

**AGREEMENT BETWEEN WEST HEMPSTEAD EDUCATION ASSOCIATION
AND
WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT**

ARTICLE VII – TEACHER EVALUATIONS

The Annual Professional Performance Review Plan (APPR)

I. Statement of Purpose

The goal of the teacher evaluation system is to promote student learning and improve professional practice. All teachers and staff not governed by Education Law §3012-c will continue to be evaluated under the 2011-12 APPR Plan. The APPR encourages professional growth and development through a process that is based on current research on best practices and aligned with New York State’s Teaching Standards. It assures a common language, and common expectations among all teachers and evaluators. The NYSUT Teacher Practice Rubric has been adopted for the 2012-13 school year (See Appendix A). It is intentionally linked with the district’s Professional Development Plan to ensure teacher-driven professional development and support. In using evaluation to support teacher growth and student learning, it has implications for how the school system is structured and organized in the areas of policies and procedures, data systems, and time and job responsibilities.

The West Hempstead Union Free School District formed a committee comprised of teachers and administrators to draft the Annual Professional Performance Review Plan to be recommended to the Board of Education for adoption in our district for the 2012-13 school year.

The following principles will govern the APPR process:

- It is every teacher’s responsibility to continue to grow professionally.
- It is the district’s responsibility to provide the resources and support for teachers to improve instruction and professional practice.
- It is the district’s responsibility to engage in practices that promote equity in conditions that affect teaching and learning.
- The overarching goal of the evaluation process is that teachers and evaluators examine the evidence obtained by multiple measures of teaching practice and student achievement to plan for meaningful professional learning and improvement of instruction.

Evaluations will be conducted openly and objectively with the full involvement of the teacher. Nothing in the APPR Plan will be construed to abrogate any provisions of the collective bargaining agreement between the West Hempstead School District (“District”) and the West Hempstead Teachers’ Association (“Association”).

The West Hempstead School District and Teachers' Association will maintain a joint labor-management APPR Committee ("Committee"). This Committee shall include a combination of teachers and administrators appointed by their respective associations and will be responsible for reviewing the policies and procedures related to the APPR. The APPR committee shall have the power to establish sub-committees when necessary to represent disciplines and academic levels. Sub-committees shall report their recommendations to the APPR Committee. It is understood and agreed that the APPR will continue in effect until such time as there is mutual agreement on any change. Either party may request that the joint committee review specific aspects of the APPR. Any changes to the evaluation procedures of teachers recommended by the APPR Committee shall be submitted to both the District and the Association. It is understood that the 20% student growth on state assessments or other comparable measures (25% upon implementation of a value-added growth model) shall not be subject to collective bargaining. Any necessary revisions as mandated under Education Law §3012-c, shall be accomplished through collective bargaining and only be effective upon mutual written agreement of the Association and the District.

II. Plan Requirements

Under Education Law §3012-c, each classroom teacher must receive an APPR resulting in a single composite effectiveness score and a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- 20 percent student growth on state assessments or a comparable measure of student growth (25 percent upon implementation of a value-added growth model). For those assessments that do not use a value-added model, the student growth portion will remain at 20 percent.
- 20 percent locally selected measure of Student achievement the difference between the three year average of the school's Performance Index in ELA and the three year average of the New York State Performance Index in ELA will be computed individually for each school. For consistency with state requirements, 20 percent becomes 15 percent, upon implementation of a value-added growth model. However, for classroom teachers with no value-added growth model, the 20 percent locally selected measures will remain 20 percent
- 60 percent based on multiple measures of effective teaching practice aligned with the state's teaching standards. The measures are to be established locally through collective bargaining.

The intent of the evaluation system is to foster a culture of continued growth for professionals. The APPR is required to be a significant factor in employment decisions including but not limited to retention, tenure determination, termination, and professional development. Each decision is to be made in accordance with the collective bargaining agreement.

Should the APPR Plan be rejected by the Commissioner of State Education for any deficiencies, each such deficiency shall be resolved through collective bargaining to the

extent required by Education Law 3012-c and when concluded, the APPR Plan will be resubmitted. The District and the West Hempstead Education Association, through a joint labor-management committee known as the APPR Committee, will meet at least annually for the purpose of reviewing guidelines, procedures, measurements, targets, point allocations, and assessments related to the APPR. This meeting will take place as soon as practicable but not later than March 1 of each school year.

