



Moriah Central School District

Annual Professional Performance Review APPR for Certified Teachers

2023-2024

Approved by the MCTA on June

Approved by the BOE on June

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Moriah Central School District

Annual Professional Performance Review Plan (APPR) for Teachers

2023-2024

Introduction

On May 28, 2010, and as modified by the NYS budget thereafter, the Governor signed Chapter 103 of the Laws of 2010, which added a new section 3012-c to the Education Law, establishing a comprehensive evaluation system for classroom teachers and building principals. On April 13, 2015, Chapter 56 of the Laws of 2015 was signed into law, adding a new §3012-d to the Education Law. Education Law §3012-d requires all school districts and boards of cooperative educational services (BOCES) to submit new APPR plans, and gain the Department's approval for such a plan, by November 15, 2015 or September 1 of any subsequent year. As a result, the Board of Education shall adopt a plan for the annual professional performance review of certified teachers providing instructional services. The Superintendent, in collaboration with the Moriah Central Teachers' Association, developed this Annual Professional Performance Review (APPR) plan. Collective bargaining occurred as specified by Regulation. Once approved by the Board of Education, the plan will be filed in the District office and posted to the District website. To the extent that any of the required items in the Annual Professional Performance Review Plan (APPR) are not finalized by September 1 as a result of pending collective bargaining, the plan shall identify those specific parts of the plan. Annual Professional Performance Review (APPR) supports the professional growth of our educators. A successful review system should provide timely feedback, an opportunity to acknowledge educators strengths as well as their weaknesses, and an opportunity for growth as an educator. Both parties agree to meet annually no later than August 1, along with the APPR/ Professional Development Committee, for the purposes of ongoing review and possible adjustment of the APPR Plan.

NYS Teacher Evaluation Scored Subcomponents

(0-20 POINTS) Student Performance Category

(0-4 POINTS) Observation

The Guiding Principles behind APPR

New York Teaching Standards

Annual Professional Performance Review (APPR) for teachers is based on the *New York State Teaching Standards*. These, therefore, are the criteria that will be used to evaluate teachers:

Standard I - Knowledge of Students and Student Learning: Teachers acquire knowledge of each student, and demonstrate knowledge of student development and learning to promote achievement for all students.

Standard II- Knowledge of Content and Instructional Planning: Teachers know the content they are responsible for teaching, and plan instruction that ensures growth and achievement for all students.

Standard III- Instructional Practice: Teachers implement instruction that engages and challenges all students to meet or exceed the learning standards.

Standard IV- Learning Environment: Teachers work with all students to create a dynamic learning environment that supports achievement and growth.

Standard V- Assessment for Student Learning: Teachers use multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction.

Standard VI- Professional Responsibilities and Collaboration: Teachers demonstrate professional responsibility and engage relevant stakeholders to maximize student growth, development, and learning.

Standard VII- Teacher Effectiveness Professional Growth: Teachers set informed goals and strive for continuous professional growth.

Teacher Effectiveness

Annual Professional Performance Reviews shall differentiate teacher effectiveness using a composite effectiveness score. Based on such a composite effectiveness score a classroom teacher shall be rated as Highly Effective, Effective, Developing, or Ineffective. This will be known as their HEDI rating. The New York State Education Department defines these terms as listed below:

Highly Effective means a teacher who is performing at a higher level than typically expected.

Effective means a teacher who is determined to be performing at the level typically expected.

Developing means a teacher, who is not performing at the level typically expected of a teacher and the reviewer determines that the teacher needs to make improvements.

Ineffective means a teacher whose performance is falling significantly short of the acceptable.

