

Memorandum of Agreement Between
Boquet Valley Federation Of Teachers And
Boquet Valley Central School District
Regarding Annual Professional Performance Review (3012-d)

The provisions of this Memorandum of Agreement shall be in effect upon ratification of the agreement in its entirety, by the board of education of the Boquet Valley Central School District and the membership of the Boquet Valley Federation of Teachers.

The parties agree to modify their collective bargaining agreement in accordance with a revised teacher evaluation procedure under the NYS budget and laws of 2015 (3012-d), as modified by the New York State Board of Regents on December 15, 2015, the primary components of which are outlined below. Both parties agree to meet annually in June for the purposes of ongoing review and possible adjustment of this MOA. Such review will include negotiations upon the request of either party.

1. Definition of Covered Teachers

This Agreement will apply to all K-12 teachers. All K-12 teachers will be evaluated as outlined in 3012-d or most current NYSED guidance.

2. Ensuring Accurate Teacher and Student Data

The District shall provide accurate data to the State Education Department (the "SED") in a format and timeline prescribed by the Commissioner. The District shall also provide an opportunity for every covered teacher to verify the subjects and/or student rosters assigned to him/her as well as enrollment and attendance data. The District shall designate a Data Coordinator who shall be in charge of collecting the required data, overseeing changes in and maintenance of the local data management systems¹ and ensuring the accuracy of the data. The Data Coordinator shall have the authority to assign tasks and deadlines, as required.

3. Reporting Individual Ratings

The Data Coordinator (who shall not be a bargaining unit member) shall be responsible for reporting to the SED the individual subcomponent ratings and the final rating for each covered classroom teacher in the District, and shall do so in a format and timeline prescribed by the Commissioner. Covered teachers will be afforded the opportunity to verify the final data attributed to them within 5 school days before it is sent to the SED.

4. Development, Security and Scoring of Assessments

The Data Coordinator shall be responsible for overseeing the assessment development, security, and scoring processes utilized by the District and shall take steps to ensure that any assessments and/or measures used to evaluate teachers are not disseminated to students before administration, and that teachers and principals/instructional administrators do not have a vested interest in the outcome any assessments they score.

Student Performance Subcomponent Determination

- A. For the duration of this agreement, the Student Performance Rating of Teachers will be based upon a district-wide measure, mutually agreed upon and derived from all New York State Exams except for the NYSESLAT and the NYSA. This is inclusive of all NYS 3-8 ELA and Math Testing, all NYS Science Testing, and all NYS June Regents Exam given in any school year.

The Tiered Target Model is outlined in the table below:

Exam(s)	Target (# of students)	Actual (# of students)	% of students hitting target	HEDI Score
High Achieving (85% or 4)				
Medium Achieving (75% or 3)				
Average Achieving (65% or 2)				
Low Achieving (55% or 1)				
TOTAL				

Teacher SLOs will identify each student in one of the four Target Groups. The HEDI score will be based on the number of students who hit or exceed their target.

% of students hitting target= (actual number of students hitting target/total # of students)*100

HEDI CHART: % Conversion

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	
97%	93%	90%	85%	80%	75%	67%	60%	55%	49%	44%	39%	34%	29%	25%	21%	17%	13%	9%	0%	

Overall Student Performance Category Score and Rating

Rating	Minimum	Maximum
Highly Effective	18	20
Effective	15	17
Developing	13	14
Ineffective	0	12

B. All K-12 teachers will do an SLO based on the District Template.

Teachers will select the most applicable of the following groups for their SLO:

- K-2 Teacher
- 3-8 Teacher
- 9-12 Teacher
- Special Area Teacher

5. Details of the District's Evaluation System

- A. A Teacher Performance rating shall be derived from evidence-based observation and evaluation, and shall be based on multiple measures and grounded in the New York State Teaching Standards. Evidence for evaluations may come from formal classroom observations, walk-through observations, teacher- created materials and other resources provided by the teacher or administrator through the observation process. NYSUT teacher practice rubric 2014 Edition will be used to evaluate teacher practice. The assigned administrator's observations will account for 90% of the Teacher Observation rating, and the independent evaluator's observations will account for 10% of the Teacher Observation rating. The independent evaluator used will be mutually agreed upon between the District and the Association. Prior to the start of each school year, the BVFT co-presidents and the Superintendent will agree on a method for choosing 12 indicators from standards III, IV and V. (Example: the BVFT co-presidents or their designees will present six indicators from each standard III, IV, and V to the District. From this list, The District will choose four of those indicators). This method is meant to be collaborative, to provide the teachers and principals an opportunity for success, for the evaluators to get a comprehensive view of the teacher, and for the district to ensure that the elements selected will meet all required teaching standards.
- B. The chief purposes of the evaluation of the teaching staff shall be to maintain a highly qualified, competent staff, and to promote its continuing development. To further these purposes, the supervisory personnel responsible for the evaluation of teachers shall acknowledge the right of the teacher to:
1. Know how well he/she is performing the duties and responsibilities of his/her position.
 2. Know the areas in which improvement is needed.
 3. Have written candid appraisal of his/her work. "Candid" means frank, open, sincere and without reservation.
 4. Discuss his/her evaluation reports with his/her supervisor.
 5. Seek and receive supervisory assistance where needed.
- C. As part of the Opening Superintendents Days in September of each year, the Superintendent or a designee will provide the teaching staff with general guidelines for observations and evaluation. As part of this meeting, the evaluator will present the indicators from standards III, IV, V that will be evaluated for the school year. Standards III, IV, and V will be evaluated each year.
- D. The administration shall provide an orientation and guidance program for all teachers, to be followed up with guidance on a continuing basis throughout the probationary period.
1. This guidance shall include regularly scheduled meetings with the administration.
 2. Each new teacher to the district shall be assigned to an experienced mentor of the staff to whom the new teacher may turn for advice and guidance during the school year.
 3. The Superintendent or a designee shall discuss progress with the probationary teacher following each observation. Assistance will be provided by a committee of two or more teachers appointed by the Superintendent or a designee if needed by probationary teacher(s). No probationary teacher shall be released for classroom teaching or management deficiencies before a committee of helping teachers is assigned and given a reasonable period of time for working with said teacher.
 4. The Superintendent or a designee will provide mutually agreed upon assistance where needed.
- E. All monitoring and evaluation of a teacher shall be conducted openly and with full knowledge of the teacher.
- F. Tenured Teachers**
- Two visits each year for the purpose of evaluating classroom teaching performance shall take place. One observation will be a formal observation conducted by the Building Principal, the Director of Student Support Services, the Superintendent, or his/her designated representative, and one observation will be conducted by an Independent Evaluator (Walkthrough Observation). Formal Evaluations for Teachers other than probationary shall be completed before the end of March, and Walkthroughs prior to the end of May.

G. Probationary Teachers

Probationary teachers shall be evaluated at least three times, consisting of two formal and one Walkthrough observations. The formal evaluations shall be conducted before the end of March. The Independent Evaluator (Walkthrough Observation) shall be conducted prior to the end of May.

- H. A formal classroom observation (one leading to an evaluation) will cover a complete lesson or class period.
- I. A Walkthrough Observation leading to an evaluation will cover 15-20 minutes of a lesson or class period.
- J. No observation is to be conducted on the day before a recess period or before the observance of Halloween unless mutually agreed upon.
- K. For all bargaining unit members, each formal classroom observation will be preceded by a pre-conference at which the teacher and evaluator will discuss the general lesson plan, student abilities, Teacher assessment of student progress and what is anticipated in the upcoming lesson.
- L. Only observable standards will be evaluated during the classroom observation. The NYSUT 2014 Edition rubric for Standards 3, 4 and 5 will be the basis for the classroom observation. All observable standards will be evaluated during the classroom observation, weighted equally, and averaged. It is understood that not every indicator is required to be observed in the scoring of each element.
- M. No later than ten (10) working days after such formal classroom observation, there shall be a post-evaluation conference between the teacher and administrator. A hard copy of the completed draft of the observation report (including the rubric score) will be given to the teacher at this meeting. During this conference, the lesson and the scoring of the elements will be discussed.
- N. Any teacher dissatisfied with observation may request an additional observation within five (5) school days after receiving a written observation report. The substance of the first observation report shall be incorporated with the second to form one document. The original written document will not be placed in the teacher's file but the combined new document will be. The written report of the observation and evaluation will be reviewed and signed by both the administrator and teacher and placed in the teacher's personnel file. The teacher's signature does not indicate agreement with the evaluation; it only indicates that a conference was held and the teacher received a copy of the evaluation. The teacher may submit a written response within fifteen (15) working days, except in emergencies, which rebuts, amplifies or comments on the evaluation in the personnel file.
- O. Assistance will be provided to tenured teachers in need of it by a committee of two or more teachers appointed by the Superintendent. No District official(s) shall seek information of an evaluation nature about the teacher in need from any helping teacher(s); teacher interaction referred to here shall be deemed confidential peer counseling. Participation shall be voluntary.
No probationary teacher shall be released for classroom teaching or for management deficiencies before a committee of helping teachers is assigned and given a reasonable period of time for working with said teacher.
- P. Should an administrator deem it necessary to conduct more informal, unannounced observations on a particular classroom teacher, notice will be given to the Association. It is expected that a teacher who is deemed Ineffective or Developing will be subject to a greater number of observations than one who has earned a rating of Effective or Highly Effective.
- Q. No probationary teacher shall be dismissed on grounds of ineffective instruction until the classroom evaluations have been made.
- R. All observations will be performed by certified District evaluators. Evidence for each teacher will be systematically organized using a method mutually agreed upon by the Association and the District. The NYSUT teacher rubric will be used to assess teacher's professional practice.
- S. The Walkthrough will be performed by an independent evaluator. Evidence gathered from both the formal and walk-through observations will be used in the annual summative evaluation. However, this does not preclude the administrator from conducting more formal or walk-through observations. It is expected that a teacher who is