Content of the APPR

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III. Collection and Reporting of Teacher and Student Data

A. Growth Measures

The District shall ensure that the State Education Department (the “SED”) receives accurate teacher and student data, including enrollment and attendance data and any other student, teacher, school, course and teacher/student linkage data necessary to comply with the Regulations of the Board of Regents by providing such data in a format and timeline prescribed by the Commissioner. The process shall also provide an opportunity for every classroom teacher and building principal to verify the subjects and/or student rosters assigned to them prior to using student growth and/or achievement data in an APPR. Teachers acknowledge the responsibility of verifying class rosters as required. Any classroom teacher who believes that the list is incorrect and/or inconsistent with the standards established by the Commissioner’s regulations for making teacher-of-record determinations shall be entitled to seek review of this determination.

B. Ongoing Data Verification

Beginning of School Year

- Generally, a “teacher of record” is defined as an individual (or individuals, such as in co-teaching assignments) who has been assigned responsibility for a student’s learning in a subject/course with aligned performance measures. The law requires that all classroom teachers be evaluated under the new law.

- The regulations define classroom teacher as a teacher in the classroom teaching service as defined in §80-1.1 of the Commissioner’s regulations.
- Local verification of the student roster shall occur no later than the last day of the third week of the school year.
- For accountability purposes, the roster shall close on “BEDS” day.

Throughout the School Year

- Verification of subjects and/or student rosters shall take place no later than the last day of the third week of each marking period.
- Verification of subjects and/or student rosters shall take place throughout the year for new student entrants.
- In addition, teachers will also be notified, of all subsequent changes made by the State Education Department, as soon as practicable.
- Teachers shall receive confirmation from the building administration of any corrections or changes.

Based on State Assessment Dates

- District shall notify teachers of all student verification procedures and timelines.
- The verification of the roster will be completed pre and post administration of the state assessment.

C. Verification for Locally Selected Measures

For the purpose of evaluating teachers’ effectiveness through the use of the locally selected measures of student achievement and/or student learning objectives there will be a minimum 80 percent attendance requirement for each student calculated during the period of measurement. In-School Suspension, Out-of-school suspensions, home-teaching, etc. shall not count towards the attendance of the course when calculating the weighting of the student in the course. Students who are not enrolled in a course at the time of administration for any assessments associated with a teacher’s APPR shall not be included in that teacher’s measure. In addition, the District and the Association shall, through joint committee, establish guidelines for the equitable measurement of teachers within the system, including but not limited to those identified in Section D7, Table 1 of the NYSED APPR Guidance Document updated June 1, 2012.

The District and Association will agree on a verification process for student attendance for the locally-selected measures and student learning objectives. Attendance will be tracked in accordance with procedures developed by the District and the Association.

Additional Readjustment of established Targets for Student Growth or Achievement

During the course of the school year, teachers are also entitled to request a change to the established Targets for Student Growth or Achievement based on extenuating circumstances (e.g. student mobility, large number of students with IEPs, large number of students who are ELL, large number of AIS, etc). This consideration shall be at the discretion of the Superintendent, but shall not be unreasonably denied. The decision shall

be made prior to the computation of this sub-component score. The evaluator may weigh individual student's scores or add points to the teacher's total score for the local assessment portion of their APPR. Upon the request of either party, the teacher and evaluator shall meet to discuss extenuating circumstances. Documentation of such circumstances will be maintained by the teacher and evaluator.

D. Reporting to SED

The District shall adhere strictly to the requirements for reporting sub-component and composite scores to the New York State Department of Education established by regulations. A unique identifier will be used, and the names of individual teachers will not be provided. Upon the request of a parent or legal guardian, the District shall disclose the final quality rating and composite effectiveness score for each of the teachers to which the student is assigned after making reasonable efforts to verify that such request is a bona fide request by a parent or guardian who is entitled to review and receive such information under the law. Except as provided above for parent and legal guardians, the APPRs of individual teachers shall not be subject to disclosure pursuant to the Freedom of Information Law. No public release of APPR information by the District shall include any personally identifying information for a teacher.

IV. Training for Evaluators and Staff

A. Evaluators

Any evaluator who participates in the evaluation of teachers for the purpose of determining an APPR rating shall be fully trained and/or certified as required by Education Law § 3012-c and the implementing Regulations of the Commissioner of Education prior to conducting a teacher evaluation. Any evaluation or APPR rating that is determined in whole or in part by an administrator or supervisor who is not fully trained and/or certified to conduct such evaluations shall, upon appeal by the subject of the evaluation or APPR rating, be deemed to be invalid and shall be expunged from the teacher's record and will be inadmissible as evidence in any subsequent disciplinary proceeding. The invalidation of an evaluation or APPR rating for this reason shall also preclude its use in any and all other employment decisions.

B. Staff

All professional staff subject to the district's APPR will be provided with an orientation and/or training on the evaluation system that will include:

- a review of the content and use of the evaluation system
- the NYS Teaching Standards
- the NYSUT Teacher Practice Rubric
- forms and procedures to be followed consistent with the approved APPR plan and associated contractual provisions

All training for current staff will be conducted prior to the implementation of the APPR process. Training will be conducted at the District provided New Teacher Orientation or within seven calendar days of their official start date.

