher and/or to deny tenure. Education Law §3012-c(1) states that the APPR shall be used as a “significant factor” for employment decisions including but not limited to promotion, retention, tenure determination, termination, and supplemental compensation. The District shall use the APPR for this purpose.
5. This Plan shall be in effect for the 2011- 2012 school year and modified for the 2013-2014 school year and beyond in accordance with Education Law and Commissioner Regulations.
6. Teachers and administrators will be evaluated on an annual basis based on multiple measures of teacher effectiveness. The evaluation will be comprised of multiple classroom observations.
7. The Education Law and regulations require negotiation of four (4) major areas of the APPR. These areas shall be negotiated as required by law and include:
  - The procedures for selecting the 20% local measure of student achievement, but not the substance of those measures or the assessment chosen;
  - The 60% subjective or other measures of teacher effectiveness subcomponent, however, 40 of the 60 points must be based on multiple classroom observations ;
  - The Teacher Improvement Plan (TIP);
  - The Principal Improvement Plan (PIP); and
  - The Appeals process

### **Availability of the District’s APPR Plan**

- A. This Plan shall be available to the public in the District office and on the District’s web site by September 10<sup>th</sup> of each year, or within 10 days after adoption of the Plan by the Board, whichever occurs later.
- B. Elements required to be included in the Plan which are not completed by September 1, shall be identified herein and the District shall file an amended Plan upon completion of those remaining elements.

## **II. Principal Effectiveness: ISLLC Standards**

Evaluations of building principals are to be based on multiple measures, aligned with the Educational Leadership Policy Standards (ISLLC 2008). The principal’s performance will be assessed using the “Multidimensional Principal Performance Rubric” approved by the New York State Education Department.

**The district is currently in negotiations related to the processes and procedures related to the evaluation of principals. Upon completion of negotiations, this section will be updated.**

### III. Teacher Effectiveness: NYS Teaching Standards

Evaluations of classroom teachers are to be based on multiple measures, aligned with the NYS Teaching Standards (adopted 1/11/11). Teachers will be assessed using the “Danielson’s Framework for Teaching Rubric” approved by the New York State Education Department.

In the 2011-2012 school year, the new evaluation system must include teachers of English Language Arts or mathematics in grades 4-8 (including common branch teachers who teach ELA or mathematics). Beginning in the 2012-2013 school year, the evaluation system must include all classroom teachers.

**The district is currently in negotiations related to the processes and procedures related to the evaluation of principals. Upon completion of negotiations, this section will be updated.**

### IV. Teacher Effectiveness Composite Score

In accordance with NYS Education Law §3012c regarding Annual Professional Performance Reviews (APPR) for teachers, the district will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective. Additionally, Education Law §3012-c(2)(a) requires annual professional performance reviews (APPRs) to result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness. The final composite score for teacher effectiveness shall be determined as follows:

Categories	Overall Ratings	State Assessments	Locally Selected Assessments	Other Measures of Effectiveness
Highly Effective	91-100	18-20	18-20	55-60
Effective	75-90	12-17	12-17	44-54
Developing	65-74	3-11	3-11	39-43
Ineffective	0-64	0-2	0-2	0-38

In the event a professional employee receives a rating of “Ineffective,” the evaluator will schedule a meeting to discuss the overall performance rating and begin development of a Teacher Improvement Plan according to the Iroquois Faculty Association contract and the process outlined in this document.

**The district is currently in negotiations related to the procedures for selecting the local measures of student achievement, including the persons or committees charged with selection of the assessment measures. Upon completion of negotiations, this section will be updated. The developed plan will be inserted once developed.**

### V. Locally Selected Measures of Student Achievement

Sections 3012-c(2)(e)(ii) and (f)(ii) require that 20% of an APPR be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the Commissioner’s regulations.

