

Template for Annual Professional Performance Review (APPR) Document

Margaretville Central School District
(August 12, 2011)



Adopted by BOE: August 17, 2011

Resource: Education Law §3012-c; Section 30-2.3 (b); SED's Guidance on New York State's Annual Professional Performance Review Law and Regulations

C4. *What is a district or BOCES required to include in its APPR plan?*

The APPR plan must include a description of the school district or BOCES' process for ensuring that the Department receives accurate teacher and student data and verification of rosters and course linkage data; reporting requirements; assessment development and security and scoring processes; details of the district's or BOCES' evaluation system; how the district or BOCES will provide timely and constructive feedback to teachers and principals; the appeal procedures utilized and any required certifications required under the Subpart. (p.10)

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G2. *What are the requirements for teacher observations?*

The regulations require that at least 40 out of the 60 points is to be based on multiple classroom observations – meaning 2 or more – by a principal or other trained administrator. Classroom observations may be performed in person or by video.

In addition, teachers may be observed by trained independent evaluators or in-school peers.

G3. *Besides classroom observations, on what measures can districts or BOCES base the remainder of the 60 points for teachers?*

The remaining points of the 60 points can be based on a combination of any of the following criteria:

- structured review of student work;*
- teacher artifacts using portfolio or evidence binder processes;*
- feedback from students, parents, and/or other teachers using structured survey tools;*
- teacher self-reflection and progress on professional growth goals maximum of 5 points). (p. 22)*

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G4. *What are the other 60 points of a principal's evaluation based on?*

Evaluations of building principals are to be based on multiple measures, aligned with the Educational Leadership Policy Standards (ISLLC 2008). A principal's performance must be assessed using a principal practice rubric

approved by the Department. For more on principal practice rubrics, see Section H. Department Review and Approval of Teacher and Principal Practice Rubrics.

Any of the Educational Leadership Policy Standards (ISLLC 2008) not addressed in the broad assessment must be assessed at least once a year.

- G5. *What are the requirements for assessment of a principal's leadership and management actions? Are school visits required as part of the evaluation of principals?*

The regulations require that at least 40 out of the 60 points is to be based on a broad assessment of the principal's leadership and management actions, by the building principal's supervisor or a trained, independent evaluator.

Each year, this assessment must incorporate at least one school visit by the principal's supervisor and at least two other sources of evidence from the following options: structured feedback from teachers, students, and/or families; school visits by other trained evaluators; review of school documents, records, and/or state accountability processes; and/or other locally-determined sources.

Because the 60 points must be based on multiple measures, the broad assessment of leadership and management actions cannot count for the entire 60 points.

- G6. *Besides the broad assessment of principal leadership and management actions, on what measures can districts or BOCES base the remainder of the 60 points for principals? Are districts or BOCES required to use measures other than the broad assessment as part of the 60 points?*

The remaining points must be based on results of one or more ambitious and measurable goals set collaboratively between the principal and the superintendent or district superintendent.

At least one of those goals must address the principal's contribution to improving teacher effectiveness, including but not limited to:

- improved retention of high performing teachers;*
- the correlation between student growth scores of teachers granted tenure vs. those denied tenure;*
- quality of feedback provided to teachers throughout the year;*
- facilitation of teacher participation in professional development opportunities;*
- the quality and effectiveness of teacher evaluations.*

Any other goals may address quantifiable and verifiable improvements in academic results or the school's learning environment resulting from principal's leadership and commitment to their own professional growth. (pp. 22-23)

12. How are points assigned to each subcomponent of the evaluation?

Each district/BOCES must assign points for the three subcomponents based on the standards and requirements prescribed in the Commissioner's regulations, which contain scoring ranges for the HEDI rating categories for the State assessment or other comparable measures subcomponent and the locally selected measures subcomponent and textual descriptions for how points should be assigned for each rating category in each of the subcomponents. The process by which points are assigned in subcomponents and the scoring ranges for each of the subcomponents must be transparent and provided in advance to those who will be rated. Each district and BOCES must describe its process for assigning the points for each subcomponent in its APPR plan, which must be published on its website.

For the 2011-12 school year, the Commissioner has set the following scoring ranges for the overall rating categories and the rating categories for the State assessment and other comparable measures subcomponent and the locally selected measures subcomponent.