deemed Ineffective or Developing will be subject to a greater number of observations than one who has earned a rating of Effective or Highly Effective. Teachers may be made aware of the unannounced walkthrough the week preceding the week in which the unannounced walkthrough will take place. The specific class need not be announced.

- T. Evidence for each teacher will be systematically organized using a method mutually agreed upon by the Association and the District.
- U. Each Teacher will receive a final HEDI rating. The HEDI rating categories are:
- HE= Highly Effective
 - E= Effective
 - D= Developing
 - I= Ineffective
- V. Prior to the end of the school year, the evaluator will provide each teacher with a final observation score. The teacher may choose to arrange a meeting with the evaluator. The purpose of this meeting will be to review the formal and informal observation scores that formed the teacher's performance rating. Before September 1st, this score will be combined with the student performance rating achievement (District Score) to arrive at the teacher's overall rating. The Rubric below will be used to ascertain the final rating:

TEACHER OBSERVATION					
STUDENT PERFORMANCE		HE	E	D	I
	HE	HE	HE	E	D
	E	HE	E	E	D
	D	E	E	D	I
	I	D	D	I	I

- W. A meeting may be called annually by the Association representatives or Chief School Officer to review the evaluation process and develop and/or review evaluation forms. The form to be used in evaluations shall be developed jointly by Association representatives and Chief School Officer.

6. Details of Timely and Constructive Feedback Provided to Teachers

Professional Development

The district will support each teacher's development and ensure that all individuals receive appropriate professional development. Everyone within the system should focus on the goal of student achievement (as per APPR regulations). During the post observation conference, the district evaluator will identify any ineffective teaching standards and offer professional development.

7. Teacher Improvement Plan (TIP)

- A. The Teacher Improvement Plan (TIP) is designed to provide support through communication, discussion, and collaboration in Identified areas of significant concern. When a teacher receives a rating of "developing" or "ineffective" through an annual professional performance review, a Teacher Improvement Plan will be developed and Implemented by the district with input from the teacher and the Association.
- B. TIP must be issued as soon as possible after receipt by the teacher of an APPR rating of developing or Ineffective, but NO later than October 1st
- C. The TIP will define specific standards-based goals that a teacher must make progress toward attaining within a specific period of time.

The TIP will include:

- The identification of areas that need improvement
- Differentiated activities to support improvements in these areas
- A timeline for achieving improvement
- The manner in which achievement will be assessed

The plan will clearly describe the professional learning activities that the teacher must complete. These activities should be connected directly to the areas needing improvement. Artifacts that the teacher must produce can serve as benchmarks of their improvement. However, pursuant to Subpart 30-3 of the Rules of the Board of Regents, points shall not be allocated based on any artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent, such as a lesson plan viewed during the course of the observation may constitute evidence of professional planning.

The additional assistance and support that the teacher will receive will be clearly stated in the TIP.

The additional assistance and support that the teacher will receive will be clearly stated in the TIP. During the final stage of the improvement plan the teacher will meet with their supervisor to review the plan alongside any artifacts and evidence from evaluations in order to provide a final, summative rating for the teacher.

