MEMORANDUM OF AGREEMENT
ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR)
for CLASSROOM TEACHERS (3012-d)

I. Introduction

The following APPR Plan elements have been negotiated between the Rensselaer, Columbia, Greene Counties Board of Cooperative Educational Services ("Questar III") and the RCG Teachers Association ("the Association") pursuant to Education Law, §3012-d and the Commissioner’s regulations. This APPR Plan governs evaluations of Questar III classroom teachers ("teachers"), as defined by Education Law, §3012-d and 8 NYCRR §30-3.2, commencing on September 1, 2016, and supersedes any previous agreement(s) relating to APPR for teachers.

II. Purpose of Evaluation

Annual professional performance reviews (APPR) provide teachers with the opportunity for feedback on professional practices and provide Questar III with data that will inform professional development for teachers. In accordance with Education Law, §3012-d and Questar III board policies, annual professional performance reviews are a significant factor in employment decisions.

This Agreement memorializes those elements of the APPR that have been negotiated by Questar III and the Association. Any elements and/or processes relating to APPR required by Education Law, 3012-d, regulations and/or Commissioner’s determinations and/or guidance will govern.

III. Verification of Students Assigned

Teachers have access to SchoolTool (or any other student management system that may be used by Questar III) and the NYS BEDs system in order to verify students and courses assigned to them as teacher of record.

IV. Evaluation Elements

The APPR Overall Score is composed of two components: student performance and observations. The Overall Score will be determined in accordance with the HEDI matrix established by Education Law, section 3012-d and implementing regulations (see Attachment C). Attachment C is included for reference purposes only and has not been negotiated as part of this Agreement.
A. Observations:

1. The Thoughtful Classroom Teacher Effectiveness Framework will be used to collect evidence of teacher effectiveness through observations.

2. Observations will be done by Questar III principals however one observation will be by a trained independent impartial observer who is someone other than the principal who performed the teacher's announced observation.

3. Teachers who are tenured, are in their third or fourth year of a four-year probationary period, or are in the third year of a three-year probationary period will be observed twice during the school year. The first observation will be an announced observation. The second observation will be unannounced.
   - First observation—by end of the first semester
   - Second observation—by April 30

4. All other probationary teachers will be observed three times during the school year. The first observation will be an announced observation. One of the remaining observations will be unannounced.
   - First observation—by end of first quarter
   - Second observation—by end of second quarter
   - Third observation—by March 30

5. Observations will be based on observable rubric subcomponents, however all Thoughtful Classroom Dimensions and Episodes must be addressed across the total number of annual observations. Thoughtful Classroom Dimensions and Episodes that are part of the rubric but not observed during the classroom observation may be verified during pre-observation or post-observation conferences where appropriate under the rubric. Teachers will have the opportunity to produce evidence of Dimension #10, Professional Practice, during all post-observation conferences or at meetings with the principal (for example, a printout from My Learning Plan (MLP) of professional development undertaken or certificates from continuing teacher education sessions or courses taken).

6. Each observation shall be evaluated on a 1 – 4 scale, to be calculated as the average of points accrued (1-4 scale) in each observed category in the rubric. In the event a teacher earns a score of 1 on all rated components of the practice rubric across all observations, a score of 0 will be assigned. Teachers will be notified of the Dimensions and Episodes observed during the observation during the post-observation conference. Teachers will be provided an opportunity to present evidence of missing dimensions and episodes not formally observed, within a time frame established at the post-observation conference which will not exceed 3 working days from the post-observation conference.

7. Weighting of observations: Observations by principals will be weighted- 90% and observations by independent impartial observers will be weighted – 10% (see Attachment E).
8. Teachers will complete Thoughtful Classroom Teacher Effectiveness Framework’s pre-observation forms on-line (OASYS/MLP) in advance of announced observations. Teachers will complete Thoughtful Classroom Teacher Effectiveness Framework’s post-observation forms on-line (OASYS) in advance of all post-observation conferences (announced and unannounced observations).

9. A pre-observation conference for an announced observation will be held with the teacher within 7 days of the scheduled observation however pre-observation conference will not be held on the day of the observation.

10. A post-observation conference will be held with the teacher no later than 15 working days following an observation. The post-observation conference will be held with the principal, other trained administrator or independent evaluator who conducted the observation.

11. By October 15, Questar III will provide the Association with a list of independent impartial observers who may conduct observations during the school year.