Table 2. Subcomponent and Composite Scoring Ranges for 2011-12 School Year

Level	Student Growth on State Assessments or Other Comparable Measures	Locally Selected Measures of Student Achievement	Other 60 Points	Overall Composite Score
<i>Ineffective</i>	0-2	0-2	<i>Scoring ranges locally determined</i>	0-64
<i>Developing</i>	3-11	3-11		65-74
<i>Effective</i>	12-17	12-17		75-90
<i>Highly Effective</i>	18-20	18-20		91-100

(p. 26)

O. Model Appeal Procedures

APPEALS OF INEFFECTIVE AND DEVELOPING RATINGS ONLY

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

WHAT MAY BE CHALLENGED IN AN APPEAL

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

- (1) the school district's or board of cooperative educational services' adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-c;*
- (2) the 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 school district's or board of cooperative educational services' issuance and/or implementation of the terms of the teacher or principal improvement plan under Education Law §3012-c.*

PROHIBITION AGAINST MORE THAN ONE APPEAL

A teacher/principal 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. Any grounds not raised at the time the appeal is filed shall be deemed waived.

BURDEN OF PROOF

In an appeal, the teacher or principal has the burden of demonstrating a clear legal right to the relief requested and the burden of establishing the facts upon which petitioner seeks relief.

TIMEFRAME FOR FILING APPEAL

An appeal must be submitted in writing no later than 15 calendar days of the date when the teacher or principal receives their annual professional performance review. If a teacher/principal is challenging the issuance of a teacher or principal improvement plan, appeals must be filed with 15 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 teacher or principal must submit a detailed written description of the specific areas of disagreement over his or her performance review, or the issuance and/or implementation of the terms of his or her improvement plan and any additional documents or materials relevant to the appeal. The performance review and/or improvement plan being challenged must also be submitted with the appeal. Any information not submitted at the time the appeal is filed shall not be considered.

TIMEFRAME FOR DISTRICT/BOCES RESPONSE

Within 15 calendar days of receipt of an appeal, the school district or BOCES staff member(s) who issued the performance review or were or are responsible for either the issuance and/or implementation of the terms of the teacher's or principal's improvement plan must submit a detailed written response to the appeal. The response must include any and all additional documents or written materials specific to the point(s) of disagreement that support the school district's or BOCES' response and are relevant to the resolution of the appeal. Any such information that is not submitted at the time the response is filed shall not be considered in the deliberations related to the resolution of the appeal. The teacher or principal initiating the appeal shall receive a copy of the response filed by the school district or BOCES, and any and all additional information submitted with the response, at the same time the school district or BOCES files its response.

DECISION-MAKER ON APPEAL

A decision shall be rendered by the superintendent of schools or the superintendent's designee, or the chancellor of a city school district in a city having a population of one million or more or such Chancellor's designee, except that an appeal may not be decided by the same individual who was responsible for making the final rating decision. In such case, the board of education, or the chancellor in the case of a city having a population of one million or more, shall appoint another person to decide the appeal.

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 teacher or principal filed his or her appeal. The appeal shall be based on a written record, comprised of the teacher's or principal's appeal papers and any documentary evidence accompanying the appeal, as well as the school district or BOCES' response to the appeal and additional documentary evidence submitted with such papers. 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 teacher's or principal'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 teacher or principal and the evaluator or the person responsible for either issuing or implementing the terms of an improvement plan, if that person is different.

EXCLUSIVITY OF SECTION 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 teacher/principal performance review and/or improvement plan. A teacher/principal 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. (pp. 45-47)

AVAILABILITY OF DISTRICT APPR PLAN

An APPR plan will be adopted by September 1, and filed in the District Office and on the District website by September 10. Any amendments of the APPR Plan will be filed in the District Office and on the District's website within 10 school days of the amendment.

EVALUATORS AND LEAD EVALUATORS

1. The District will provide training to evaluators as follows (specify nature and duration):
In collaboration with NCOC BOCES, training on Common Core, Data and APPR will be provided from August 15-19, 2011. In addition, continual training will be provided by the BOCES Network Team.
2. The District will provide training to lead evaluators as follows (specify nature and duration):
Training to the Principal and Superintendent will be arranged through NCOC BOCES and the Network Team.
3. The District's process for certifying and recertifying lead evaluators and for maintaining inter-rater reliability:
This will be determined through an agreement for training the NCOC BOCES Network Team.

ANNUAL EVALUATION

1. The District's method of measuring a (teacher's) (principal's) total composite effectiveness score (100 points total) will be based on State assessments (20 points total) local assessments (20 points total) and performance (60 points total) as follows:

<u>Score</u>	<u>Rating</u>
91-100	Highly Effective
75-90	Effective
65-74	Developing
0-64	Ineffective

- a. The District will measure student growth on State assessments as follows:
By reviewing year to year progress over two or more State assessments taken by the same student along with the State's "predicted target goal" which is to be developed by the State.

- b. The District will measure student achievement as follows:
By using one or more of the following: 3rd Party Assessments approved by NYS; State Assessments or Regents Exams and Structured goal setting process with any State, District, or Teacher created exam agreed to by and evaluator (NON-CORE).