**The district is currently in negotiations related to the procedures for selecting the local measures of student achievement, including the persons or committees charged with selection of the assessment measures. Upon completion of negotiations, this section will be updated.**

## VI. Other Measures of Teacher Effectiveness

- A. Sixty (60) points of a teacher's composite effectiveness score shall be based on multiple measures aligned with the New York State Teaching Standards.
- B. Under the 60% Other Measures subcomponent of the evaluation, Pursuant to Section 3012-c, evaluations of classroom teachers are to be based on multiple measures, aligned with the New York State Teaching Standards. Teacher performance will be assessed based upon the "Danielson's Framework for Teaching Rubric" approved by NYSED on July 19, 2011.
- D. At least 40 of the 60 points shall be based on multiple (two or more) classroom observations or multiple classroom walk through. The District may perform these in person or, by video by a principal or other trained administrator. It is the District's intention and plan that such observations be conducted in person. The District may, as permitted by the regulations, rely on observations by trained independent evaluators or in-school peers.
- E. The remaining points of this measure are to be based on the following criteria:
  1. Structured review of student work;
  2. Teacher artifacts using portfolios or evidence binder processes;
  3. Feedback from students, parents, and/or other teachers using structured survey tools; and
  4. Teacher self reflection and progress on professional growth goals (this criteria cannot be more than 5 points).

**The district is currently in negotiations related to the procedures for selecting the local measures of student achievement, including the persons or committees charged with selection of the assessment measures. Upon completion of negotiations, this section will be updated.**

## VII. Evaluators

The primary responsibility for evaluation of each employee rests with the immediate supervisor, who is normally that employee's building principal or designee. The district will ensure that all evaluators are properly trained and certified to complete the performance reviews of professional employees.

Evaluator training will include the following:

- NYS Teaching Standards and ISSLC Standards
- Evidence-based observation
- Application and use of Student Growth Percentile and Value-Added Growth Model data
- Application and use of the State-approved teacher or principal rubrics
- Application and use of any assessment tools used to evaluate teachers and principals
- Application and use of State-approved locally selected measures of student growth/achievement
- Use of the Statewide Instructional Reporting System
- Scoring methodology used to evaluate teachers and principals
- Specific considerations in evaluating teachers and principals of English Language Learners (ELL) and students with disabilities.

The Superintendent will certify that evaluators have received the training required to complete the performance reviews as described in this document. The district will ensure that the evaluators maintain inter-rater reliability over time and that they are re-certified on an annual basis.

## **VIII. Teacher Improvement Plans (TIP) and Principal Improvement Plans (PIP)**

- A. Upon rating a teacher or principal as “ineffective” through an annual professional performance review, the District must develop and commence implementation of a teacher improvement plan (TIP) or principal improvement plan (PIP) for such pursuant to Section 3012-c.
- B. A TIP or PIP must be implemented no later than 10 days after the date on which teachers are required to report prior to the opening of classes for the school year.
- C. In accordance with Commissioners regulations, each individual TIP or PIP 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; and
  - 4. Where appropriate, differentiated activities to support the individual’s improvement in those areas.
- D. The TIP or PIP 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 or PIP the additional support and assistance that the educator will receive.
- G. In the final stages of the TIP or PIP, the educator 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.

**The district is currently in negotiations related to the development of Teacher Improvement Plans and Principal Improvement Plan (PIP). Upon completion of negotiations, this section will be updated.**

## **IX. Appeal Process**

Section 3012-c of the Education Law establishes a comprehensive annual evaluation system for classroom teachers and building principals, as well as the issuance and implementation of improvement plans for teachers and principals whose performance is assessed as either developing or ineffective

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, the specifics of which

are to be locally negotiated pursuant to article XIV of the Civil Service Law. This appeals procedure does not diminish the authority of the School Board to terminate probationary teachers or principals 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 when an evaluation appeal is pending.

In accordance with the law, for purposes of disciplinary proceedings under Education Law §3020-a, a “pattern” of ineffective teaching or performance shall be defined as two consecutive annual ineffective ratings received by a teacher or principal through the APPR process.

## APPEAL PROCEDURE FOR THE IROQUOIS CENTRAL SCHOOL DISTRICT PURSUANT TO EDUCATION LAW §3012-C AND SUBPART 30-2 OF THE COMMISSIONER’S REGULATIONS REGARDING THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF TEACHERS AND/OR PRINCIPALS

### A. APPEALS OF INEFFECTIVE RATINGS ONLY

Appeals of annual professional performance reviews should be limited to those that rate a teacher or administrator as ineffective only. Additional procedures may be appropriate where compensation decisions are linked to rating categories.

