

North Shore Schools

MOA: §3012-d

Annual Professional Performance Review Plan

2016-17 School Year



North Shore Schools

Herman Berliner, President, Board of Education

Edward Melnick, Superintendent

North Shore Schools Federated Employees

Greg Perles, President

Introduction

New York State Education Law §3012-d requires negotiation and implementation of an **Annual Professional Performance Review (APPR)** plan.

The evaluation method as set forth in §3012-d consists of two components:

- **Teacher Observation Subcomponent**
- **Student Performance Subcomponent**

Details regarding the determination of subcomponent score are set forth in the document that follows.

§3012-d further requires that the teacher observation and student performance subcomponent scores be cross-referenced to determine a final APPR rating according to a state-mandated **HEDI matrix**. The means for determining each teacher's final APPR rating are set forth in the document that follows.

§3012-d additionally requires that the terms of a **Teacher Improvement Plan (TIP)** as well as the terms of an **APPR appeals process** be included in each district's APPR plan. The TIP and appeals procedures are set forth in the document that follows.

General Terms

I. GENERAL CONDITIONS: APPR PLAN

- A. Term of Agreement: This APPR plan shall begin with the 2016-17 school year. Any changes to the 2016-17 APPR plan shall be collectively bargained by the Federation and the District.
- B. The APPR plan shall be incorporated into the Agreement between NSSFE and the District.
- C. The APPR plan is contingent on ratification by both the Federation and the North Shore Board of Education.

Teacher Observation Subcomponent

II. GENERAL TERMS: TEACHER OBSERVATION SUBCOMPONENT

- A. All observations shall be based on the Silver Strong Teacher Effectiveness Framework Observation Rubric (hereafter “Silver Strong”).
- B. Tenured teachers shall be observed at least two times each school year. At least one observation shall be announced and at least one observation shall be unannounced. All observations of tenured teachers shall be completed in accordance with the terms set forth in section III below.
- C. Probationary teachers shall be observed at least three times each school year. At least one observation shall be announced and at least one observation shall be unannounced; the District shall have sole discretion to determine whether the third required observation is announced or unannounced. All observations of probationary teachers shall be completed in accordance with the terms set forth in section IV below.
- D. For all teachers (tenured and probationary), pre-observation conferences before announced observations shall be elective at teacher and/or administrator discretion. Teachers will retain sole discretion to invite a mentor or colleague to attend the pre-observation conference and, if so elected, the conference will be scheduled at a time mutually convenient to all parties.

- E. For all teachers (tenured and probationary), post-observation conferences shall be mandatory. Teachers will retain sole discretion to invite a mentor or colleague to attend the post-observation conference and, if so elected, the conference will be scheduled at a time mutually convenient to all parties.

- F. For all teachers (tenured and probationary), announced and unannounced observations shall follow a proficiency model in which observations can be repeated, at the teacher's request, until a score of 3 or better is achieved. The proficiency model shall adhere to procedures as follows:
 - 1. The observer(s) shall give the teacher a brief, summative memorandum with a binding indication of the numeric score for observation at the post-observation conference.

 - 2. The teacher shall have five school days from the post-observation conference to accept the score as indicated or elect to schedule an additional observation. Such requests shall be capped at a maximum of five additional observations per school year.

 - 3. The observer(s) shall not be required to complete a formal written observation report until the teacher has specified which lesson will be recorded for APPR purposes. Teachers shall retain the right to append a written statement to the observation report.

 - 4. The observation with the highest score will be recorded for APPR purposes.

- G. No observations shall occur within a 15 school day window leading up to any state exam for any teacher whose students are scheduled to sit for that exam. In the event that NYSED makes significant changes to the state testing calendar, either party to this Agreement shall have the right to convene mandatory negotiations regarding this clause of the Agreement. In such instance, no other element of this Agreement shall be subject to mandatory negotiation.

- H. For all teachers (tenured and probationary) who are formally observed more than two times, the principal/designee observation with the highest score and the independently trained evaluator observation with the highest score shall be used to calculate the Overall Teacher Performance score for APPR purposes.