V. Student Growth Measures-20%

A. State-provided Measure of Student Growth

For classroom teachers of grades 4-8 ELA and Math, state assessments will be used for the growth component. Teachers of subjects where there is no state-provided measure of student growth on state assessments (i.e. subjects without a state assessment and subjects where a state-provided growth/achievement measure has not yet been created based on the state assessment), must use other comparable measures of growth. These teachers will have a growth/achievement measure based on a methodology prescribed by SED.

It is anticipated that SED will score and report the state-provided growth measure (or value-added measure after the VAM system is approved by the Regents) no later than September 1st, following the year the teacher is evaluated. Teachers will not be penalized in any way because of such data not being received in a timely manner, which results in an incomplete rating.

B. Student Learning Objectives (SLO)

SLOs, by definition, require an understanding of local needs and objectives. Because of this, SLOs will need to be developed collaboratively between administrators and an individual teacher, or groups of teachers. For subject courses that do not end in a state assessment, the district will provide time for the development of assessments by individual or teams of teachers. Forms have been included in the Appendix B to help members develop individual SLOs.

C. Additional Readjustment of established Targets for Student Growth or Achievement

During the course of the school year, teachers are also entitled to request a change to the established Targets for Student Growth or Achievement based on extenuating circumstances (e.g. student mobility, large number of students with IEPs, large number of students who are ELL, large number of AIS, etc). This consideration shall be at the discretion of the Superintendent, but shall not be unreasonably denied. The decision shall be made prior to the computation of this sub-component score. The evaluator may weigh individual student's scores or add points to the teacher's total score for the local assessment portion of their APPR. Upon the request of either party, the teacher and evaluator shall meet to discuss extenuating circumstances. Documentation of such circumstances will be maintained by the teacher and evaluator.

VI. Locally Selected Measures of Student Achievement-20%

In order to hold all teachers of every subject to the expectation of the Common Core Standards that every teacher is a teacher of literacy, the difference between the three year average of the School's Performance Index in ELA and the three year average of the New York State Performance Index in ELA will be computed individually for each school. The chart below delineates the conversion from difference in Performance Index, as noted

above, to the HEDI score for teachers in the building. This score will be used as the second 20% (15%) for all teachers in the building.

-The Performance Index is a value from 0 to 200 that is assigned to an accountability group (in this case the group used will be “all students”) indicating how that group performed on the State ELA tests.

-At the elementary level, the PI is calculated using the following equation: $100 \times \left[\frac{\text{Count of Continuously Enrolled Tested Students Performing at Levels 2, 3, and 4} + \text{the Count at Levels 3 and 4}}{\text{Count of All Continuously Enrolled Tested Students}} \right]$

-At the secondary level, the PI is calculated using the following equation: $100 \times \left[\frac{\text{Count of Cohort Members Performing at Levels 2, 3, and 4} + \text{the Count at Levels 3 and 4}}{\text{Count of All Cohort Members}} \right]$

-In order to compute the state and school wide PI average, the 2009-10, 2010-11 and 2011-12 New York State and school wide ELA scores will be used.

Local PI Average less State PI Average to HEDI Conversion Chart

Building Average PI- State Average PI	Points (0-20)	Points (0-15)	HEDI Rating
Less than 0-1.5	0-2	0-2	Ineffective
2-7	3-8	3-7	Developing
8-14	9-17	8-13	Effective
15-19 or more	18-20	14-15	Highly Effective

-The locally selected measure of student achievement at the Chestnut Street Kindergarten Center will be based on locally selected assessments in math and ELA. Using pre-assessments and any other available data, achievement targets will be collaboratively set by teachers and approved by administrators. All locally developed assessments will be approved by the building principal and shall be rigorous and comparable across classrooms. All locally developed assessments shall be scored according to the HEDI band as indicated in Appendix J on page 81.

VII. Measures of Teacher Effectiveness Based on the NYS Teaching Standards-60%

The selection of the teacher practice rubric and multiple measures of teacher effectiveness shall be determined by a joint committee, consisting of a majority of teachers, appointed by WHEA and administrators appointed by the Superintendent. Both parties understand and acknowledge the need for broad representation of different subject and grade levels. Critical to this subcomponent is the selection of the rubric that will be used to collect evidence of teacher effectiveness. The NYSUT Teacher Practice Rubric (Teacher Practice Rubric) has been selected from the list of state-approved rubrics because it aligns with the New York State Teaching Standards. All parties recognize that effective assessment of teaching practice is a progression and have agreed to utilize a cyclical teacher evaluation teacher evaluation and development process supported by the collection and analysis of evidence.