12. The Overall Observation Category scoring ranges for HEDI have been negotiated in accordance with State regulations and are as follows:

<table>
<thead>
<tr>
<th>Overall Observation Category</th>
<th>Score and Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>H</td>
<td>3.5</td>
</tr>
<tr>
<td>E</td>
<td>2.5</td>
</tr>
<tr>
<td>D</td>
<td>1.5</td>
</tr>
<tr>
<td>I</td>
<td>0 **</td>
</tr>
</tbody>
</table>

**In the event that a teacher earns a score of 1 on all components of the rubric across all observations, a score of 0 will be assigned for the Overall Observation Category.
B. **Student Performance:**

1. Student performance will be measured as follows, depending upon the subject(s) taught:

<table>
<thead>
<tr>
<th>Course/ Grade Taught</th>
<th>Student Performance Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Career and Technical Education Courses</td>
<td>Building-wide target based upon all nationally certified assessments administered in the building to seniors classes that have been approved by NYSED for APPR purposes.¹</td>
</tr>
<tr>
<td>Grades 9-12 Regents Courses</td>
<td>Regents Exams</td>
</tr>
<tr>
<td>Grades K-2 (excluding NYSAA)</td>
<td>K-2 ELA and Math Questar III developed approved assessments</td>
</tr>
<tr>
<td>Grades 3-8 (excluding NYSAA)</td>
<td>Grades 3-8 ELA and Math State assessments Transition Period- STAR ELA and Math Scores</td>
</tr>
<tr>
<td>All Grades - NYSAA</td>
<td>NYSAA</td>
</tr>
<tr>
<td>All Other Courses</td>
<td>Questar III developed approved assessments</td>
</tr>
</tbody>
</table>

2. A Student Performance rating based upon Grades 3-8 ELA and/or Math State assessments will be advisory only during the State-designated Transition Period. In such instance, the teacher will receive a Transition Student Performance rating that will apply to the teacher’s Overall APPR rating.

3. The APPR Student Performance rating will be based upon Student Learning Objectives (SLOs) using the assessment(s) in section 1. above, and will be based upon the degree to which the goals or targets for academic achievement were attained. SLOs will be developed in consultation with the teacher(s) but are subject to final approval by the principal or other Questar III administrator. Where teachers are teachers of record for more than one course/subject, multiple SLOs will be developed and scoring will be weighted in accordance with Education Law, section 3012-d and implementing

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¹ As of June 1, 2016 the approved assessments to be used are: NOCTI Carpentry Test #4115; NOCTI NY Customized Cosmetology Test #7776; NOCTI Criminal Justice Exam #4081; and ProStart Written. Should NYSED approve additional nationally certified assessments used by Questar III on or before September 1, 2016, these assessments will be included in the building-wide SLO.
regulations as may be needed to assure that at least the minimum number of assigned students are included in the SLO.

4. Teachers and supervising principals will complete the Student Learning Objectives form to identify the assessment(s) being used for the Student Performance Category (see Attachment A) no later than October 31.

5. The SLO will result in a score between 0-20 using the State required SLO Scoring table set forth in Commissioner's regulations. The Student Performance HEDI rating will be determined in accordance with the State required Overall Student Performance Category Score (see Attachment B). Attachment B is for reference purposes only and has not been negotiated as part of this Agreement.

V. Teacher Improvement Plans for APPR

Teachers receiving a “developing” or “ineffective” Overall APPR rating will be notified by Registered Mail or by overnight carrier. Upon receiving an Overall APPR rating of “developing” or “ineffective,” a teacher must be provided an improvement plan in accordance with Education Law, section 3012-d. The improvement plan will be provided by October 1 in the school year following the school year for which such teacher’s performance was being measured, or as soon as practicable. The improvement plan will be developed in consultation with the teacher but is subject to final approval by the principal or other Questar III administrator. The teacher may obtain representation from the RCG BOCES Teachers’ Association and will be advised of his/her right to such representation. The Association president will be informed whenever a teacher is receiving such an improvement plan and, with the agreement of the teacher, will be provided a copy of the improvement plan.

The improvement plan will be developed using the Teacher Improvement Plan format (see Attachment D) and will clearly specify: (i) the area(s) in need of improvement; (ii) the performance goals; (iii) how improvement will be measured and monitored, and provide for periodic reviews of progress; and (iv) the appropriate differentiated professional development opportunities, materials, resources and/or supports Questar III will make available to the teacher.