Part 1: Training of Evaluators

Training for Evaluators and Staff

The Moriah Central School Superintendent will ensure that all evaluators have been trained and certified on the effective application of the locally-selected 2014 NYSUT Teacher Practice Rubric in accordance with regulation. The District will utilize the CEWW BOCES Teacher Leader Effectiveness facilitators for evaluator training (this will include both training for lead evaluators and impartial, independent observers) and certification by boards of education in accordance with SED procedures and processes. The district ensures that a high-quality training program where participants demonstrate competency will be provided to all evaluators. All evaluator training sessions will include training on the nine required elements:

- (1) the New York State Teaching Standards and their related elements and performance indicators and the Leadership standards and their related functions, as applicable;
- (2) evidence-based observation techniques that are grounded in research;
- (3) application and use of the student growth percentile model and any other growth model approved by the Department;
- (4) application and use of the State-approved teacher rubric(s) selected by the district for use in evaluations, including training on the effective application of such rubrics to observe a teacher or principal's practice;
- (5) application and use of any assessment tools that the district utilizes to evaluate its classroom teachers;
- (6) application and use of any locally selected measures of student growth used in the optional subcomponent of the Student Performance Category used by the district to evaluate its teachers;
- (7) use of the statewide instructional reporting system;
- (8) the scoring methodology utilized by the department and/or the district to evaluate a teacher; and
- (9) specific considerations in evaluating teachers and principals of English language learners and students with disabilities.

The Moriah Central School Superintendent will ensure that lead evaluators and independent, impartial observers, participate in training and are re-certified by the school board on an annual basis. The CEWW BOCES Teacher Leader Effectiveness facilitators will be utilized to provide initial and recertification training. Any individual who fails to achieve required training or certification or recertification, as applicable, shall not conduct or complete evaluations. The CEWW BOCES offers ongoing professional development to all those responsible for evaluation in the region to ensure inter-rater reliability within and across districts.

Part 2: Data Management

Collection & Reporting of Teacher & Student Data

The District will work with the State Education Department (SED) to develop a process that aligns its data systems to ensure the SED receives timely and accurate teacher, course, and student “linkage” data, as well as a process for teacher and principal verification of the courses and/or student rosters assigned to them.

Definition of Covered Teachers

For the 2023-2024 school year these revisions will apply to all certified classroom teachers.

Ensuring Accurate Teacher and Student Data

The District shall provide accurate data to the State Education Department (SED) in a format and timeline prescribed by the Commissioner. The District collects and archives data on student enrollment, attendance, and achievement on State Assessments in a student data management suite of products including SCHOOL TOOL. The data is maintained by our Chief Information Officer (CIO) in collaboration with teachers, administration, coaches and the guidance department and staff who regularly verify attendance, grades, assessment results, and course assignments. The Chief Information Officer will act as the APPR Data Coordinator and will not be an MCTA member. The District shall also provide an opportunity for every covered teacher to verify the subjects and/or student rosters assigned to him/her. The District and the Association shall collaboratively develop a verification procedure to ensure that all Teacher of Record determinations have been made accurately and in a manner consistent with established standards prior to using student growth and/or achievement data in an APPR. 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 course/subject with aligned performance measures. The District shall designate a Data Coordinator who shall be in charge of collecting the required data, overseeing changes in and maintenance of the local data management systems, and ensuring the accuracy of the data. **It is the teacher's responsibility to check the integrity and accuracy of their student rosters throughout the school year.**

Reporting Individual Category Scores

The District will adhere strictly to the requirements for reporting category 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. An administrator shall not submit any written assessment, category or composite rating of an individual teacher to any outside agency or person, without the prior written authorization of the Association. Parents do have the right to request this information, and the Association will be contacted prior to this information being given to a parent.

Development, Security and Scoring of Assessments

Security and Scoring

The Data Coordinator shall be responsible for overseeing the security, and scoring processes utilized by the District and shall take steps to ensure that any assessments and/or measures used to evaluate teachers are not disseminated to students before administration, and that teachers and

principals/instructional administrators do not have a vested interest in the outcome of the assessments they score.

Assessments

Assure that the amount of time devoted to traditional standardized assessments that are not specifically required by state or federal law for each classroom program within a grade level does not exceed, in the aggregate, one percent of the minimum required annual instructional hours for the grade.