All forms associated with the evaluation of teachers according to these measures of teacher effectiveness are attached in the appendices and are subject to review only through collaboration between the District and the Association.

In accordance with education law §3012-c, the District and the Association have agreed upon the following scoring belt for evaluating teacher effectiveness based on the NYS Teaching Standards:

Teacher Effects Conversion Scale

Level	Overall rubric average score	60 point distribution for composite
Ineffective	1-1.4	0-49 points
Developing	1.5-2.4	50-56 points
Effective	2.5-3.4	57-58 points
Highly Effective	3.5-4	59-60 points

The following guiding principles will be used as evidence of professional practice and obtained through multiple measures:

A. Self-reflection

Early in the school year teachers will submit the self-reflection form at a date to be determined annually within the APPR committee. The self-reflection is designed as a means to establish a sustained professional dialogue on best practice with an evaluator. A

self-reflection conference (non-inclusive of the pre-observation conference) between the teacher and evaluator will take place early in the school year prior to any collection of evidence used for the APPR.

Self-reflection bridges the previous year's goal setting and professional learning plan with the challenges of the year ahead. Self-reflection is designed to allow all teachers to examine their teaching practices in relation to performance expectations described in the Teacher Practice Rubric. Teachers may also use a series of questions to assess their readiness for the school year ahead, particularly in the context of changes that may have occurred in their professional lives, or in the school community. See Appendix C for the self-reflection form.

B. Analysis of teaching practice through multiple measures (October through May)

1. Observations-These measures will include at least 2 observations; at least one will be unannounced. A minimum of 31 points *must* be attributed to observations by a *trained* evaluator in person. Each teacher will receive a HEDI score based upon the average score of the standards collected as evidence by the trained evaluator.

HEDI Ratings

Highly Effective

Effective

Developing

Ineffective

- a. Probationary teachers will be observed a minimum of four times a school year (2 formal/announced and 2 unannounced) with an additional summative evaluation.
 - b. Tenured teachers will be observed a minimum of two times a school year (1 formal/announced and 1 unannounced) with an additional summative evaluation.
 - c. All observations should take place after the self-reflection conference takes place and end no later than the end of May.
 - d. All formal and unannounced observations must be observed for the entirety of the lesson by a trained evaluator.
2. Formal/Announced Observations (To be done by building principal or department director)

- a. *Submitted lesson plan*-The trained evaluator must provide the teacher at least five school days written notice that a formal observation will occur. During that time, the teacher must fill out and submit a written lesson plan at least one day prior to the pre-conference. An example lesson plan template is listed in Appendix D.
- b. *Pre-conference*-Before a formal observation takes place, the teacher and evaluator will meet within five days of the observation to discuss the teacher's preparation, lesson plan, student learning objectives, strategies and other supporting documentation. The rich, constructive and collaborative dialogue that results lay an important foundation for the professional development that follows. Refer to Appendix E for sample procedures for a pre-conference.
- c. *Observation*-The trained evaluator observes the teacher using the NYSUT Teacher Practice Rubric to collect evidence of the teacher's professional practice. An observation guideline is listed in Appendix F (pg. 64).
- d. *Post-conference*- The teacher and evaluator will establish a meeting date within five school days of the observation, to discuss the evidence gathered through the observed lesson, and engage in a structured review of student work. The teacher and evaluator shall discuss the lesson observed and may refer to Appendix F (pg. 69) for sample questions to facilitate an appropriate, professional conversation. At this time, the teacher may offer additional analysis of the presentation, including insights on the capacity of the evidence to best represent teacher effectiveness in light of the standards. These are discussed and finalized. The teacher and evaluator discuss next steps, including the focus of additional formal/unannounced observations, for teacher's growth. A teacher improvement plan (TIP) will not be given at the post-observation conference. See Appendix F for suggestions of topics to discuss in the post-observation conference.
- e. *Written Evaluation*- For the 2012-13 school year only, an evaluator will provide a written evaluation to the teacher within twelve school days of the classroom observation. For each element witnessed and evidence obtained, a rubric score of 1-4 will be given. The teacher's rating will drive how many points the teacher received in the sub-component of the composite score. The evaluator must add all the

scores and take the average score to determine the overall rating for the lesson. See conversion chart below for overall rubric average scores. In this sub-component, the rating the teacher receives would determine where the teacher falls in the HEDI categories. The Classroom Observation Report form is listed in Appendix G.