TEACHER IMPROVEMENT PLAN

TEACHER:_____ ADMINISTRATOR:_____

SUBJECT/GRADE LEVEL:_____

SCORE BREAKDOWN:_____ COMPOSITE SCORE:_____

DATES:_____

Preconference Observation(s) Post Conference Mentoring

Standards Chosen for Further Development	Actions To Be Taken	Administrator's Responsibilities	Teacher's Responsibilities	Timeline For Progress	Indicators of Success	Improvements Made and Documented

Administrator's Signature:_____ Date: __

Teacher's Signature:_____ Date: __

Representative/Witness Signature:_____ Date: __

Or Teacher's Signature

Waiving Representation:_____ Date: __

8. Appeals of Annual Professional Performance Reviews

The purpose of the internal APPR appeal process is to foster and nurture growth of the professional staff in order to maintain a highly qualified and effective work force. All tenured and probationary employees who meet the appeal process criteria identified below may use this appeal process. A teacher may not file multiple appeals regarding the same performance review or TIP. All grounds for appeal must be raised within one appeal, provided that the teacher knew or could have reasonably known the ground(s) existed at the time the appeal was initiated, in which instance a further appeal may be filed but only based upon such previously unknown ground(s).

APPR Subject to Appeal Procedure

Any unit member aggrieved by an APPR rating of either "ineffective" or "developing" may challenge that APPR. [Unit members may also appeal a rating of "effective" if the member

is denied opportunities for advancement with additional compensation, based on that rating.]

In accordance with Education Law §3012-d, an evaluation that is the subject of an appeal shall not be sought to be offered in evidence or placed in evidence in any proceeding conducted pursuant to Education Law sections 3020-a and 3020-b or any locally negotiated alternate disciplinary procedure until the appeal process is concluded.

Grounds for an Appeal

An APPR plan shall describe the appeals procedure utilized by a LEA through which an evaluated teacher or principal may challenge their APPR. Pursuant to Education Law §3012-d, a teacher or principal may only challenge the following in an appeal:

1. the substance of the annual professional performance review; which shall include the following:
 - a. in the instance of a teacher or principal receives a rating of Ineffective on the Student Performance category but receives a rating of Highly Effective on the Observation/School Visit category based on an anomaly, as determined locally;
2. the LEA's adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-d and Subpart 30-3 of the Commissioner's regulations;
3. the adherence to the Commissioner's regulations and in compliance with any applicable locally negotiated procedures, as required under Education Law §3012-d; and
4. the LEA's issuance and/or implementation of the terms of the teacher or principal improvement plan under Education Law §3012-d and Subpart 30-3 of the Commissioner's regulations.

Appeal procedures shall provide for the timely and expeditious resolution of any appeal.

An evaluation that is the subject of an appeal shall not be sought to be offered in evidence or placed in evidence in any proceeding conducted pursuant to Education Law §3020-a and §3020-b or any locally negotiated alternate disciplinary procedure until the appeal process is concluded. 37 Nothing shall be construed to authorize a teacher or principal to commence the appeal process prior to receipt of his or her rating from the LEA.

PROHIBITION AGAINST MORE THAN ONE APPEAL

A teacher may not file multiple appeals regarding the same performance review OR Teacher Improvement Plan. All grounds for appeal must be raised with specificity within one appeal.

TIMEFRAME FOR FILING APPEAL

All appeals must be submitted to the evaluator, who issued the performance review, in writing no later than 15 working days from the date when the teacher acknowledges receipt of his/her annual professional performance review rating OR 15 working days from the issuance of the Teacher Improvement Plan.

When filing an appeal, the teacher must submit to the evaluator:

- a. a detailed written description of the specific area(s) of his/her performance review which may include the terms of his/her teacher improvement plan that is being challenged; and
- b. any additional documents or materials relevant to the appeal

TIMEFRAME FOR EVALUATOR RESPONSE

Within 10 working days of receipt of an appeal, the evaluator who issued the performance review must submit a detailed written response to the appeal.

The evaluator's response must include:

- a. a detailed written response to the appeal addressing the specific area(s) being challenged; and
- b. any and all additional documents or written materials specific to the point(s) being challenged that support the evaluator's response and are relevant to the resolution of the appeal

The teacher initiating the appeal shall receive a copy of the response filed by the evaluator, and any and all additional information submitted with the response.

PANEL APPEAL

If the teacher is not satisfied with the response from the evaluator and the matter has not been resolved to his/her satisfaction, within 15 working days of acknowledging the receipt of the decision of the evaluator, the teacher may request an appeal to a three-person panel as described herein.

The parties agree to formulate a three-person panel to hear the appeal.

The panel will consist of a three members mutually chosen by the teacher, the WEA and the district.

The panel members must be chosen within three working days of the teacher requesting the appeal to the panel. Members of the panel must be professionally trained evaluators.