Part 3: Annual Professional Performance Review (APPR) for Certified Teachers 2023-2024

In the 2023-2024 school year, all teachers will be evaluated as practicable following the new system of APPR set forth in Chapter 103 of the Laws of 2010, and as modified by the NYS Budget of 2022-23 compliant to 3012-c and 3012-d. NYS Teacher Evaluation Scored Components shall be based on the following:

Annual Professional Performance Criteria

A. Student Performance Category (0-20 POINTS)

STUDENT LEARNING OBJECTIVES (SLOs): All certified teachers will create SLOs consistent with a goal setting process, which results in a student performance score, weighted proportionately based on the number of students covered.

B. Observation/School Visit Category (0-4 POINTS)

OBSERVATION BY PRINCIPAL OR OTHER TRAINED ADMINISTRATOR: using the 2014 NYSUT Teacher Practice Rubric. Observations may occur live or by live recorded video, as determined locally.

Weight = 85%

OBSERVATION BY IMPARTIAL INDEPENDENT TRAINED EVALUATOR(S): May be employed within the District, but may not be assigned to same school building (as defined by BEDS code); using the 2014 NYSUT Teacher Practice Rubric. Observations may occur live or by live recorded video, by teacher preference, as determined through collective bargaining. A Hardship Waiver for impartial independent trained evaluators will be filed by the district annually prior to Feb. 1.

Weight = 15%

Scoring Bands

APPR Regulation has set the scoring bands for the effective category in the Student Performance Category (0-20) and the Teacher Observation Category (0-4) as listed in the charts below.

Student Performance Category

RATING	POINTS	%STUDENTS MEETING TARGET
H	18-20	90-100
E	15-17	75-89
D	13-14	60-74
I	0-12	0-59

Teacher Observation Category

RATING	POINTS RANGE MIN	POINTS RANGE MAX
H	3.50	4
E	2.50	3.49
D	1.50	2.49
I	0*	1.49

*In the event that an educator earns a score of Ineffective on all rated components of the practice rubric across all observations, a score of 0 will be assigned.

COMPOSITE SCORING BAND

STUDENT PERFORMANCE CATEGORY	TEACHER OBSERVATION CATEGORY				
	SCORES	H	E	D	I
	H	H	H	E	D
	E	H	E	E	D
	D	E	E	D	I
	I	D	D	I	I

A. Student Performance Category

All educators must be evaluated based on student growth measures. All decisions regarding the student performance category will be made locally through the collective bargaining process between the district and the MCTA.

A Student Learning Objective (SLO) is an academic goal for teachers' students representing the most important learning for the semester or course. It must be specific and measurable, based on available prior student learning data, and aligned to Common Core, State or National Standards, as well as any other school and District priorities. Teachers' scores are based upon the degree to which their goals were attained. NYS SLOs by Regulation must have the following elements: Student Population, Learning Content, Interval of Instructional Time, Evidence, Baseline, Target(s), HEDl Criteria and Rationale. A standard template will be used by teachers to submit each required SLO. (Appendix A). SLOs must be submitted by October 1, including applicable pre-assessment tools, completed tests and scores. Teacher and evaluator will mutually agree on the post-assessment submittal date. SLO Results, where applicable, will be submitted prior to June 24.

All Certified Teachers

Teachers will submit an SLO based on district-determined assessments which may include state-approved third-party assessment, state-approved district, regional, or BOCES-developed assessment, School-, Program-, District or BOCES-wide, group, team, or linked results based on any available assessments. SLOs must be submitted by October 1, including pre-assessment tools, completed tests and scores. Teacher and evaluator will mutually agree on the post-assessment submittal date. SLO Results, where applicable, will be submitted prior to June 24.

Scores for Student Performance

School-wide Scores as Student Performance

Teachers who have and choose to use their State/Regents and District Developed Assessments

Students will be given a pretest at the beginning of the school year to establish a baseline. Using the data, individual growth targets will be assigned by the teacher/principal. HEDI points will be allocated to a teacher based on the percentage of students, school-wide, meeting or exceeding growth targets.

OR

Teachers in grades PreK-6

Teachers in grades PreK-6 may choose the school-wide score for 2023-2024, which will be based on the % of 3s and 4s on the **NYS Grade (insert 5) Science Exam**. This school-wide score will be the same for all teachers.