Teacher Effects Conversion Scale

Level	Overall rubric average score
Ineffective	1-1.4
Developing	1.5-2.4
Effective	2.5-3.4
Highly Effective	3.5-4

If the teacher receives an ineffective or developing rating observation on a classroom observation, an Observation Teacher Improvement Plan meeting will be scheduled. Refer to Section X on page 16 for Teacher Improvement Plan procedures. The Teacher Improvement Plan form is listed in Appendix H. All evaluator signatures will be affixed to the observation prior to the teacher's signature. All written and signed observations should be received at central office within 15 school days of teacher's receipt of the written observation. The teacher has the right to reply to the observation.

3. Unannounced Observations- Observations must be for the entirety of the lesson to be considered an observation. Each teacher will receive a HEDI score based upon the average score of the standards collected as evidence by the trained evaluator. Unannounced observations cannot occur on the day before or the day after an extended vacation period (5 school days or longer).
 - a. *Observation*-The trained evaluator observes the teacher using the NYSUT Teacher Practice Rubric to collect evidence of the teacher's professional practice.
 - b. *Post-conference*- The teacher and evaluator will establish a meeting date within five school days of the observation to discuss the evidence gathered through the observed lesson, and engage in a structured review of student work. The teacher and evaluator may utilize the post-observations forms as a guide for discussion. At this time, the teacher may offer additional analysis of the presentation, including

insights on the capacity of the evidence to best represent teacher effectiveness in light of the standards. These are discussed and finalized. The teacher and evaluator discuss next steps, including the focus of additional formal/unannounced observations, for teacher's growth. A teacher improvement plan (TIP) will not be given at the post-observation conference.

- c. *Written Evaluation*- For the 2012-13 school year only, an evaluator will provide a written evaluation to the teacher within twelve school days of the classroom observation. For each element witnessed and obtained evidence, a rubric score of 1-4 will be given. The teacher's rating will drive how many points the teacher received in the sub-component of the composite score. The evaluator must add all the scores and take the average score to determine the overall rating for the lesson. See conversion chart below for overall rubric average scores. In this sub-component, the rating the teacher receives would determine where the teacher falls in the HEDI categories. See chart on page 11 for Teacher Effects Conversion Scale

If the teacher receives an ineffective or developing rating observation, an Observation Teacher Improvement Plan (TIP) meeting will be scheduled. Refer to Teacher Improvement Plan section for procedures. All evaluator signatures will be affixed to the observation prior to the teacher's signature. All written and signed observations should be received at central office within 15 school days of teacher's receipt of the written observation. The teacher has the right to reply to the observation.

4. Other evidence gathering- Each trained evaluator will compile evidence that conforms to New York State Teaching Standards to complete a summative evaluation.

C. **Summative Evaluation** [May - June]

The summative evaluation includes the teacher's annual rating of effectiveness and the rationale supporting the rating. Both areas of strength and areas in need of improvement should be identified as specific recommendations made to improve effectiveness. The summative evaluation will include all of the evidence of effective teaching practice and the measures of student achievement. See Appendix I (pgs. 77-79) to compute the 60% score for teacher effectiveness. A teacher's summative evaluation must be completed by his/her trained principal or department director.

Should they choose to do so, teachers will have the opportunity to meet with their summative evaluator. At that meeting they will identify ways to enhance instructional practice, student achievement and to tie their individual goals to the attainment of school

and district goals. A professional learning plan may be developed by the teacher to improve effectiveness and student learning. The summative evaluation form is listed on page 75-76 of Appendix I.

VIII. Composite Score

A. Rating System

The rating system will be developed and evaluated annually by the APPR committee. On the first day of school for teachers, teachers will be informed of the rating procedures and made aware of what is required for a teacher to be rated “highly effective,” “effective,” “developing,” and “ineffective” for the 20(15) percent locally-selected measures and the 60 percent other measures of teacher effectiveness. The state-provided 20(25) percent growth measure, or comparable measures, subcomponent shall be formulated by the state, or District APPR committee as appropriate. These three distinct subcomponents are designed to work together to create a composite score of teacher effectiveness. See Appendix J for Composite Score Calculation form.

B. Computing a Composite Score of Teacher Effectiveness

The “District” and “WHEA” agreed to use the Teacher Practice Rubric with a 1-4 scale, with all teaching standards weighed equally. However, a minimum of 31 points *must* be attributed to observations by a *trained* evaluator in person. Every teacher must be annually assessed on each of the seven New York Teaching Standards, but not necessarily on all of the elements of each Standard. After gathering evidence, the trained evaluator writing the summative evaluation scores each performance indicator, adds the highest scores, and divides the total score by the number of indicators. This becomes the Total Average Rubric Score (See Appendix I, pg. 78-79). Next, the individual’s Total Average Rubric Score is calculated using the conversion chart listed in Appendix I (pg. 77) to identify in which scoring range this sub-component composite score falls into. Next, the trained evaluator acquires the score of the student growth measure sub-component and the locally selected measure of student achievement sub-component (Appendix J, pg. 81). Finally, the trained evaluator adds the three subcomponents as indicated in Appendix J (pg. 80) to determine a final effectiveness rating.