### B. WHAT MAY BE CHALLENGED IN AN APPEAL

An appeal under this provision should limit the scope of appeals under Education Law §3012-c to the following subjects:

1. The District’s adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-c;
2. The District’s adherence to the Commissioner’s regulations, as applicable to such reviews;
3. Compliance with any applicable locally negotiated procedures applicable to annual professional performance reviews or improvement plans; and
4. The District’s issuance and/or implementation of the terms of the teacher or principal improvement plan under Education Law §3012-c.

### C. PROHIBITION AGAINST MORE THAN ONE APPEAL

An educator 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.

### D. BURDEN OF PROOF

In an appeal, the educator has the burden of demonstrating a clear legal right to the relief requested and the burden of establishing the facts upon which (s)he seeks relief.

#### E. TIMEFRAME FOR FILING APPEAL

All appeals must be submitted in writing no later than 10 calendar days of the date when the educator receives their annual professional performance review. If an educator is challenging the issuance of an improvement plan, appeals must be filed within 10 calendar days of issuance of such plan. The failure to file an appeal within these timeframes shall be deemed a waiver of the right to appeal and the appeal shall be deemed abandoned.

When filing an appeal, the educator must submit a detailed written description of the specific areas of disagreement over their performance review, or the issuance and/or implementation of the terms of their 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.

#### F. TIMEFRAME FOR DISTRICT RESPONSE

Within 15 calendar days of receipt of an appeal, the District staff member(s) who issued the performance review or was responsible for the issuance and/or implementation of the terms of the improvement plan must submit a written response to the appeal which shall explain the foundation for the response and decision related thereto. The educator initiating the appeal shall receive a copy of the response filed by the District and any and all additional information submitted with the response, at the time the District files it.

#### G. DECISION-MAKER ON APPEAL

A decision shall be rendered by the Superintendent of Schools or the Superintendent's designee.

#### H. DECISION

A written decision on the merits of the appeal shall be rendered no later than 30 calendar days from the date upon which the educator filed their appeal. The appeal shall be based on a written record, comprised of the appeal papers and any documentary evidence accompanying the appeal, as well as the District's response. Such decision shall be final.

The decision shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the educator's appeal. If the appeal is sustained, the reviewer may set aside a rating if it has been affected by substantial error or defect, modify a rating if it is affected by substantial error or defect or order a new evaluation if procedures have been violated. A copy of the decision shall be provided to the educator and the evaluator or the person responsible for either issuing or implementing the terms of an improvement plan, if that person is different.

#### **I. EXCLUSIVITY OF EDUCATION LAW §3012-C APPEAL PROCEDURE**

The §3012-c appeal procedure shall constitute the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a performance review and/or improvement plan. An educator 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, except as otherwise authorized by law.

**The district is currently in negotiations related to the appeal process. Upon completion of negotiations, this section will be updated.**

## **X. Data Management**

The district will work with WNYRIC and NYSED to develop a process that aligns its Student Information System (SIS) (eschool), TEACH (NYSED Portal), and Human Resource (Finance Manager (FM) & PDP Premier) to ensure that NYSED receives timely and accurate teacher data, course and student “linkage” data, as well as process teacher and principal verification of the courses and/or student rosters assigned to them.

The district will work with WNYRIC and NYSED to develop a process that aligns its Student Information System (SIS) (eschool), TEACH (NYSED Portal), and Human Resource (Finance Manager (FM) & PDP Premier) for reporting to NYSED the individual subcomponent scores and the total composite effectiveness score for each applicable educator.

The district will store all Regents exams securely prior to test administration. Regents administration will follow all NYSED protocols for test administration and scoring to ensure assessments are not disseminated to students before the administration date and that teachers or principals do not have a vested interest in the outcome of the assessments they score.

The district will store all Grades 3-8 Assessments securely prior to test administration. All administrations of Grades 3-8 assessments will follow NYSED protocols for test administration and scoring to ensure that neither teachers nor principals have a vested interest in the scoring process.

## **XI. Review of APPR Plan**

The processes and procedures contained in this document may be reviewed annually by the district.