

Memorandum of Agreement

Between

Wynantskill Teachers' Association

And

Wynantskill Union Free 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 Wynantskill Union Free School District and the membership of the Wynantskill Teachers' Association.

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 laws of 2019, the primary components of which are outlined below. Both parties agree to meet annually in June for the purposes of renegotiation this MOA. Such review will include negotiations upon the request of either party.

Student Performance Subcomponent Determination

For the 2023-2024 school year, the Student Performance Rating of all teachers under the terms of 3012-d will be based upon:

Student learning Objectives will be based upon a school-wide (building wide) measure, mutually agreed upon and derived from NWEA Map scores in ELA and Math. A HEDI score will be determined based on the aggregate NWEA Map outcomes and will use the scale as follows:

Percent of Students meeting target	Scoring range	Percent of Students meeting target	Scoring range
0-4%	0	49-54%	11
5-8%	1	55-59%	12
9-12%	2	60-66%	13
13-16%	3	67-74%	14
17-20%	4	75-79%	15
21-24%	5	80-84%	16
25-28%	6	85-89%	17
29-33%	7	90-92%	18

34-38%	8	93-96%	19
39-43%	9	97-100%	20
44-48%	10		

1. Details of the District's Evaluation System

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 classroom observations, walk-through observations, teacher-created materials and other resources provided by the teacher or administrator through the observation process. **Charlotte Danielson's** teacher practice rubric (2011) will be used to evaluate teacher practice. Per the collective bargaining agreement, tenured teachers will receive an announced classroom observation once per year. Probationary teachers will receive an announced classroom observation twice per year. The observations include a formal observation cycle with a pre- and post-observation conference. The post observation conference should be accompanied by written response to the post observation questions. All teachers will also have an unannounced observation. Evidence gathered relating to observations will be used in the annual summative evaluation.

Unannounced Observation Parameters:

- Accounts for 10% of the Teacher Observation Rating
- Cannot be conducted in September or June.
- Cannot be conducted two (2) days before or after a vacation break
- Cannot exceed 20 minutes in duration
- Notification of a ten (10) school day window
- Courtesy "Heads Up" in the week of the observation
- The independent evaluator used will be mutually agreed upon between the District and the Association.
- The same observer will do all unannounced observations when it is in the district's capacity to fulfill
- Administrator/Observer will hold a post observation meeting scheduled on a day within five (5) school days of observation. Following the post observation meeting, scores will be delivered within the next two (2) weeks, when possible.

Announced Observation Parameters:

- Accounts for 90% of the Teacher Observation Rating
- Option to go in September but not mandatory
- Cannot be conducted in June
- Observation length and subject area (where applicable) will be agreed upon between the teacher and the administrator/observer
- The same observer will do all announced observations when it is in the district's capacity to fulfill (not applicable for untenured teachers)
- Administrator/Observer will hold a post observation meeting scheduled on a day within 5

school days of observation. Following the post observation meeting, scores will be delivered within the next 2 weeks, when possible.

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Each Teacher will receive a final average score on the 1-4 rubric rating scale. This score is converted to a HEDI rating. The HEDI rating categories are:

	Score Range	
	Minimum	Maximum
Highly Effective (H)	3.5	4.0
Effective (E)	2.5	3.49
Developing (D)	1.5	2.49
Ineffective (I)	0	1.49

The observable components are rated at the subcomponent level and weighted equally and averaged.

Annual Score Reporting

Prior to the end of the school year, the principal will arrange to meet with each teacher. The purpose of this conference will be to review the evidence gathered throughout the school year, assess progress on the teacher's professional growth goals, and to arrive at the teacher's performance rating. This score will be combined with the student performance rating achievement to arrive at the teacher's overall rating. The Rubric below will be used to ascertain the final rating:

TEACHER OBSERVATION

	HE	E	D	I
HE	HE	HE	E	D
E	HE	E	E	D

D	E	E	D	I
I	D	D	I	I

STUDENT PERFORMANCE

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6. TEACHER IMPROVEMENT PLANS

A Teacher Improvement Plan (TIP) must be determined no later than October 1st of the school year following the applicable rating. The specific document to be used to develop the teaching improvement plan is found on the following page.

Teachers' Improvement Plan as developed by the Superintendent / Designee

_____ Teacher Administrator

Subject/Grade Level Score Breakdown Composite Score _____

Date(s): Preconference Observation(s) Coaching _____

Standards Chosen for Further Development	Action (s) 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: _____

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2. 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 tenured or probationary unit member aggrieved by an APPR rating of either "ineffective," or "developing" may challenge that APPR.

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/b proceeding, or any locally negotiated procedure, until the appeal process is concluded.

Grounds for an Appeal

An appeal may be filed challenging the APPR based upon one or more of the following grounds:

- a. The substance of the Annual Professional Performance Review; which includes the instance of a teacher rated Ineffective on the Student Performance Category but rated Highly Effective on the Observation/School Visit Category based on an

anomaly, as determined locally.

- b. The district's adherence to the standards and methodologies of the APPR. c. The adherence to the regulations and compliance with locally negotiated procedures. d. District's issuance and /or implementation of the terms of the teacher improvement plan.

Notification of the Appeal

In order to be timely, the notification of the APPR appeal shall be filed, in writing, within fifteen (15) school days after the teacher has received the APPR. Notification of the appeal shall be provided to the superintendent of schools or his designee. If a teacher is challenging the issuance or implementation of a teacher improvement plan, the appeal must be submitted in writing within fifteen (15) school days of issuance or of the time when the teacher knew or should have known of an alleged implementation breach of such plan.