Teachers in grades 7-12 may choose the school-wide score. The school-wide score for 2023-2024 will use the average of percent passing on 5 Regents Exams (Common Core English 11, Common Core Algebra, Living Environment, Global Studies, and US History). Passing shall be defined as 55 for students with disabilities, and 65 for all other students.

Results will assign a score as provided below:

Percent of Students Meeting SLO Target	Scoring Range	HEDI Rating
0-4%	0	Ineffective
5-8%	1	
9-12%	2	
13-16%	3	
17-20%	4	
21-24%	5	
25-28%	6	Ineffective
29-33%	7	
34-38%	8	
39-43%	9	
44-48%	10	
49-54%	11	
55-59%	12	
60-66%	13	Developing
67-74%	14	
75-79%	15	Effective
80-84%	16	
85-89%	17	
90-92%	18	Highly Effective
93-96%	19	
97-100%	20	

SMALL “N” SIZE COURSES

For those specific courses with small “n” sizes (e.g., classrooms where students take the NYSAA), the Department continues to recommend that districts/BOCES use alternative target setting models. Please keep in mind that when using this approach with State-approved assessments, districts/BOCES will need to consult with the provider to ensure they are setting targets appropriately and consistent with the manner in which the assessment is approved by the Department. Please note that this approach is only allowable for courses with small “n” sizes.

STEP 1: Points from 0-3 are assigned based on each student's movement from baseline performance level from 1-4 to a summative performance level from 1-4 aligned with the qualitative descriptors in the box below.

STEP 1

Level 1- performance is well below average/expectations

Level 2- performance is below average/approaching expectations

Level 3- performance is average/meeting expectations (also aligned with concept of proficiency)

Level 4- performance is well above average/exceeding expectations (also aligned with concept of mastery)

STEP 2: A sum of the points earned on each student's performance is calculated and then averaged for all students on a teacher's course roster. The chart generated by SED will be used. The ranges seen in the box to the right are required to be used to determine the final points earned for the SLO:

STEP 2		
Average Points Earned on SLO	Scoring Range	HEDI Rating
0-.13	0	Ineffective
.14-.27	1	
.28-.41	2	
.42-.55	3	
.56-.69	4	
.70-.83	5	
.84-.97	6	
.98-1.11	7	
1.12-1.25	8	
1.26-1.39	9	
1.40-1.53	10	
1.54-1.67	11	
1.68-1.89	12	
1.90-2.09	13	Developing
2.10-2.29	14	
2.30-2.49	15	Effective
2.50-2.59	16	
2.60-2.69	17	
2.70-2.89	18	Highly Effective
2.90-2.99	19	
3.0	20	

Teacher expectations for student growth/achievement on a SLO based on a State Assessment:

Performance Level	End: 1	End: 2	End: 3	End: 4
Start: 1	No	Yes	Yes	Yes
Start: 2	No	Yes	Yes	Yes
Start: 3	No	No	Yes	Yes
Start: 4	No	No	Yes	Yes

For a course with a Regents Examination the Levels listed above equate to:

Level 1: 54 or below

Level 2: 55-64

Level 3: 65-84

Level 4: 85-100

Each student will be given an assessment at the beginning of the course to determine prior knowledge in the subject area. This assessment will be similar to and cover content that will be on the Regents Examination at the end of the year. The student's score will not be used in grade calculations, but will provide a baseline for each student from which growth can be measured. An assessment of similar type will be given at the end of the school year to assess progress. The percentage of students meeting growth expectations as defined above will be used to determine the teacher points.

B. Teacher Observation

The selection of the teacher practice rubric and measures of teacher effectiveness shall be determined by our APPR Committee, consisting of a majority of teachers, appointed by the Association and administrators appointed by the Superintendent. Both parties understand and acknowledge the need for broad representation of different subjects and grade levels.

The Moriah Central Teachers' Association has chosen the 2014 NYSUT Teacher Practice Rubric (Appendix B) to measure teacher effectiveness in 2023-2024.

