

Roslyn Public Schools

Agenda Addendum – September 1, 2011

BOE.4 RESOLVED, that the Board of Education herewith adopts the attached documents in compliance with Education Law Section 3012-c, 8 N.Y.C.R.R. 30-2 and 8 N.Y.C.R.R. 100.2; and

BE FURTHER RESOLVED, that the Superintendent of Schools is directed to file the foregoing documents in the Office of the District Clerk and post the attached documents on the District website, on or after September 1, 2011 but before September 10, 2011.

ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) PLANS
PROPOSED BOARD RESOLUTION TO BE ADOPTED IN CONFORMITY WITH
EDUCATION LAW 3012-c, 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2

New York State has required the implementation of an Annual Professional Performance Review Plan (hereinafter “APPR”) for teachers since 1999. The District has dutifully complied with the existing law, and has in place an APPR Plan for its teaching staff and evaluation program for its administrators. Section 3012-c of Education Law was enacted, effective July 1, 2010, by the New York State Legislature which amends the existing APPR requirements previously required by the Regulations of the Commissioner of Education in 8 NYCRR 100.2. The new statute, 3012-c of the Education Law, significantly modifies teacher and principal evaluations and has, as its primary goal, the introduction of student performance as a criterion.

In the spring of 2010, the Commissioner of Education, prior to the adoption of Education Law Section 3012-c, adopted an amendment to the then existing APPR regulations (8 NYCRR 100.2) which required the use of four categories of teacher performance, “ineffective, developing, effective and highly effective,” as well as requiring the use of student performance effective in 2010 as a criterion for teacher evaluation.

Following the adoption of Education Law 3012-c, the Board of Regents adopted 8 NYCRR 30, again amending the Commissioner’s APPR requirements establishing robust changes to the existing APPR requirements. These changes include the establishment of a composite effectiveness score and the introduction of student performance measured by both state and local assessment as a criterion for teacher evaluation, the requirement of the adoption of rubric for teacher evaluation, among many other provisions. The May 2011 amendments also included the following provision.

To the extent that any of the items required to be included in the annual professional performance review plan are not finalized by September 1, 2011 a result of pending collective bargaining negotiations, the plan shall identify those specific parts of the plan and the school district shall file an amended plan upon completion of such negotiations.

In addition this legislation, Education Law Section 3012-c, contains a “safe harbor” provision, which provides:

Nothing in this section shall be construed to abrogate any conflicting provision of any collective bargaining agreement in effect on July first, two thousand ten during the term of such agreement and until the entry into a successor collective bargaining agreement, provided that notwithstanding any prior provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement the provisions of this section shall apply.

The practical effect of the above quoted “safe harbor” statutory provision is to require that the parties current APPR plan which is incorporated in Article XXIV the labor agreement between the

District and the Roslyn Teachers Association will remain in effect until a new APPR plan compliant with 8 NYCRR 30 of the Commissioner's Regulations is negotiated. The District labor agreement between it and the Roslyn Teachers Association contains provisions substantially inconsistent with the requirements of Section 3012-c of the Education Law and Commissioner of Education regulations contained in 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2. These inconsistencies include differences in applicable criteria, rating categories, the absence of a composite effectiveness score model, and other procedural inconsistencies. The District and the Roslyn Teachers Association are currently engaged in negotiations respecting the negotiable aspect of Education Law Section 3012-c, 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2.

In addition, the District has invited the Roslyn Teachers Association and its Administrator Association to commence negotiations concerning the negotiable aspects of Education Law Section 3012-c, 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2.

The District has commenced its own planning to comply with 3012-c to insure that its APPR evaluation process is fair and transparent and provides all teachers and principals with useful feedback on their performance.

Attached to this statement is the current District Teacher APPR Plan as set forth in Article XXIV the labor agreement between the District and the Roslyn Teachers Association.

Upon completion of negotiations with the Roslyn Teachers Association and the Roslyn Administrators and Supervisors Association respecting the negotiation mandates of Education Law Section 3012-c, 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2, the District will promulgate compliant APPR plans and the Board will act upon the adoption of such APPR plans for its teachers and administrators.

filed with the District. Undistributed monies shall be accumulated in each successive year and be utilized for payments under this clause.