Overall Effectiveness Rating

Ineffective	0-65 points
Developing	65-74 points
Effective	75-90 points
Highly Effective	91-100

C. Notification of Score

The complete APPR shall be provided to the teacher as soon as practicable but no later than the first day of school for teachers following the year of the evaluation. The teacher’s rating

and score on the 20 (15) percent local-selected measures of teacher effective shall be computed and provided to the teacher on his/her first day of school. The 60 percent other measures of teacher effectiveness shall be computed and provided to the teacher, in writing, by no later than the last day of the school year for which the teacher is being evaluated. The purpose of this notification is to give teachers sufficient time to assess their practice and plan accordingly, including seeking professional development and other supports.

D. Consistency Assurance

The District and the WHEA are committed to promoting equity, accountability and participation among all stakeholders in the evaluation system. To uphold these principles, the following policies and practices will be utilized:

The District and the Association agree to reconvene the APPR Committee at the end of the first year under the new law for the purposes of checking and improving consistency and manageability of the system. Prior to utilizing the 2012-2013 composite score in an expedited 3020a hearing, the Superintendent may take into consideration any revisions made to this initial plan in arriving at the composite score before proceeding.

The District shall work to improve scheduling practices aimed at enhancing equity across classes. These practices include the following:

- Classes of similar levels being taught by multiple teachers will be populated to ensure heterogeneous, equitable distribution of student population, according to the principles established by the State Education Department, section D7, table 1 of the APPR Guidance Document released June 2012.
- In an effort to achieve class equity, teachers will have an opportunity to provide input prior to the end of the school year.
- In the event that a review of Teacher-of-Record assignments reveals concerns in class population, the District and the Association shall meet to discuss the disparity as soon as possible.

IX. Professional Development

The parties agree that the purpose of conducting an APPR is to improve professional practice and improve student performance. APPR must therefore be a significant factor in shaping the professional development opportunities provided to teachers. The District and the Association shall cooperate in designing professional development activities that are appropriate for and responsive to the needs of teachers as identified in the APPR.

The District Professional Development Committee shall be responsible for developing all aspects of the Professional Development Plan. Among the responsibilities of the committee shall be to:

1. Oversee the design, selection and implementation of professional development activities
2. Ensure that teachers are afforded the opportunity to participate in selecting professional development activities that are appropriate for his/her needs.
3. Determine the appropriateness and/or effectiveness of existing professional development activities and to direct that changes be made where necessary
4. Ensure that professional development includes training on all the Teacher standards and rubric used in the APPR process
5. Make recommendations, other than those requiring the expenditure of additional district funds, as may be necessary to ensure the continued implementation of effective professional development opportunities for all District teachers.

All costs associated with the provision of professional development will be borne by the district. Every effort will be made to provide professional development within the teachers' contractual day or during contractual after-school meeting time or on days within the contractual work year that are designated for professional development. In the event that professional development must occur outside of the teachers' contractual day or on days other than contractual workdays, teachers will be compensated at the contractual hourly rate.

X. Teacher Improvement Plan

- A. The Teacher Improvement Plan (TIP) is designed to provide support for teachers whose performance has been identified in conformity with the observation and summative evaluation procedures of this Article as **developing** or **ineffective**.
- B. The Parties understand and agree that the sole and exclusive purpose of a TIP is the improvement of teaching practice, and is not to be construed as either a punishment or a reprimand.
 1. The teacher and evaluator will collaborate in the development of the Teacher Improvement Plan.
 2. The teacher is encouraged to seek input from teacher colleagues to assist in the implementation of the TIP.
 3. A summative evaluation TIP meeting must be developed no later than:
 - Ten school days after the opening of classes following the school year for which the teacher has received a rating of developing or ineffective or