Teacher Observations

Each teacher shall be observed once each semester, one announced and one unannounced. Each probationary teacher shall be observed a minimum of once each semester, one announced and one unannounced. Teachers will receive an observation calendar in September that indicates what week they should expect a scheduled formal observation. Teachers will then be notified by their administrator and set the specific date/time as the week nears. This does not limit administration/teacher from making changes if necessary to the schedule. The first formal observation shall be announced, conducted by the teacher's immediate supervisor, and made prior to December 10. A second informal observation will be conducted by an independent evaluator- which will be an administrator employed in the district in another building as defined by BEDS code, and will take place prior to April 1. Additional formal and informal observations may occur by immediate supervisors for purposes outside of APPR. For tenured teachers, observation deadlines may be adjusted only by **mutual** agreement. Teachers will be notified that an unannounced informal observation will occur within two (2) weeks of a specified date, and will take place after an initial formal observation has been completed.

Formal Observations

The teacher and evaluator will prepare for these evaluation measures beginning with a pre-conference discussion. The conference includes identifying the measures, the expectations of both parties, and the provision of any relevant documentation. Evidence is collected during scheduled classroom observations. Teachers must be made aware of observations as they are occurring and no mechanical or electronic recording devices shall be used for this purpose without the specific and clear consent of the teacher in advance of such use.

A formal observation will be at least a full period in length, in any one-day and no subsequent formal observation will occur until the teacher and administrator have had an evaluative conference on the first observation. A full period in length is defined as the time needed to complete the lesson, or the block scheduled for a particular student(s). Each formal observation is to be followed **Within five (5) school days** by a conference between the teacher and the administrator who did the observing, where the teacher and evaluator will discuss the evidence collected. The **evaluator** will initiate the scheduling of these conferences. The teacher and evaluator will assess student work; make preliminary ratings; and discuss next steps for the teacher's professional growth. A report of this observation including constructive suggestions in areas where needed, signed by the administrator and teacher involved, shall be placed in the files of the Superintendent of Schools, the grade level administrator, and a copy shall be given to the teacher. The teacher's signature on the report does not necessarily indicate his/her agreement with the content of the report. The teacher may attach his/her comments to the report within three (3) school days, if he/she so desires. A teacher may request, in writing, from his/her grade level administrator, suggestions for the improvement of his/her teaching competence. One formal observation will become part of a teachers' observation category (85%) as part of their Annual Professional Performance Review.

Informal Observations

Informal observations will be more focused and of shorter duration in contrast to a formal observation, and conducted by an impartial independent trained evaluator. Independent trained evaluators will be administrators employed within the District, but not assigned to the same school building. Informal observations will be no more than 20 minutes in length. Each informal observation is to be followed **within five (5) school days** by a conference between the teacher and evaluator when the resulting score has a negative impact on a teacher's APPR rating; where the teacher and evaluator will discuss the evidence collected. In addition, post-conferences will be granted to any teacher who wishes to post-conference on their APPR informal observation. The **evaluator** will initiate the scheduling of these conferences. One informal observation will become part of a teachers' observation category (15%) as part of their Annual Professional Performance Review.

Teacher observation category will be based on scoring results from the 2014 NYSUT Teacher Practice Rubric where each indicator is rated 1-4 points. **The understood benchmark for each teachers' indicator rating is 3: Effective.** In 2023-2024 observable evidence from teacher observations may be used to make adjustments to the benchmark score on indicators 3, 4 and 5 of the 2014 NYSUT Teacher Practice Rubric.

Teacher Observation Category

RATING	POINTS RANGE MIN	POINTS RANGE MAX
H	3.50	4
E	2.50	3.49
D	1.50	2.49
I	0*	1.49

*In the event that an educator earns a score of Ineffective on all rated components of the practice rubric across all observations, a score of 0 will be assigned.

For the purposes of APPR, Formal observation, conducted by immediate supervisors, will constitute 85% of this weighted score, and Informal observation, conducted by an independent evaluator, will constitute 15% of this weighted score.