VI. Appeals

A tenured teacher may file an appeal of his/her composite Overall APPR rating in accordance with this Agreement only. A tenured teacher may not file multiple appeals regarding the same performance review or TIP. All grounds for appeal must be raised within one appeal.

APPR Subject to Appeal Procedure

Any tenured teacher aggrieved by a composite Overall APPR rating of either “ineffective” or “developing” may appeal that APPR. A tenured teacher may not file multiple appeals regarding the same performance review or TIP. All grounds for appeal must be raised within one appeal.
In accordance with Education Law §3012-d, an APPR which is the subject of a pending appeal shall not be sought to be offered in evidence or placed in evidence in any Education Law §3020-a proceeding until the appeal process is concluded.

Grounds for an Appeal

An appeal may be filed by a tenured teacher in accordance with Education Law 3012-d and this APPR Plan based upon one or more of the following grounds:

a. The substance of the Annual Professional Performance Review;

b. Questar III BOCES’ failure to adhere to the standards and methodologies required for the Annual Professional Performance Review, pursuant to Education Law §3012-d and applicable rules and regulations;

c. Questar III BOCES’ failure to comply with either the applicable regulations of the Commissioner of Education, or locally negotiated procedures;

d. Questar III BOCES’ failure to issue and/or implement the terms of the Teacher Improvement Plan, where applicable, as required under Education Law §3012-d.

Notification of the Appeal

In order to be timely, the notification of the APPR appeal shall be filed, in writing, within ten (10) working days after the tenured teacher has received the composite rating. Notification of the appeal shall be provided to the District Superintendent or her designee and the Association President. The notice shall include a statement of the grounds for appeal and any and all additional documents or written materials that are specific to the point(s) of disagreement and/or are relevant to the appeal. Material not submitted at the time the notice of appeal is filed shall not be considered in the deliberations relating to the resolution of the appeal. All appeals shall be date-stamped by the Office of District Superintendent.

Supervising Administrator’s Written Response to Appeal

Within ten (10) calendar days of receipt of an appeal, the evaluating administrator must Federal Express or overnight mail, a detailed written response to the teacher making the appeal. A copy shall be provided to the Office of District Superintendent and the Association President at the same time. The response must include any and all additional documents or written materials that are specific to the point(s) of disagreement and/or are relevant to the resolution of the appeal. Material not submitted at the time the response is filed shall not be considered in the deliberations related to the resolution of the appeal.

Decisions on Appeal

Step 1 – Conference with the evaluating administrator. The tenured teacher filing the appeal shall have the opportunity to have a conference with the evaluating administrator no later than five (5)
calendar days after the teacher receives the written response. The teacher shall notify the Association representative that he or she seeks a conference. The bargaining unit member shall upon request be entitled to an Association representative being present. The conference shall be an informal meeting to discuss the evaluation and the areas of dispute. If the bargaining unit member is not satisfied with the outcome, he/she may proceed to the second step. The second step shall be initiated by the unit member notifying the District Superintendent in writing, within five (5) calendar days of the conclusion of the conference, that the appeal be submitted to the APPR Review Committee.

Step 2 – APPR Review Committee: The Committee shall be composed of four members as follows:

a. Two (2) certified administrators, appointed by the District Superintendent or his/her designee. The administrator who prepared the APPR or TIP under appeal shall not be appointed to the Committee.

b. Two (2) certified teachers appointed by the President of the Association or his/her designee.

c. The District Superintendent and the President of the Association may select members of the APPR Committee who are not current Questar III employees.

Each member of the committee shall make a written recommendation to the District Superintendent, the Association President, and the employee no later than ten (10) calendar days from the filing of the Step 2 appeal.

Step 3 – District Superintendent

Appeals shall be decided in a final and binding manner by the District Superintendent. The decision of the District Superintendent shall not be reviewable in any forum.

The District Superintendent shall have the authority to rescind, modify, or affirm the APPR evaluation or TIP, as the case may be. A new evaluation may be ordered where appropriate.

VII. Mathematical Errors

Probationary teachers who receive an “ineffective” or “developing” Overall Score for APPR will be provided with the mathematical calculations for their scores. In the event the teacher can demonstrate that a mathematical error resulted in an incorrect score the teacher shall provide written notice to the Director of Human Resources no later than ten (10) working days after the teacher received the Overall Score for APPR.