ARTICLE XXIV

Observation and Evaluation of Teaching Personnel

A. **Purposes.**

Among the purposes of observing and evaluating the performance of certificated personnel are the improvement of instruction and the encouragement of professional growth. All categories of certificated personnel are included in this program of observation and evaluation.

B. **Procedure.**

1. **Teacher Observation Reports:** Any extended formal classroom visitation (15 minutes or longer) made by the Principal, Assistant Principal, Director, or Department Head for observational purposes will be recorded in writing. After each observation a conference will be held between the observer and the teacher within five school days following the day of the observation. Within five school days following the conference, the observer will give to the teacher four copies of the Teacher Observation Report. These are to be signed, and three copies returned to the observer. The teacher has the opportunity of responding to the Observation Report. These responses will be filed with the Observation Report. These reports, standardized for the Roslyn Public Schools, are distributed as follows to:

- a) the individual about whom the report is written.
- b) the Office for Instructional Services.

- c) the Principal for filing in the individual's personnel folder in the school.
- d) the Personnel Office for filing in the individual's personnel folder.

2. Evaluation Reports

a) Teacher observation reports are summarized in the Evaluation Report. These evaluation reports are based on the collective observations made and on the judgment of the Principal concerning the teacher's total performance, except in the one category of personnel where the Assistant Superintendent for Instructional Services coordinates the observations of several principals. Total performance includes, but is not limited to: coaching, club sponsorship, non-instructional duties and responsibilities, and teacher attendance, for which formal observation reports are not required. Reasons, either oral or in writing, at the discretion of the administration, shall be given to a teacher who is not reappointed to a stipend position, including but not limited to coaching and club sponsorship. These reasons need not be based upon any written report or statement. It is desirable, but not obligatory, that suggestions for improvement be provided during the time the stipend services are being performed so that corrections can be implemented.

b) At a conference of teacher and principal, the Evaluation Report is shared with the conferee before the original and three copies are submitted to the Superintendent of Schools. Signed copies are returned to the Principal, the Office of Instructional Services, the teacher observed, and the original is filed in the individual's personnel folder. The conferee has the

opportunity of responding to the evaluation on the final page of the Evaluation Report, or appending additional pages.

Nothing should appear in the Evaluation Report concerning the teaching and learning situation that had not been discussed with the teacher prior to the completion of the report.

c) Portfolio Review With respect to Teachers possessing a N.Y. State Transitional or Initial Certificate, it is understood that they are required to be evaluated based upon a portfolio review.

Portfolios should include, but are not limited to, sample lessons, samples of students' work, student assessment instruments (inventories, authentic assessments, tests essays), or teachers' observations on his/her own classroom performance. Portfolios can be assembled in any fashion including but not limited to an artist's folio, a videotape, a CD, a scrapbook, a web site, or a filled three-ring binder.

The key to a successful portfolio assessment is that the teacher, in collaboration with building administrators, establish goals, identify criteria by which to demonstrate progress towards these goals, and which is reflective of the learning that occurs. As such, the process of assembling a professional portfolio is intended to be cumulative and ongoing during the period leading up to the acquisition of a N. Y. State Professional Certificate.

C. **Personnel Categories**

1. Personnel Category Number 1: Classroom teachers, elementary special service teachers (art teachers, music teachers, reading/learning specialists, elementary

industrial arts teachers, elementary science teachers, speech correctionists, elementary math teachers), secondary reading teachers, librarians, and guidance counselors, regular substitutes.

a) The Principal or the Assistant to the Principal at the elementary level shall personally observe each teacher during each reporting period at least once.

b) The Department Chairperson or the 6-12 or 7-12 Department Head, the Assistant Principal, or the Principal on the secondary level shall personally observe each teacher during each reporting period at least once.

c) The Assistant Superintendent for Instructional Services and/or the Personnel Administrator may, at the request of the Principal or Superintendent, observe or otherwise assist in the procedure. Reports for teachers working in more than one building are coordinated by the Assistant Superintendent for Instructional Services.