III. OBSERVATIONS: TENURED TEACHERS

A. Announced Observations

1. Weight: 80% of Teacher Observation Subcomponent.
2. At least one announced observation of each tenured teacher shall be required each school year.
3. The announced observation shall be the first observation each school year and shall be scheduled at a date & time mutually agreed-upon by the teacher and the observer(s).
4. Time frame: the announced observations shall be scheduled on or after 15th day of classes and shall be completed by January 31 of each school year.
5. The announced observation shall be conducted by
 - a. K-5 Teachers: Principal or designee (Assistant Principal, Director or Assistant Director);
 - b. 6-12 Teachers: Principal or designee (Assistant Principal, Teacher Leader, Director or Assistant Director).
6. Announced observations shall follow a proficiency model in accordance with section II(F) above.
7. If requested, any additional announced observation(s) may be in-person or videorecorded.
8. Videorecording of Announced Observations
 - a. Tenured teachers shall have sole discretion to request a videorecorded announced observation in lieu of an in-person announced observation.
 - b. Videorecorded announced observations shall be treated in the same manner as in-person announced observations EXCEPT as modified by sections c-h below.
 - c. Teachers shall have a window of 10 school days to produce a videorecorded lesson for evaluation. In cases where a teacher records multiple lessons, s/he will have sole discretion regarding which lesson to submit for evaluation.

- d. Recorded lessons must be submitted in full to administration; editing of videorecorded observations for content is not permitted.
- e. Recorded lessons will be reviewed jointly by the teacher and observer.
- f. Teachers shall bring samples of student work from the videorecorded lesson to the viewing session.
- g. A joint NSSFE-District committee will be convened in the fall of 2016 to negotiate the procedures associated with videorecorded observations, including but not limited to such issues as recording technology, setup and submission to administration.
- h. A joint NSSFE-District task force will review the effectiveness of videorecorded observations and make recommendations for the continuation, modification or discontinuation of videorecorded lessons in the spring of 2017.

B. Unannounced Observations

1. Weight: 20% of Teacher Observation Subcomponent
2. At least one unannounced observation of each tenured teacher shall be required each school year.
3. The unannounced observation may be shorter in duration than the announced observation.
4. The unannounced observation must occur after the announced observation(s).
5. The unannounced observation must occur within a ten (10) school day window identified in writing to the teacher at least five (5) school days in advance. In the event that an administrator is unexpectedly on sick, personal or other leave for any day(s) during the 10 school day window, s/he or a designee shall inform the teacher within 24 hours, if practicable, and the window for the unannounced observation shall only be extended by the day(s) that the administrator is out.

6. The unannounced observation shall be conducted by an impartial, independently trained evaluator as designated by the District.
7. Announced observations shall follow a proficiency model in accordance with section II(F) above.
8. Videorecorded unannounced observations shall not be permitted.

IV. OBSERVATIONS: PROBATIONARY TEACHERS

A. Announced Observations

1. Weight: 80% of the Teacher Observation Subcomponent
2. At least one announced observation of each probationary teacher shall be required every school year.
3. The announced observation shall be the first observation each school year and shall be scheduled at a date & time mutually agreed-upon by the teacher and the observer(s).
4. At least one announced observation for every year of the probationary period shall be conducted by building principal (not a designee).
5. Announced observations shall follow a proficiency model in accordance with section II(F) above.
6. No videorecorded announced observations shall be permissible for probationary teachers

B. Unannounced Observations

1. Weight: 20% of the Teacher Observation Subcomponent
2. At least one announced observation in each school year shall precede the first unannounced observation in each school year.
3. At least one unannounced observation for every year of the probationary period shall be conducted by Assistant Superintendent for Instruction
4. The unannounced observation must occur within a ten (10) school day window identified in writing to the teacher at least five (5) school days in advance. In the event that an administrator is unexpectedly on sick, personal or other leave for any day(s) during the 10 school day window, s/he or a designee shall inform the teacher within 24 hours, if practicable, and the

window for the unannounced observation shall only be extended by the day(s) that the administrator is out.

5. Announced observations shall follow a proficiency model in accordance with section II(F) above.
6. Videorecorded unannounced observations shall not be permitted.