VIII. Review and Approval by NYSED

Education Law, section 3012-d and implementing regulations require that school district and BOCES APPR Plans are subject to approval of the Commissioner of Education. Questar III and
the Association agree to work together to obtain approval of this APPR, including but not limited to submitting such information, attachments and certifications into the NYSED APPR submission and review portal for approval and, if necessary, negotiating revisions to this Agreement as may be necessary to obtain such approval.

IX. Term of Agreement

The Term of this Agreement is July 1, 2016 through June 30, 2017 or until such time as renegotiated.

QUESTAR III

By: [Signature]

RCG TEACHERS’ BOCES ASSOCIATION

By: [Signature]
ATTACHMENT A

STUDENT LEARNING OBJECTIVES

To be completed by classroom teacher and supervising principal no later than October 31 to identify assessments used for Student Performance Category for the classroom teacher’s annual professional performance review (APPR) for the 2016 - 2017 school year.

Classroom Teacher: ________________________________

Principal: ________________________________

<table>
<thead>
<tr>
<th>Student Learning Objectives**</th>
<th>Based upon Assessments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** Attach Student Learning Objectives forms

Classroom Teacher Signature: ________________________________ Date: __________

Supervising Principal Signature: ________________________________ Date: __________
## ATTACHMENT B

STUDENT LEARNING OBJECTIVES – SCORING AND HEDI

### SLO Score

<table>
<thead>
<tr>
<th>Percent of Students meeting target</th>
<th>Score</th>
<th>Percent of Students meeting target</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4%</td>
<td>0</td>
<td>49-54%</td>
<td>11</td>
</tr>
<tr>
<td>5-8%</td>
<td>1</td>
<td>55-59%</td>
<td>12</td>
</tr>
<tr>
<td>9-12%</td>
<td>2</td>
<td>60-66%</td>
<td>13</td>
</tr>
<tr>
<td>13-16%</td>
<td>3</td>
<td>67-74%</td>
<td>14</td>
</tr>
<tr>
<td>17-20%</td>
<td>4</td>
<td>75-79%</td>
<td>15</td>
</tr>
<tr>
<td>21-24%</td>
<td>5</td>
<td>80-84%</td>
<td>16</td>
</tr>
<tr>
<td>25-28%</td>
<td>6</td>
<td>85-89%</td>
<td>17</td>
</tr>
<tr>
<td>29-33%</td>
<td>7</td>
<td>90-92%</td>
<td>18</td>
</tr>
<tr>
<td>34-38%</td>
<td>8</td>
<td>93-96%</td>
<td>19</td>
</tr>
<tr>
<td>39-43%</td>
<td>9</td>
<td>97-100%</td>
<td>20</td>
</tr>
<tr>
<td>44-48%</td>
<td>10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Overall Student Performance Category Score and Rating

<table>
<thead>
<tr>
<th>Rating</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highly Effective</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>Effective</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Developing</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>Ineffective</td>
<td>0</td>
<td>12</td>
</tr>
</tbody>
</table>
ATTACHMENT C

OVERALL FINAL RATING MATRIX

<table>
<thead>
<tr>
<th>Student Performance</th>
<th>Highly Effective (H)</th>
<th>Effective (E)</th>
<th>Developing (D)</th>
<th>Ineffective (I)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highly Effective (H)</td>
<td>H</td>
<td>H</td>
<td>E</td>
<td>D</td>
</tr>
<tr>
<td>Effective (E)</td>
<td>H</td>
<td>E</td>
<td>E</td>
<td>D</td>
</tr>
<tr>
<td>Developing (D)</td>
<td>E</td>
<td>E</td>
<td>D</td>
<td>I</td>
</tr>
<tr>
<td>Ineffective (I)</td>
<td>D*</td>
<td>D*</td>
<td>I</td>
<td>I</td>
</tr>
</tbody>
</table>

*If a teacher is rated ineffective on the Student Performance category, and a local selected state-designed supplemental assessment was included as an optional subcomponent of the Student Performance category, the teacher must be rated Ineffective overall.
ATTACHMENT D
TEACHER IMPROVEMENT PLAN

Teacher: ________________  Date: ____________

Evaluator: ________________

1. The following areas have been identified as areas in need of improvement through:
   [ ] Observation on date ____________
   [ ] Annual professional performance review evaluation
   [ ] Other