2. Personnel Category Number 2: Nurse-teachers, physical education teachers, secondary health teachers, special education teachers, psychologists and Home-School Coordinator.

a) The Principal, Assistant Principal, Coordinator of Physical Education and Recreation, or the Assistant Director for Instructional Services shall observe each teacher at least once per reporting period.

b) The Assistant Superintendent for Instructional Services and/or the Personnel Administrator may, at the request of the Principal or Superintendent, observe or otherwise assist in the procedure. Reports for teachers working in more

than one building are coordinated by the Assistant Superintendent for Instructional Services.

3. Personnel Categories Number 1 and 2

If an Observation Report prepared by an Assistant Principal, Assistant to the Principal, or Department Head leads to an unsatisfactory evaluation, the Principal shall observe the teacher prior to the completion of the Evaluation Report. (The designee shall not be the administrator who prepared the unsatisfactory Observation Report.)

If the Principal is the only observer whose Observation Report leads to an unsatisfactory evaluation, then either the Assistant Superintendent for Instructional Services, the Personnel Administrator, or the Superintendent shall observe the teacher prior to the submission of the Evaluation Report.

D. Teacher Improvement Plan (TIP).

1. The Teacher Improvement Plan (TIP) is designed to provide support for teachers whose performance has been identified in conformity with the observation and evaluation procedures of this Article as in need of improvement, since they are not progressing in one or more of the following areas:

- a. Content Knowledge
- b. Preparation
- c. Instructional Delivery
- d. Classroom Management
- e. Knowledge of Student Development
- f. Student Assessment

- g. Collaboration
- h. Reflective and Responsive Practice

2. This TIP is intended to assist the teacher to improve his/her performance. The TIP shall include the following:

a) Building Level Plan

A teacher whose performance has been identified as in need of improvement, in compliance with this Article, will be required to participate in a building level Teacher Improvement Plan. The Principal, in concert with an Assistant Principal and/or Department Chair, will develop a written prescriptive supervision plan that is designed to target specifically delineated goals by identifying the specific areas that are considered to be in need of improvement as well as required activities to achieve these goals. The plan will identify how progress toward these goals will be assessed. Prior to implementation of such a plan, the appropriate administrator will meet with the teacher and a union representative to review the plan to insure that its objectives and the methods by which these objectives will be realized are clear to all concerned parties. Whether or not the teacher will be required to participate in a building level Teacher Improvement Plan for additional years shall be determined by the plan developers.

b) District Level Plan

A teacher whose performance has been identified as in need of improvement in compliance with the RTA contract Article XXIV and who is not yet proficient in all eight listed areas, after participating in a building level Teacher

Improvement Plan, will be required to participate in a District level Teacher Improvement Plan. The Assistant Superintendent for Human Resources or Assistant Superintendent for Curriculum and Instruction and the building Principal, in concert with an Assistant Principal and/or Department Chair, will develop a prescriptive supervision plan that is designed to bring the teacher up to a proficient level of performance. Prior to implementation of such a plan, the appropriate administrator will meet with the teacher and a union representative to review the plan to insure that its objectives and the methods by which these objectives will be realized are clear to all concerned parties. The plan will include specific measurable goals, delineate how progress toward these goals will be assessed, and provide specific suggestions for improvement. Whether or not a teacher will be required to participate in a District level Teacher Improvement Plan for additional years shall be determined by the plan developers.

E. **Reporting Dates and Recommendations**

1. **For Non-Tenured Personnel**

a) Two formal classroom observations are made for all non-tenured teachers prior to December 1. A total of four observations are made prior to the Interim Evaluation, each observation to be followed by a conference.

b) Interim Evaluations are prepared for all non-tenured personnel, except those in their final probationary year. Different forms are used for regular substitute teachers and part-time teachers . Four copies of these forms are submitted to the Superintendent by February 6.

c) Tenure Evaluation Report is prepared for each final probationary year teacher in lieu of the Interim Evaluation Report and sent to the Superintendent with three copies by February 6.

d) Notification of the Superintendent's recommendation regarding tenure appointments is given on February 15 to all professional personnel serving their final year of probation. With the mutual consent of the Superintendent and the staff member, this decision may be deferred until April 15 of the same year.

e) Final Evaluation Report is prepared for each non-tenured person and is sent, with three copies, to the Superintendent by March 31. Different forms are used for regular substitute teachers, part-time teachers, and probationary teachers.

f) Probationary staff members, except those in their final probationary year, who are not recommended for continued employment are notified by the Superintendent by April 15.

g) Summer Term Evaluation is prepared for all professional personnel who are employed in educational and recreational programs held during the summer term.