V. SCORING THE TEACHER OBSERVATION SUBCOMPONENT

A. Scoring Individual Observations for Probationary & Tenured Faculty

1. Each observable dimension on the Thoughtful Classroom Teacher Effectiveness Framework (“Silver Strong”) will be given a score 0-10
2. Scores in observable dimensions will be averaged to determine a raw lesson score 0-10.
3. The raw lesson score will be converted into an Individual Lesson Score per the following:

Raw Lesson Score	Individual Lesson Score
7-10	4.0
6.5-6.99	3.5
5.5-6.49	2.5
0-5.49	1.5

4. At the end of the school year, the Individual Lesson Scores will be weighted to determine an Overall Teacher Performance Score as follows:
 - a. 80% Principal or Designee Observation(s)
 - b. 20% Impartial, Independently Trained Evaluator Observation(s) and/or observation(s) by the Assistant Superintendent for Instruction
5. The Overall Teacher Performance Score shall be used in conjunction with **Overall HEDI Matrix** as follows:

H	3.50-4.00
E	2.50-3.49
D	1.50-2.49
I	0.00-1.49

6. See **APPENDIX A** for an example indicating how to calculate the Overall Teacher Performance Score.

Student Performance Subcomponent

VI. STUDENT LEARNING OBJECTIVES (SLOs)

- A. All teachers (tenured and probationary) shall be required to designate a SLO and target per section D below. When required by law, teachers shall additionally be required to designate a backup SLO and target per section D below.
- B. Principals shall have discretion, when permitted by law, to exclude individual students from SLO calculation in cases of students with extenuating personal circumstances.
- C. In cases where a district-wide growth score based on Regents exams is designated as the SLO, the measure shall be calculated as follows:
1. For 2016-17, all Regents taken in the district will be utilized. Thereafter, either party to this Agreement shall have the right to convene mandatory negotiations regarding the designation of Regents exams for the purposes of determining the district-wide growth score based on Regents exams. In such instance, no other element of this Agreement shall be subject to mandatory negotiation.
 2. Calculation of the district-wide growth score based on Regents exams: the total number of students passing shall be divided by the total number of students taking exams to determine a district-wide percentage of student scores at or above the passing score.
 3. For the purposes of determining the district-wide percentage of student scores at or above the passing score, passing scores shall be as follows:
 - a. Regular education students: 65 or higher
 - b. Special education students classified with an Individualized Education Program (IEP): 55 or higher
 4. In accordance with the scale required by §3012-d, the district-wide growth score based on Regents exams shall be calculated as follows:

District-wide % of students passing	97-100	93-96	90-92	85-89	80-84	75-79	67-74	60-66	55-59	49-54	44-48	39-43	34-38	29-33	25-28	21-24	17-20	13-16	9-12	5-8	0-4
SLO Score	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
HEDI Matrix	H		E			D		I													

D. SLO Designations and Targets

Elementary Teachers (Grades K-5)	
Grade Level/Area	SLO
Kindergarten Grade 1 Grade 2	District-wide growth score based on Regents [see section VI(C) above]
Grade 3 ELA/Math	<p>Advisory Score: SLO based on ELA/math state exams (see below)</p> <p>Transition Score (for the duration of the moratorium on using state exam data for the purposes of APPR): district-wide growth score based on all Regents</p> <p>After Moratorium Ends: SLO based on ELA/math state exams (see below)</p> <p>SLO: <i>Grade 3 ELA/Math</i></p> <ol style="list-style-type: none"> 1. Target: 65% of scored students shall earn a score at or above the annual cut score for mandatory AIS for ELA and math state exam based on the scaled score provided by the state 2. The district shall calculate scores for SLOs using the table required by SED.
Grade 4 ELA/Math Grade 5 ELA/Math	<p>Advisory Score: Generated by state using ELA & Math results</p> <p>Transition Score: district-wide growth score based on all Regents</p> <p>After Moratorium Ends: Generated by state using ELA & Math results</p> <p>Backup SLO: <i>Grade 4-5 ELA/Math teachers</i> All grade 4-5 teachers shall have a backup SLO, to be used in the event that the State cannot generate a student performance score, calculated as follows:</p> <ol style="list-style-type: none"> 1. SLO Target: 65% of scored students shall earn a score at or above the annual cut score for mandatory AIS for ELA and math state exam based on the scaled score provided by the state 2. The district shall calculate scores for SLOs using the table required by SED.
Grades 3-5: All Other Teachers	District-wide growth score based on all Regents [see section VI(C) above]

Middle School Teachers (Grades 6-8)