Prohibited Elements:

The following prohibited elements listed in Education law 3012-d are not being used as part of any teacher's evaluation: evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a State-approved rubric where permitted by the department; use of an instrument for parent or student feedback; use of professional goal setting as evidence of teacher effectiveness; any district or regionally-developed assessment that has not been approved by the Department; and any growth or achievement target that does not meet minimum standards as set forth in regulations of the Commissioner consistent with Subpart 30-3 of the Rules of the Board of Regents, assure that points shall not be allocated based on artifacts, unless such artifact constitutes evidence of an otherwise observable rubric subcomponent.

Full Observation Summary: [May]

Teachers will receive an annual HEDI rating of effectiveness based on their scores on the 2014 NYSUT Teacher Practice Rubric and the rationale supporting the rating. The results of the formal observation will be entered on the full observation summary, followed by any adjustments by the informal observation evaluator. Adjustments by the informal observation may constitute up to a .2 differential on indicators 3, 4 or 5. (APPENDIX C) Teachers will receive their full observation summary prior to May 31st.

Teacher Assistance Plan (TAP)

A teacher assistance plan (TAP) is teacher initiated and voluntary, and based upon recommendations from evaluations and observations. A TAP contains SMART goals (Specific, Measurable, Attainable, Relevant, Timely) and will be used to promote growth and achievement. A TAP is developed in collaboration with teachers and administrators. A TAP plan is not to be used as a disciplinary tool or to gather evidence to discipline a teacher. Goals are informed by teacher effectiveness ratings and should take into account results from all components of the performance evaluation system. (Appendix D- TAP form).

Early Warning

The district will create an early warning system that will notify teachers before the end of the school year their rating and score for the Teacher Observation Category. This will give teachers more time to assess their practice and plan accordingly, including professional development and support during the summer. When applicable, a TIP will be prepared and implemented as soon as practicable, but no later than October 1st of the following school year. The Full Observation Summary (APPENDIX C) will serve as the District's early warning system in the teacher observation category.

Final Composite Rating Form

Teachers will receive their Final Composite Rating Form (Appendix E) in writing no later than the last school day of the school year for which the teacher is being measured, but in no case later than September 1 of the following school year.

Use of APPR Results

A student may not be instructed, for two consecutive years, in the same subject by a teacher (s) who received a rating of ineffective. If the district feels it is impractical to comply, the district may apply for a

teacher-specific waiver from SED. Waivers may be granted if the district cannot make alternate arrangements, a true hardship is demonstrated, and the district has an improvement and/or removal plan in place for the teacher in question. If a teacher receives two consecutive ineffective ratings, the district may bring a 3020-a/3020-b proceeding and the burden of proof shifts to the teacher with the hearing completed within 90 days. If a teacher receives three consecutive ineffective ratings, the district must bring a 3020-a/3020-b and the only defense a teacher can use is fraud or mistaken identity with the hearing completed within 30 days.

Part 4: 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 individual needs of each individual teacher as identified in his/her APPR.

The District Professional Development Committee (as required by Part 100.2) shall be responsible for developing all aspects of the professional development plan. Among the responsibilities and powers of the Committee shall be to: (i) oversee the design, selection and implementation of all professional development activities; (ii) appoint subject area or grade level subcommittees, as needed, to assist in the design and implementation of professional development activities; (iii) ensure that each teacher is afforded the opportunity to participate in selecting professional development activities that are appropriate for his/her needs; (iv) determine the appropriateness and/or effectiveness of existing professional development activities and to direct that changes be made where necessary; (v) consult and advise in the selection of appropriate professional development activities to be used in Teacher Improvement Plans; (vi) ensure that professional development includes training on the Teaching Standards and rubric(s) used in the APPR process; and (vii) make any and all other decisions, 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 teacher's 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 work days, teachers will be compensated at the contractual hourly rate.

Part 5: Teacher Improvement Plan

A teacher Improvement Plan (TIP) is designed to provide support through communication, discussion and collaboration in the identified area(s) in need of growth/improvement. Upon receiving a rating of "developing" or "ineffective", a teacher shall be provided with a TIP. The TIP shall be provided as soon as practicable, but no later than October 1st of the following school year. The District and Association understand and agree that the sole and exclusive purpose of a TIP is the improvement of teaching practice and that the issuance of a TIP is not a disciplinary action. The TIP shall be developed in consultation with the teacher and Association representation shall be afforded at the teacher's request. The teacher shall be advised of his/her right to such representation. The Association president shall be timely informed whenever a teacher is placed on a TIP and, with the agreement of the teacher, shall be provided with a copy of the TIP.