2. For Tenured Personnel

One Evaluation Report is prepared for tenured personnel listed above by the Principal or Assistant Superintendent for Instructional Services as applicable. It is submitted, in four copies, to the Superintendent of Schools by April 30.

F. For purposes of this Article XXIV, "Principal or designee" and "Superintendent or designee" are intended in place of "Principal" and in place of "Superintendent," respectively, where same are recited in this Article.

G. **Observation & Evaluation Forms**: The forms and procedures for the observation and evaluation of unit members are attached hereto in Appendix G1-5.

H. **Evidence of Planning**: Teachers will be responsible for appropriate preparation through the use of the pedagogical practices that support instruction. Evidence of such planning will be available upon request.

I. **Focused Observations**

1. Must be related to one of the eight core APPR criteria established by NYSED for the assessment of professional practice:

- Content knowledge
- Preparation and planning
- Instructional delivery
- Classroom management
- Student development
- Student assessment
- Collaboration
- Reflective and response practice

2. Administrators must give five school days notice to the teacher, via a pre-conference meeting or written notice of the area of focus, prior to an actual observation.

3. The current form (Appendix G-1) will be utilized, with the following modifications:

a) Type of lesson will note one of the eight criteria and focus of the lesson

b) The items on the evaluation that do not relate to the area of focus will be marked N/A

J. **Alternatives to an Observation Option**

1. Projects must fall into one of the eight core APPR criteria established by NYSED for the assessment of professional practice listed below:

- Content knowledge
- Preparation and planning
- Instructional delivery
- Classroom management
- Student development
- Student assessment
- Collaboration
- Reflective and responsive practice

2. Types of Project/Activity: Independent or Collaborative Group

3. Examples of Projects/Activities include, but are not limited to:

- Piloting a program with a specific goal
- Peer coaching
- Use of new strategy or technology
- Mentoring beyond the contractual mentoring requirements
- A group of teachers working collaboratively on a district initiative i.e. TC or differentiation
- Analysis and implementation of instructional data into the classroom

4. The alternative to an Observation Option is totally voluntary on a teacher's part and open to tenured employees only (excluding teachers with a TIP) and requires the administrator's written consent. A direct link between the Project and the current classroom instruction must be demonstrated.

5. By the end of the first week in October teachers will submit a request in writing proposing their Project/Activity. No later than October 15, the teacher and administrator will meet for the purpose of finalizing the plan for the Project/Activity. A brief specific description of the agreed upon Project/Activity will be submitted in writing by the teacher to the administrator and will be signed by both parties no later than October 31.

The same process shall be used for a group Project. One written description of the project shall be submitted for the group and signed by all parties involved.

There shall be a year-end Project meeting between the administrator and teachers to discuss the Project that must be completed by April 15 (which is 15 days prior to the April 30 due date for the Annual Evaluation Report). At any time an individual teacher may request an individual meeting with the administrator to discuss the Project/Activity.

6. All references to the “Alternative to an Observation Option” must appear in the unit member’s annual evaluation. No other paperwork relating to the “Alternative to an Observation Option” may be placed in a unit member’s personal file.

7. The Alternative to an Observation Option may only be used two out of three years. An observation by an administrator in compliance with Article XXIV of the RTA contract must be completed once every three years.

8. The Evaluation Report referred to in Article XXIV of the RTA contract remains the same if a teacher chooses the Alternative to an Observation Option.

9. A teacher may choose to withdraw from their Alternative to an Observation Option for extenuating circumstances, (ex. medical issues), no later than February 1st.

ARTICLE XXV

Registered Nurses

1. Article III, Section 1(a) shall not apply to registered nurses. In its place and instead, registered nurses shall receive the following sick leave:

Registered nurses shall be entitled to ten (10) days of sick leave in each school year, and unused sick leave shall be accumulated to a maximum of one hundred and