<p>Grade 6 ELA/Math Grade 7 ELA/Math Grade 8 ELA/Math</p> <p><i>*Note: per §3012-d, grade 8 math teachers whose students sit for the Algebra Regents Exam must have a Regents-based SLO as detailed below</i></p>	<p>Advisory Score: Generated by state using ELA & Math results</p> <p>Transition Score (for the duration of the moratorium on using state exam data for the purposes of APPR): district-wide growth score based on all Regents</p> <p>After Moratorium Ends: Generated by state using ELA & Math results</p> <p>Backup SLO: Grades 6-8 ELA/Math teachers All grades 6-8 teachers shall have a backup SLO, to be used in the event that the State cannot generate a student performance score, calculated as follows:</p> <ol style="list-style-type: none"> 1. 65% of scored students shall earn a score at or above the annual cut score for mandatory AIS for ELA and math state exam based on the scaled score provided by the state 2. The district shall calculate scores for SLOs using the table designed by SED.
<p>Grade 8: All Teachers Whose Course(s) End in a Regents Exam</p> <p><i>NOTE: Applies only to teachers with 50+% of students in a Regents course</i></p>	<p>Regents-based SLO: All teachers for whom a Regents-based SLO is required shall have a SLO calculated as follows:</p> <ol style="list-style-type: none"> 1. Calculation: # of students passing ÷ # students taking exams = % of students passing 2. % of students passing compared to statewide passing averages 3. Target: 65% of North Shore students shall meet or exceed statewide passing rates 4. Passing score: 65 (regular education students) 5. Passing score: 55 (all special education students, including all students with IEP or 504 documents)
<p>Grade 6-8: All Other Teachers</p>	<p>District-wide growth score based on Regents [see section VI(C) above]</p>
<p>IF APPLICABLE: Grade 8 Science (non-Regents) for students NOT enrolled in Regents Living Environment course</p>	<p>SLO based on Grade 8 Intermediate-Level Science Test:</p> <p>SLO Calculation: Students' Grade 8 Intermediate-Level Science Test scores shall be compared to the scores on a Grade 8 Intermediate-Level Science Test pretest. SLO target: 65% of students achieve growth of 10 points or more between the pretest score and Grade 8 Intermediate-Level Science Test score. Transition score to be calculated per the terms of grade 8 ELA/Math teachers.</p>
<p>IF APPLICABLE: Grade 8 Math (non-Regents) for students NOT enrolled in Regents Algebra course</p>	<p>SLO based on Grade 8 Mathematics Test:</p> <p>Calculation: Students' Grade 8 Mathematics Test scores shall be compared to the scores on a Grade 8 Mathematics pretest. SLO target: 65% of students achieve growth of 10 points or more between the pretest score and Grade 8 Mathematics Test score. Transition score to be calculated per the terms of grade 8 ELA/Math teachers.</p>

High School Teachers (Grades 9-12)	
Grades 9-12: All Teachers Whose Course(s) End in a Regents Exam <i>NOTE: Applies only to teachers with 50+% of students in a Regents course</i>	Regents-based SLO: All teachers for whom a Regents-based SLO is required shall have a SLO calculated as follows: <ol style="list-style-type: none"> 1. Calculation: # of students passing ÷ # students taking exams = % of students passing 2. % of students passing compared to statewide passing averages 3. Target: 65% of North Shore students shall meet or exceed statewide passing rates 4. Passing score: 65 (regular education students) 5. Passing score: 55 (all special education students, including all students with IEP or 504 documents)
Grades 9-12: All Other Teachers	District-wide growth score based on all Regents (see Part Two)

- E. SLO targets will be reviewed periodically to determine and ensure the validity of the target setting process.
- F. For all SLO targets, teachers' Overall Student Performance Score shall be used in conjunction with **Overall HEDI Matrix** as follows:

% of students at or above target	97-100	93-96	90-92	85-89	80-84	75-79	67-74	60-66	55-59	49-54	44-48	39-43	34-38	29-33	25-28	21-24	17-20	13-16	9-12	5-8	0-4
SLO Score	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
HEDI Matrix	H		E			D		I													

Overall APPR Rating (HEDI)

VII. Overall APPR Rating

- A. Each teacher's **Overall Teacher Performance Score** (see section V) and **Overall Student Performance Score** (see section VI) shall be used to generate an **OVERALL APPR RATING**.
- B. Each teacher shall be notified of her/his OVERALL APPR RATING, if applicable, from the preceding school year by September 10 annually unless the State fails to furnish state-provided growth scores in a timely manner.
- C. The OVERALL APPR RATING evaluation shall be determined as follows:

		Overall Teacher Performance Score			
		RATING	Highly Effective [H]	Effective [E]	Developing [D]
Overall Student Performance Score	Highly Effective [H]	Highly Effective	Highly Effective	Effective	Developing
	Effective [E]	Highly Effective	Effective	Effective	Developing
	Developing [D]	Effective	Effective	Developing	Ineffective
	Ineffective [I]	Developing	Developing	Ineffective	Ineffective