When filing an appeal, the teacher must submit a detailed written description of the specific grounds for the appeal as well as the performance review and/or improvement plan being

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challenged. Along with the appeal, all supporting documentation must be submitted, or specifically noted if pending. Any grounds for appeal or any supporting documentation/information not submitted or noted at the time the appeal is filed shall not be considered.

Assigned Administrator's written response to appeal

Within five (5) school days of receipt of an appeal, the supervising administrator must submit a detailed written response. 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 – Meeting with the supervising administrator. The bargaining unit member shall upon request be entitled to an Association representative being present. This meeting shall be an informal meeting wherein the authoring administrator and the employee are able 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 and/or Association notifying the Superintendent in writing, within five (5) days of the conclusion of the conference.

Step 2 - Superintendent

- a. Within five (5) school days of receipt of the Step 1 response, if a teacher and/or Association is not satisfied with such response the teacher and/or Association must submit the appeal to the Superintendent of Schools. The superintendent will be provided all documentation

- submitted in step one of the appeal and the responses from the evaluator.
- b. Within five (5) school days of receipt of the teacher's appeal, the Superintendent will conduct a hearing at which the teacher (and representative at the option of the teacher) and the evaluator (and representative at the option of the evaluator) will be allowed to present oral arguments in support of the appeal and the response, respectively.
 - c. Within five (5) school days of the Superintendent hearing, the Superintendent will issue a written determination to the teacher, the Teachers' Association President, and the evaluator.

Step 3 - Binding Arbitration

Within five (5) school days of receipt of the Step 2 response, if a teacher and the Association are not satisfied with such response the appeal may be submitted to Arbitration if and only if the overall rating is ineffective. Appeals shall be decided in final and binding arbitration by an arbitrator. The arbitrator shall be mutually agreed upon between the Association and the District. If the District and the Association cannot agree on an arbitrator, the American Arbitration Association will be used. The demand for arbitration shall be filed within five (5) school days after notification of the Step 3 appeal is delivered by the superintendent or his

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designee. The cost of the arbitration shall be borne equally by the school district and the Association.

If the Association does not agree to take the appeal forward to Arbitration, the teacher may do so at his/her own expense using the procedure set forth above. In that case, if the rating is positively changed, the District shall pay the entire cost of the Arbitration. If the rating is unchanged, or negatively changed, the appealing teacher shall pay the entire cost of the Arbitration.

The decision shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the appeal. The Arbitrator shall have the authority to rescind, modify, or affirm the rating. A new evaluation may be ordered.

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

- a) The "lead evaluator" is the administrator/professional who is primarily responsible for a teacher's APPR composite rating. The term "evaluator" shall include any administrator/professional who conducts an observation or evaluation of a teacher.
- b) 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. All lead evaluators, independent observers and peer observers must

complete training.

4. 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. The Wynantskill Teachers' Association APPR Committee, WTA President and Superintendent will meet each June to discuss any modifications to this agreement and sign a new MOA.

FOR THE DISTRICT: FOR THE ASSOCIATION:

President Superintendent WTA

President Title Date Board

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Appendix A

DANIELSON MODEL LESSON TEMPLATE

Class:	Date:
Lesson Title:	
Common Core Alignment:	
Lesson Objectives/Instructional Outcomes: <i>(Framework Domain 1c: Setting Instructional Goals)</i> Outline the concept, knowledge, skill, or application students can demonstrate upon lesson completion. This may be the same as or very similar to the content standard; however, it could be narrower or perhaps broader. Objectives may be stated in the form of critical questions students should be able to answer.	
Relationship to Unit Structure: <i>(Framework Domain 1e: Designing Coherent Instruction)</i> How does this lesson support the unit goals / enduring understandings? How does this lesson build on the previous lesson in this instructional sequence? How does this lesson support the next lesson in this instructional sequence?	

Instructional Materials/Resources: *(Framework Domain 1d: Demonstrating Knowledge of Resources)*

List all materials and resources required by teacher and/or students, include preparation or other special instructions; e.g. paper based materials such as text books, technology equipment, science equipment or supplies, art materials or equipment.

Methods and Instructional Strategies

(Framework Domain 1a: Demonstrating Knowledge of Content and Pedagogy)

Anticipated Student Misconceptions:**Concept Prerequisites:**

List all key concepts and terminology necessary for students to understand the concepts as well as meet the standards, goals and objectives of the lesson.

Introduction**Anticipatory Set:****Instructional Activities:**

Includes questioning techniques, grouping strategies, and pedagogical approaches.

Unit:

Wrap Up Synthesis/Closure:	
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Differentiation According to Student Needs: (*Framework Domain 1b: Demonstrating Knowledge of Students*) Address diverse student needs including students with an IEP or 504, cultural linguistic needs.

Assessment (Formative and Summative): (*Framework Domain 1f: Assessing Student*

Learning) May indicate the type of assessment most appropriate, or it may provide sample questions, entire tests, portfolio guidelines or rubrics if available submitted along with the lesson plan as attachments.

Appendix B

Domain 4 Planning Page

May be submitted for score or brought to meeting with evaluator.

Domain 4 Description	Notes
a. Reflecting on Teaching • Accuracy • Use in Future Teaching	Completed Post Observation Meeting
b. Maintaining Accurate Records • Student Completion of Assignments • Student Progress in Learning • Non-instructional Records	
c. Communicating with Families • Information About the Instructional Program • Information About Individual Students • Engagement of Families in the Instructional Program	
d. Participating in a Professional Community • Relationships with Colleagues • Involvement in a Culture of Professional Inquiry • Service to the School • Participation in School and District Projects	

e. Growing and Developing Professionally • Enhancement of Content Knowledge and Pedagogical Skill • Receptivity to Feedback from Colleagues • Service to the Profession	
f. Demonstrating Professionalism • Integrity And Ethical Conduct • Service To Students • Advocacy • Decision Making	