A TIP shall be documented in a standard format. The APPR committee has chosen forms to be used for a TIP. (Appendix F, G). A TIP shall clearly specify: (i) the area(s) in need of improvement; (ii) the performance goals, expectations, benchmarks, standards and timelines the teacher must meet in order to achieve an effective rating; (iii) how improvement will be measured and monitored, and provide for periodic reviews of progress; and (iv) the appropriate differentiated professional development opportunities, materials, resources and supports the District will make available to assist the teacher including, where appropriate, the assignment of a mentor teacher.

After the TIP is in place, the teacher, administrator, mentor (if one has been assigned) and an Association representative (if requested by the teacher) 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. Based on the outcome of such assessment(s), the TIP shall be modified accordingly. A teacher who believes that the terms of a TIP are arbitrary, unreasonable, inappropriate or defective, or that the District has failed to meet its obligation to properly implement the terms of a TIP, may seek relief through standard contract procedures.

All costs associated with the implementation of a TIP including, but not limited to, tuition, fees, books and travel, shall be borne by the District in their entirety. 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. No disciplinary action shall be taken by the District against a teacher predicated on an ineffective rating who has met the performance expectations set by a TIP.

Part 6: 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, appropriate administrator (if different from the evaluator), and the Association President or his/her designee as early in the school year as reasonable. The conference will result in an intervention and TAP being developed.

A probationary teacher, who is disciplined, 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 action 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 a school year, notification 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 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 notification 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 (for example, a teacher who commences their probationary employment on January 1 shall receive the notice of intent by the preceding September 1).

- 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 (60) days prior to the conclusion of their final probationary year.

*Given that the teachers/district may not have the final rating yet under this timeline, the recommendation would not be final until the final rating comes back and is not ineffective and the teacher has 3 of the 4 years as effective or better.

Part 7: Appeals Process

The purpose of the internal appeals process is to foster and nurture growth of the professional staff in order to maintain a highly qualified and effective workforce. The following appeals process is designated to further this goal. The burden of proof shall be on the appellant to establish by preponderance of the evidence that the rating given by the lead evaluator was not justified.

Appeals of Annual Professional Performance Reviews

To the extent that a teacher wishes to issue an appeal, the following appeals procedure is established.

- I. Appeals will be limited to the following situations:
 - a. A teacher completing the first year of a four-year probationary appointment may appeal only an ineffective APPR composite rating;
 - b. Any other teacher may appeal only an ineffective or a developing APPR composite rating;
 - c. Any teacher may appeal an improvement plan if and only if the plan was generated as the result of an ineffective or developing composite rating, in accordance with Section II, e, below.
- II. The scope of any appeal will be limited to the following subjects:
 - a. The substance of the individual's annual professional performance review, including the instance of being rated Ineffective on the Student Performance Category, but rated Highly Effective on the Observation category based on an anomaly, as determined locally.
 - b. The District's adherence to the standards and methodologies required for such reviews, pursuant to Education Law 3012-d;
 - c. The adherence to the Commissioner's regulations, as applicable to such reviews;
 - d. Compliance with any applicable locally negotiated procedures regarding annual professional performance reviews or improvement plans, as limited by Section I, above; or,
 - e. The District's issuance and/or implementation of the terms of the teacher improvement plan under Education Law 3012-d in connection with an ineffective or developing rating.
- III. A teacher may not file multiple appeals regarding the same performance review or teacher improvement plan issuance or teacher improvement plan implementation. All grounds for appeals must be raised with specificity within one appeal. Any grounds not raised at the time the appeal is filed shall be deemed waived.
- IV. In an appeal, the teacher has the burden of demonstrating a right to the relief requested and the burden of establishing the facts upon which the petitioner seeks relief.