VIII. Teacher Improvement Plan (TIP)

- A. If a teacher is rated as Developing or Ineffective, it is the goal of both parties to improve the teacher's performance so that his or her performance can be rated as Effective. For those receiving a Developing or Ineffective rating, a Teacher Improvement Plan (TIP) will be provided. The purpose of a TIP is to assist teachers to work to their potential. A TIP is not to be used as a threat or disciplinary tool. Teachers must be formally observed annually a minimum of four (4) times and granted the opportunity for professional development before an Ineffective rating can be issued.
- B. Procedures:
1. When a teacher's end-of-year evaluation results in a rating of Developing or Ineffective, the District will place a teacher on a TIP.
 2. The teacher, with union representation at the teacher's option, shall meet with the District to create a TIP within time limits as required by law or Commissioner's regulations.
 3. The parties will identify areas in need of improvement, evidence needed to demonstrate improvement, a timeline for achieving improvement, and the manner in which improvement will be assessed.
 4. The District will notify the union President that such teacher has been placed on a TIP. The union will be supplied with a copy of the TIP.
 5. The teacher shall be offered the opportunity for a peer mentor from the District's mentor program. The teacher will select the mentor, with the approval of the Superintendent and Federation President. If the teacher cannot decide on a mentor, the Superintendent and Federation President will select a mentor.
 6. The teacher and mentor will be provided time during the school day to collaborate. The teacher and mentor will develop a plan for accomplishing the TIP goals and present that plan to administration within fifteen (15) school days. All dealings between the mentor and the teacher will be confidential. If future disciplinary actions occur, the mentor will not be required to testify at any future hearing(s).
 7. The District will provide resources to help the teacher improve. Resources include, but are not limited to, participation in in-service coursework,

employee assistance programs, peer observation, the District's Professional Development Plan, modeling by administration, and the like.

8. The mentor and the teacher will collaborate for sixty-five (65) school days. During that time, the teacher will be observed twice by separate administrators. The administrators will concentrate on observing and evaluating goals identified in the TIP. The administrators will meet with the teacher within five (5) school days of the observation to discuss the observation. A written observation summary will be provided within fifteen (15) school days. The observation summary will be signed by both parties. The teacher will have the right to respond within fifteen (15) school days to the observation summary and the response will be attached.
9. After sixty-five (65) school days of teacher/mentor collaboration, the administration will assess the effectiveness of the intervention and the level of improvement. Based on that assessment the TIP will be adjusted appropriately.
10. The adjusted plan will be signed by the administrator and the teacher. The adjusted plan may include, but not be limited to, additional mentoring, peer observation, in-service coursework, modeling by administration, and the like. During this time, the teacher shall be observed and evaluated monthly by at least two different administrators, jointly chosen by the teacher and the administrator. The administrators will meet with the teacher within five (5) school days prior to the observation to discuss the goals of the lesson. The administrator will meet with the teacher within five (5) school days after the observation. A written observation summary will be provided within fifteen (15) school days after the conference and will be signed by both parties. The teacher will have the right to respond in writing within fifteen (15) school days and the response will be attached to the observation summary.
11. At the end of the TIP, if the TIP goals are reached, the TIP will terminate. The culmination of the TIP will be communicated in writing to the teacher. Attainment of TIP Goals shall result in an end-of-year evaluation rating the teacher as Effective or Highly Effective. If the teacher is rated as Developing, a new plan will be developed by the teacher, with union representation, and administration for the subsequent school year. The teacher will have union representation as the new plan is developed. If the teacher is still rated as Ineffective, the decision on how to proceed will be the choice of the administration.