2. The District shall use the following scoring methodology for the assignment of points to the student growth and student achievement subcomponents as follows:

<u>Score</u>	<u>Rating</u>
18-20	Highly Effective
12-17	Effective
3-11	Developing
0-2	Ineffective

3. The District's method of measuring (teacher) (principal) effectiveness (60 points total), (at least 40 points based on observations of teacher) (at least 40 points based on broad assessment of principal's leadership and management):

This will be part of the negotiations discussions.

- a. The District will use the following approved rubric(s) to measure (teacher) (principal) effectiveness:

This will be discussed as part of the negotiations process.

- b. The District will also use the following to measure (teacher) (principal) performance:

This will be discussed as part of the negotiations process.

The District shall use the following scoring methodology for the assignment of points to the teacher effectiveness subcomponent:

<u>Score</u>	<u>Rating</u>
[SCORING RANGES TO BE LOCALLY DETERMINED]	Ineffective
	Developing
	Effective
	Highly Effective

4. The District will report the individual subcomponent and total composite effectiveness score to the State Education Department as follows:
as defined by the State Education Department's standards.

IMPROVEMENT PLANS

1. The District will ensure that the (teacher) (principal) receives timely and constructive feedback as part of the evaluation process as follows:
This will be discussed as part of the negotiations process.
2. The District will address the performance of the (teacher) (principal) whose performance is evaluated as needing an improvement plan as follows:
This will be discussed as part of the negotiations process.

APPEAL PROCEDURES

Appeals of annual professional performance reviews are limited only to those that rate a (teacher) (principal) as ineffective or developing.

Appeals are limited to the following subjects:

1. adherence to the standards and methodologies required for such reviews pursuant to Education Law §3012-c;
2. 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 issuance or implementation of the terms of an improvement plan under Education Law §3012-c.

Multiple appeals shall not be filed 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. The (teacher) (principal) has the burden of demonstrating a clear legal right to the relief requested and the facts upon which relief is sought.

An appeal must be submitted in writing no later than 15 calendar days of the date of receipt of an annual professional performance review. If the issuance of an improvement plan is being challenged, an appeal must be filed within 15 calendar days of the date of receipt of the plan. The failure to file an appeal within these timeframes shall be deemed a waiver of the right to appeal.

When filing an appeal, a detailed written description must be submitted of the specific areas of disagreement and must include any additional documents or materials relevant to the appeal. The performance review 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.

Within 15 calendar days of receipt of an appeal, the person who issued the performance review or was responsible for either the issuance or implementation of the terms of the improvement plan must submit a detailed written response to the appeal. The response must include any and all additional documents or written materials specific to the point(s) of disagreement that support the response and are relevant to the resolution of the appeal. Any such information that is not submitted at the time the response is filed shall not be considered in the deliberations related to the resolution of the appeal. The person initiating the appeal shall receive a copy of the response and any and all additional information submitted with the response, at the same time the response is filed.

A decision shall be rendered by the Superintendent or the Superintendent's designee, except that an appeal may not be decided by the same individual who was responsible for making the final rating decision. In such case, the Board of Education shall appoint another person to decide the appeal.

A written decision on the merits of the appeal shall be rendered no later than 30 calendar days from the date the appeal was filed. 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 response to the appeal and additional documentary evidence submitted with such papers. 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 (teacher's) (principal's) appeal. If the appeal is sustained, the rating may be set aside if it has been affected by substantial error or defect, modify a rating if it has been 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 individual who filed the appeal and the evaluator or the person responsible for either issuing or implementing the terms of an improvement plan if that person is different.

This appeal procedure shall constitute the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a performance review or improvement plan. Resort to any other contractual grievance procedures for the resolution of challenges and appeals related to a professional performance review or improvement plan, except as otherwise authorized by law, is prohibited.

ADDITIONAL REQUIREMENTS

1. The District will ensure that the State Education Department receives in a timely manner accurate teacher and student data, including enrollment and attendance data and any other student, teacher, school, course and teacher/student linkage data as follows:
as defined by the State Education Department's standards.
2. Subjects and student rosters shall be verified as follows:
as defined by the State Education Department's standards.
3. The District will ensure that the assessment development, security and scoring processes utilized are not disseminated to students before administration, and that teachers or principals do not have a vested interest in the outcome of the assessment they score, as follows:
as defined by the State Education Department's standards.
4. The ratio of teachers and principals to evaluators, and how evaluators will have sufficient time and resources to complete their commitments are as follows:
this will be part of the negotiations discussions.
5. The District will use the designated quality rating categories as a significant factor in employment decisions as follows:
this will be part of the negotiations discussions.
6. The District will use the annual performance review as a significant factor in (teacher) (principal) development, including but not limited to coaching, induction support and differentiated professional development, as follows:
this will be part of the negotiations discussions.

SUPERINTENDENT'S CERTIFICATION

The Superintendent certifies that the local measures selected for determining student achievement are rigorous and comparable as follows:
This will be discussed as part of the negotiations process.