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Narrative Description of Area in Need of Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimension 1: Organization, Rules and Procedures</td>
<td></td>
</tr>
<tr>
<td>Dimension 2: Positive Relationships</td>
<td></td>
</tr>
<tr>
<td>Dimension 3: Engagement and Enjoyment</td>
<td></td>
</tr>
<tr>
<td>Dimension 4: Culture of Thinking and Learning</td>
<td></td>
</tr>
<tr>
<td>Dimension 5: Preparing Students for New Learning</td>
<td></td>
</tr>
<tr>
<td>Dimension 6: Presenting New Learning</td>
<td></td>
</tr>
<tr>
<td>Dimension 7: Deepening Learning</td>
<td></td>
</tr>
<tr>
<td>Dimension 8: Applying Learning</td>
<td></td>
</tr>
</tbody>
</table>
2. The following steps and/or activities will support improvement by Area in Need of Improvement identified in #1, above.

**Area 1: <Narrative Description of Area in Need of Improvement>**

- **Expectation of Professional Performance** (Provide a brief description of expectations for professional performance and effective teaching):

- **Steps/Activities to Achieve Results** (Identify resources for improvement which could include: individuals providing support, outside readings, observations, feedback from evaluator, professional development opportunities.):

- **Assessment of Progress** (Describe how progress toward improvement will be assessed and when. Include timeframes for completion of steps/activities and assessment of progress, including interim benchmarks where appropriate. See “Log” form, attachment A):

**Area 2: <Narrative Description of Area in Need of Improvement>**
- Expectation of Professional Performance (Provide a brief description of expectations for professional performance and effective teaching):

- Steps/Activities to Achieve Results (Identify resources for improvement which could include: individuals providing support, outside readings, observations, feedback from evaluator, professional development opportunities. ):

- Assessment of Progress (Describe how progress toward improvement will be assessed and when. Include timeframes for completion of steps/activities and assessment of progress, including interim benchmarks where appropriate. See “Log” form, attachment A):

<ADDITIONAL AREAS TO BE ADDED AS NEEDED TO ALIGN WITH AREAS IDENTIFIED in SECTION 1>
3. Effective Date of Teacher Improvement Plan

Expected date of completion of this Teacher Improvement Plan is __________.

Signature of Teacher: ___________________________ Date: ________

Signature of Evaluator: ___________________________ Date: ________

Original to: the Director of Human Resources to be filed in the Teacher’s personnel file

Copies to:

Teacher
Evaluator
President, RCG BOCES Teachers Association
District Superintendent
PROGRESS LOG

Teacher Improvement Plan for: ___________________________

Evaluator and Teacher will use this form to record progress toward improvement in accordance with the Teacher’s Improvement Plan. This will include meetings with evaluator, observations, other activities required by the Improvement Plan.

Date:

Description of Activity (e.g. Meeting, observation²):

<table>
<thead>
<tr>
<th>Area of Improvement – Steps/Activities</th>
<th>Progress/How Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;See “Steps/Activities to Achieve Results” for each Area in Need of Improvement in the Teacher Improvement Plan&gt;</td>
<td>&lt;See “Assessment of Progress” in the Teacher Improvement Plan&gt;</td>
</tr>
</tbody>
</table>

² Attach observation notes, meeting notes, or other relevant documents, if applicable, to this Form.
ATTACHMENT E
WEIGHTED SCORING FOR OBSERVATION CATEGORY

Weighting of Observations: Observations by principals – 90%
Observations by independent impartial observers – 10%

To calculate weighted score:

\[(\text{Average Score for observation(s) by principals } \times 0.9) + \text{Average Score for observation by independent impartial observer } \times 0.1\] = weighted score

Examples:

1. Tenured teacher with 2 observations with the following scores:
   
   Average of scores from rubric for observation by principal = 3.1
   
   Average of scores from rubric for observation by independent impartial observer = 3.0

   To calculate weighted score:
   
   \[(3.1 \times 0.9) + (3.0 \times 0.1) = \]
   
   \[2.79 + 0.3 = 3.09 \text{ weighted score}\]

2. Probationary teacher with 3 observations with the following scores:

   Average of scores from rubric for first observation by principal = 2.8
   
   Average of scores from rubric for second observation by principal = 2.9
   
   Average of scores from rubric for observation by independent impartial observer = 2.7

   To calculate weighted score:

   Obtain average of observations scores by principal - \((2.8 + 2.9) \div 2 = 2.85\)
   
   \[(2.85 \times 0.9) + (2.7 \times 0.1) = \]
   
   \[2.565 + 0.27 = 2.835 \text{ weighted score}\]