- Ten school days after the receipt of the composite score for which the teacher has received a rating of developing or ineffective.
4. An observation evaluation TIP meeting must be held no more than five school days after the post-observation conference. Subsequently, the teacher should receive the written TIP plan no more than five school days after the TIP conference.
 5. All costs associated with the administrator's recommendations for the implementation of a TIP including, but not limited to, tuition, fees, books and travel, shall be borne by the District in their entirety.
 6. If a formal mentor constitutes one of the recommended actions, the teacher shall have the opportunity for a peer mentor from the District's pool of trained mentors. The teacher and the administrator will collaboratively select the mentor from a pool of trained mentors. If the teacher and administrator cannot decide on a mentor, the Superintendent and Association President will select a mentor.
 7. The teacher and the mentor will be provided time during the school day to collaborate on the development of a plan to accomplish the TIP goals. All dealings between the teacher and the mentor will be confidential.
 8. No disciplinary action predicated upon ineffective performance shall be taken by the District against a teacher until a TIP has been fully implemented and its effectiveness in improving the teacher's performance has been evaluated.
 9. After the agreed upon meetings, the administrator will assess the effectiveness of the intervention and the level of improvement. Based on that assessment, the TIP will be adjusted appropriately.
- C. The trained evaluator, in collaboration with the teacher, will develop a written Teacher Improvement Plan (TIP). This plan will include the following:
1. The Areas of Improvement section spells out to the teacher member exactly what areas of performance are in need of improvement. The statements should relate directly to the NYSUT Teacher Practice Rubric. This section describes those areas in such a way that a teacher and administrator understand what is not happening and what should be happening.
 2. The Action Plan section explains what both the administrator recommends and what the teacher expresses they need in terms of support so as to improve in areas of concern identified in the Areas of Improvement section. Activities may include, but are not limited to:

- Attendance at workshops, courses and/or conferences that address the targeted needs of the teacher
- Having the teacher speak with/observe a consenting colleague who have expertise in the targeted needs
- Observe a demonstration lesson by an administrator
- Read support materials provided by the administrator, followed up by a conversation regarding those materials
- Attending collegial circles
- Taping and reviewing of teacher performance in conjunction with the administrator
- Writing expanded lesson plans to be submitted to the administrator
- Role-playing opportunities to practice desired new behaviors or skills in a restricted environment before applying it
- Peer review (as suggested and arranged by the teacher)
- Assignment of a formal mentor
- Other activities as mutually agreed upon between administrator and teacher

This section will also include the resources (people, materials, workshops, etc.) that are available to assist the teacher in his/her efforts to improve.

3. The Timeline for Completion section describes how progress on the plan will be measured. It should include the pattern and approximate timelines for observations, conferences, and interim and final reports. For a Summative TIP, The teacher and supervisor shall meet on a bi-monthly basis, beginning in September, no later than the last day of the month, to discuss the impact of the improvement activities on the teacher's professional performance.
 4. The Evidence section will include a description of the progress or completion of each action step by both the administrator and teacher.
- D. After the TIP is in place the teacher and administrator shall meet according to the schedule identified in the TIP, to assess the effectiveness and appropriateness of the TIP, for the purpose of assisting the teacher to achieve the goals set forth in the TIP.
- E. 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. Successful attainment of TIP goals should factor into the upcoming summative evaluation.

XI. District Mentor Plan

The Educational community of West Hempstead recognizes the importance and value of a mentoring program to support new teachers in their transition from teacher preparation to practice. We recognize that a well devised and executed mentor program will increase the

skills of new teachers thereby improving student achievement in accordance with the Common Core Standards. The mentor program will help retain well-trained professionals in an atmosphere where their growth is nurtured and their expertise valued.

The Mentor Program guidelines are listed in Appendix K.

XII. Termination and Tenure Determinations for Probationary Teachers

The APPR is to be a significant factor for termination and tenure determinations. In the event that an evaluator is concerned with the competence of a probationary teacher, it is agreed that the teacher will be invited to a conference with the evaluator as early in the school year as reasonable. The conference will result in an intervention and a TIP being developed. See section X on page 16 for TIP procedures.

A probationary teacher, who is dismissed, not renewed, or denied tenure, based in whole or in part upon classroom performance or any other factor measured by the APPR, shall have the right to appeal such actions through the APPR Appeals procedure. Nothing herein relieves the District of its obligations under New York State Education Law Sections 3012(2) and 3031.

The parties agree that in cases of teachers appointed to a probationary term at the start of the school year, notification dates shall be as follow:

- The notice of the Superintendent's recommendation to grant or deny tenure shall be provided to the unit member by March 1 of the final probationary year.
- A probationary teacher shall be informed of the final action of the Board of Education on the granting or denial of his/her tenure by May 1 of the final probationary year.

In the case of teachers appointed after the opening of the school year and who are eligible for tenure, the notifications dates shall be as follows:

- The notice of the Superintendent's recommendation to grant or deny tenure shall be provided to the unit member by the first day of the month four months prior to the conclusion of their final probationary year
- A probationary teacher shall be informed of the final action of the Board of Education on the granting or denial of his/her tenure a minimum of sixty days prior to the conclusion of their final probationary year

XIII. Appeals Procedures

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. The appeal procedures shall provide for the timely and expeditious resolution of the appeal. All

tenured and probationary employees who meet the appeal process criteria identified below may use the 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).

A. Procedure:

Any unit member aggrieved by an APPR Summative rating of either “ineffective or “developing” may challenge that APPR. The Appeals forms are listed in Appendix L.