IX. Overall APPR Rating Appeals Procedure

- A. APPEALS OF INEFFECTIVE AND DEVELOPING RATINGS ONLY:** Appeals of annual professional performance reviews should be limited to those that rate a teacher as Ineffective or Developing only.
- B.** In cases where compensation decisions are linked to rating categories, the Federation and District shall convene negotiations to determine an appeals process.
- C. WHAT MAY BE CHALLENGED IN AN APPEAL:** Appeal procedures should limit the scope of appeals under Education Law §3012-d to the following subjects:
1. the substance of the annual professional performance review; which shall include the instance of a teacher rated Ineffective on the Student Performance Subcomponent but rated Highly Effective on the Teacher Observation Subcomponent based on an anomaly, as determined locally.
 2. the school district's adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-d and Subpart 30-3 of Commissioner's regulations;
 3. the adherence to the Commissioner's regulations, as applicable to such reviews and compliance with any applicable locally negotiated procedures, as required under Education Law §3012-d; and
 4. the school district's issuance and/or implementation of the terms of the teacher improvement plan under Education Law §3012-d.
- D. 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. Any grounds not raised at the time the appeal is filed shall be deemed waived.
- E. BURDEN OF PROOF :** In an appeal, the teacher 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.

- F. **TIMEFRAME FOR FILING APPEAL:** All appeals must be submitted in writing no later than 15 calendar days of the date when the teacher receives his or her Overall APPR Rating. If a teacher is challenging the issuance of a teacher 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 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. The Superintendent of Schools shall hold a meeting with the teacher to include a Federation representative if requested by the teacher within ten (10) school days of the Superintendent's receipt of the teacher's written appeal.
- G. **TIMEFRAME FOR DISTRICT RESPONSE:** Within 15 calendar days of receipt of an appeal, the school district 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 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 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 initiating the appeal shall receive a copy of the response filed by the school district, and any and all additional information submitted with the response, at the same time the school district files its response.
- H. **DECISION-MAKER ON APPEAL:** A decision shall be rendered by the superintendent of schools 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.

- I. **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 filed his or her appeal. The appeal shall be based on a written record, comprised of the teacher's appeal papers and any documentary evidence accompanying the appeal, as well as the school district's response to the appeal and additional documentary evidence submitted with such papers. Such decision shall be final and shall not be grievable or arbitrable. The decision shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the teacher'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 and the evaluator or the person responsible for either issuing or implementing the terms of an improvement plan, if that person is different.
- J. **EXCLUSIVITY OF §3012-D APPEAL PROCEDURE:** The 3012-d appeal procedure shall constitute the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a teacher performance review and/or improvement plan. A teacher 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.
- K. Notwithstanding the foregoing, nothing herein shall be construed as limiting the right of the employee to challenge said evaluation in any proceeding brought pursuant to Education Law §3020-a.

Miscellany

- X. **Faculty members not covered under section 3012-d:** Any existing previously approved evaluation and/or Annual Professional Development Performance Review (APPR) procedures remain in effect for teachers who are NOT subject to Section 3012-d of New York State Education law. This includes, but is not limited to, guidance counselors, social workers, psychologists, librarians and teaching assistants.
- XI. **Annual Review:** This plan will be reviewed no less than annually by the Federation and the District.
- XII. **Privacy:** The District shall presume teachers' right to personal privacy and shall not disclose or publish teachers' individual ratings except as required by New York State Education Law.

Signatories

We, the undersigned, agree to the foregoing Memorandum of Agreement (MOA) regarding the North Shore Schools Annual Professional Performance Review Plan pursuant to §3012-d of the New York State Education Law. Both parties further acknowledge that this MOA will not go into effect until ratified by Federation and the Board of Education.

Edward Melnick
Superintendent
North Shore Schools

Greg Perles
President
North Shore Schools Federated Employees

APPENDIX A: CALCULATING OVERAL TEACHER PERFORMANCE SCORE

Teacher Name: X

OBSERVATION #1 (PRINCIPAL)

Observable Dimensions and Scores

- Organization, Rules and Procedures 10
- Positive Relationships 10
- Culture of Thinking and Learning 8
- Engagement and Enjoyment 8
- Preparing Students for New Learning 8

Total Score from Dimensions: 44
Average (total score ÷ # of observable dimensions): 8.8
Individual Lesson Score: 4

OBSERVATION #2 (DIRECTOR)

Observable Dimensions and Scores

- Organization, Rules and Procedures 6
- Positive Relationships 7
- Culture of Thinking and Learning 7
- Engagement and Enjoyment 8
- Deepening and Reinforcing Learning 7
- Applying Learning 6

Total Score from Dimensions: 41
Average (total score ÷ # of observable dimensions): 6.83
Individual Lesson Score: 3.5

OVERALL TEACHER PERFORMANCE SCORE

Observation #1: 4 x 0.80 = 3.2
Observation #2: 3.5 x 0.20 = 0.7
Overall Teacher Performance Score 3.9
Overall Rubric Score (for Matrix) H