The decision/deliberations of the three-person panel shall be based on a written record which is comprised of:

- a. the teacher's appeal papers and any documentary evidence accompanying the appeal;
- b. the evaluator's response to the appeal and any documentary evidence accompanying the response

A written recommendation of the three-person panel shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the teacher's appeal. Within 5 working days of receipt of the appeal, the panel will issue a written recommendation for resolution to the Boquet Valley Federation of Teachers Co-President(s) and the Superintendent of Schools. The recommendation may be to deny the appeal, to sustain the appeal and grant remedy sought, or to sustain the appeal and modify the remedy: further, the reasoning for the recommendation, as well as dissenting opinions, if any, will be included with the recommendation.

For a Developing rating, the Panel's decision will be final and binding and not subject to any further appeal.

For an ineffective rating, the final and binding decision shall be made by the Superintendent of Schools as follows:

A written decision from the Superintendent of Schools based on the merits of the appeal by an ineffective teacher shall be rendered no later than 30 working days from the date upon which the teacher moved the appeal from the panel to the superintendent. The decision may be to deny the appeal, to sustain the appeal and grant remedy sought, or to sustain the appeal and modify the remedy.

The determination of the appeal by the Superintendent pursuant to the above process is final and binding and not subject to any further appeal through the grievance process except as otherwise authorized by law.

MISCELLANEOUS

A school district or employing board may bring charges of incompetence pursuant to this section against any classroom teacher or building principal who receives two consecutive ineffective ratings. A school district or employing board shall bring charges of Incompetence pursuant to this section against any classroom teacher or building principal who receives three consecutive ineffective ratings.

The entire appeals record will be part of the teacher's APPR.

RIGHT FOR FUTURE APPEAL PROCEDURE AMENDMENTS

The details of the District's procedure for resolving appeals of annual professional performance review are determined through collective negotiations with the bargaining agent of the covered teachers. Future changes to the APPR appeals process agreed upon by the parties will be submitted to the Department as part of a material change request, and implemented after approval by the Commissioner.

9. Duration and Nature of Training Provided to Evaluators and Lead Evaluators

The "lead evaluator" is the administrator who is primarily responsible for a teacher's APPR composite rating. The term

"evaluator" shall include any administrator who conducts an observation or evaluation of a teacher. All evaluators shall successfully complete a training course that meets the minimum requirements prescribed by the law and shall include application and use of teacher practice rubrics selected for use by the parties in evaluations. To be deemed a district certified lead evaluator, one must successfully complete a training course, meeting the minimum requirements prescribed in the law and regulations. Other details of the district's training for evaluators, lead evaluators, and appeals panel members, including the duration and nature of such training/ the process for certifying lead evaluators and issues related to the particular practice rubrics selected by the parties, may need to be negotiated at a later time.

10. Savings Clause

If any provision of this MOA is held to be a violation of law and therefore unenforceable, then such provision will be modified to reflect the parties' intention. All remaining provisions of this MOA shall remain in full force and effect. The parties agree that a teacher shall be precluded from utilizing the grievance procedure in the Collective Bargaining Agreement for a dispute relating from an individual APPR composite score or a dispute involving scope of appeal set forth in Section 8. Any such dispute shall be resolved using the Appeals process set forth in section 8.

11. Effect on Existing Collective Bargaining Agreements

Unless specifically revised or modified by this Memorandum of Agreement, nothing herein shall be construed to abrogate any provisions of the parties' collective bargaining agreement.

12. Modification of Grievance.

The Grievance procedure shall be modified to reflect the following:

13. Effect on Existing Collective Bargaining Agreements

Unless specifically revised or modified by this Memorandum of Agreement, nothing herein shall be construed to abrogate any provisions of the parties' collective bargaining agreement.

FOR THE DISTRICT:

 8/31/21

Superintendent Date

 8/31/21

Board President Date

FOR THE FEDERATION:

 9/1/21

Co-President Date

 9/1/21

Co-President Date

BOQUET VALLEY CSD APPR QUICK REFERENCE GUIDE

PROBATIONARY TEACHERS:

SLO- District Template	Completed by 10/1	
TWO Formal Observations	Completed by 3/31	90%
Preconference		
Post Conference		
ONE Walkthrough Observation	Completed by 5/31	10%
TOTAL OBSERVATION SCORE	Completed by last day	
STUDENT PERFORMANCE- District Score	Completed by 8/31	
FINAL SCORE-	Completed by 9/1	

TENURED TEACHERS:

SLO- District Template	Completed by 10/1	
ONE Formal Observations	Completed by 3/31	90%
○ Preconference		
○ Post Conference		
ONE Walkthrough Observation	Completed by 5/31	10%
TOTAL OBSERVATION SCORE	Completed by last day	
STUDENT PERFORMANCE- District Score	Completed by 8/31	
FINAL SCORE-	Completed by 9/1	