In accordance with *Education Law* §3012-c (5), an APPR that is 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.

B. Grounds for an Appeal:

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

- a. The substance of the Annual Professional Performance Review;
- b. The district’s failure to adhere to the standards and methodologies required for the Annual Professional Performance Review, pursuant to *Education Law* §3012-c and applicable rules and regulations;
- c. The district’s failure to comply with either the applicable regulations of the Commissioner of Education or the procedures put in place in this Article
- d. The district’s failure to issue/or implement the terms of the Teacher Improvement Plan, where applicable, as required under *Education Law* §3012-c.

C. Notification of Appeal:

In order to be timely, the notification of the APPR appeal shall be filed, in writing, within 10 school days after the teacher has received the APPR. Notification of the appeal shall be provided to the superintendent of schools or his designee. The response must include any and all additional documents or written materials that are specific to the points(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 deliberation related to the resolution of the appeal. Within 10 school days of receipt of an appeal, the supervising administrator must submit a detailed written response. Material not submitted at the time the response is filed shall not be considered in the deliberation related to the resolution of the appeal.

D. Supervising Administrator's written response to appeal:

The response must include any and all additional documents or written materials that are specific to the points(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 deliberation related to the resolution of the appeal.

E. Decision on Appeal:

Step 1 – **Conference with the supervising administrator.** The bargaining unit member shall upon request be entitled to an Association representative being present. The supervising administrator may also choose to have an administrative unit representative present during the meeting. The conference shall be an informal meeting wherein the authoring administrator and the employee are able to discuss the evaluation and areas of dispute. If the bargaining unit member is not satisfied with the outcome, he/she may proceed to the next step.

Step 2 – The next step in the appeal process shall be initiated by the unit member notifying the President of the Association, the Grievance officer and the Superintendent of Schools within five (5) school days of the conclusion of the conference with the supervising administrator of the intention to appeal to the Superintendent.

Step 3 – The unit member shall appeal to the Superintendent within 10 school days of the initial meeting with the supervising administrator. The Superintendent shall consider the written record and schedule a meeting with the parties, and issue a written decision within ten (10) school days thereof. The determination of the Superintendent of Schools shall be final and shall not be grievable, arbitrable, nor reviewable in any other forum; however, the failure of either party to abide by the above agreed upon process shall be subject to the grievance procedure.

However, nothing shall prevent a teacher from challenging the substance of an evaluation within the context of a proceeding pursuant to *Education Law* §3020-a.

F. Procedural Violations:

Any issue related to procedural violations of this agreement will be handled using the existing grievance procedures as outlined in the CBA Article XX with WHEA and the District.

WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT ANNUAL PROFESSIONAL
PERFORMANCE REVIEW (APPR) PLAN
MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT, dated this ____ day of September 2012, by and between the negotiating representatives of the WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT (the “District”) and the WEST HEMPSTEAD EDUCATION ASSOCIATION (the “Association”).

WHEREAS, the District and the Association have been negotiating certain aspects of the District’s Annual Professional Performance Review (APPR) Plan, as required by Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents; and

WHEREAS, the parties have resolved all negotiable aspects of the APPR as they relate to the performance and conduct of teachers employed by the District; and

WHEREAS, the parties desire to memorialize their agreement as it relates to the APPR.

NOW, THEREFORE, IT IS AGREED by and between the District and the Association as follows:

1. The attached APPR Plan documents set forth at Appendix “A” represent the District’s complete APPR Plan for its teachers. The elements of the APPR Plan that require negotiation pursuant to Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents have been agreed to by the parties. It is expressly understood that the terms and conditions of the APPR Plan that are non-negotiable as a matter of law pursuant to Education Law §3012-c shall remain non-negotiable and nothing herein shall be construed to convert any such non-negotiable matter into a negotiable mandatory subject of bargaining.
2. The parties shall utilize Appendix “A” to complete the electronic form created by the New York State Education Department for submission of the District’s APPR Plan to NYSED.
3. The parties acknowledge that the submission of the APPR Plan to NYSED is subject to the approval of the Plan by the District’s Board of Education and ratification by the WHEA. Upon such approval and ratification, the parties agree to complete the joint certification which is part of the NYSED electronic form and submit the same to NYSED.
4. The parties further acknowledge that the APPR Plan is subject to approval by the Commissioner of Education.
5. In the event the Commissioner rejects and/or requires modifications to the APPR Plan with respect to areas that require negotiation pursuant to Education Law §3012-c and

Subpart 30-2, the parties agree to promptly reconvene to negotiate modifications with respect to those areas requiring collective bargaining.

Negotiating Representative(s)
for the District

Dated: _____

Negotiating Representative(s)
for the Association

Dated: _____