- V. The following timelines will be strictly adhered to unless extended by mutual agreement. In no case will this extension not be timely and expeditious in accordance with Education Law 3012-d. Failure of the petitioner to meet a timeline will nullify the appeal; failure of the respondent to meet a timeline will allow movement of the appeal to the next level.

Level 1 – Evaluator

- a. (Informal) Following a qualifying event, as defined above, above, the teacher shall be encouraged and shall be entitled to schedule a follow up meeting to informally discuss with the evaluator any and all related issues. The teacher may have and will be encouraged to have union representation at this meeting.
- b. (Formal) Any appeal must be submitted to the evaluator in writing no later than ten (10) school days of the date when the teacher receives his/her annual professional performance review. If a teacher is challenging the issuance or implementation of a teacher improvement plan, the appeal must be submitted in writing within ten (10) school days of issuance or of the time when the teacher knew or should have known of an alleged implementation breach of such plan. Teachers will use the prescribed Appeals Form. (Appendix H)
- c. 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 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.
- d. Within ten (10) school days of receipt of an appeal, the evaluator responsible for the issue(s) being appealed must submit a detailed written response to the appeal. Along with the response, all supporting documentation must be submitted, or specifically noted if pending, as well as any additional documents or materials relevant to the response. Any supporting documentation/information not submitted or noted at the time the response is issued shall not be considered in the deliberations related to the resolution of the appeal. The teacher initiating the appeal, and the President(s) of the Moriah Central Teachers Association, shall receive copies of the response and any and all additional information submitted with the response.

Level 2 – Superintendent

- a. Within five (5) school days of the receipt of the Level 1 response, if a teacher is not satisfied with such response the teacher must submit the appeal to the Superintendent of Schools, or the Superintendent's designee. (If the Superintendent was the evaluator at Level 1, this Level 2 appeal must go to the Superintendent's designee.) The Superintendent or designee will be provided all documentation submitted in both the appeal and the evaluator's response.
- b. Within five (5) school days of receipt of the teacher's appeal, the Superintendent or designee 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 or designee will issue a written determination to the teacher, the Teachers' Association President, and the evaluator.

Level 3 – Panel

a. Within five (5) school days of receipt of the Level 2 determination, if a teacher is not satisfied with such determination and if the Teachers' Association deems the appeal meritorious, the Association must submit the appeal to a bipartisan panel comprised of two (2) teacher representatives and two (2) administrative representatives. The District and the Association will collaborate to establish members of the bipartisan panel. The panel will be provided the entire appeals record; however, any information identifying the appellant or the appellant's school, evaluator or superintendent will be redacted prior to receipt by the panel. Further, the anonymity of the panel members will be protected to the extent possible throughout this procedure.

b. Within five (5) school days of receipt of the Association's appeal, the panel will jointly conduct a paper review and deliberation of the matter, and will issue a written recommendation for resolution to the Teachers' Association President(s) and the Superintendent of Schools or designee. The recommendation may be to deny the appeal, to sustain the appeal and grant the remedy sought, or to sustain the appeal and modify the remedy; further, reasoning for the recommendation, as well as dissenting opinions, if any, will be included with the recommendation. This panel's decision will be final and binding for all appeals on developing ratings. Appeals of ineffective ratings and split decision on an appeal of a developing rating will proceed to level 4 below.

Level 4 – Superintendent

a. Within five (5) school days of receipt of the Level 3 recommendation for resolution, the Superintendent of Schools or designee will give due consideration to the panel's recommendation and will issue a final and binding decision, in writing, to the appellant, to the Teachers Association President(s), and to the panel members. Whether the appeal is denied, sustained, or modified, such a decision will set forth the reasons and factual basis for each determination on each of the specific grounds raised in the appeal. If the appeal is sustained, the Superintendent or designee may set aside or modify a rating or improvement plan or order a new evaluation or improvement plan if procedures have been violated.

The entire appeals record will be a part of the teacher's APPR.

This appeals procedure constitutes the exclusive means for initiating, reviewing and resolving any and all appeals within the scope of section I and II above. A teacher may not resort to any other contractual grievance procedure for the resolution of these appeals, except as otherwise authorized by law.

Nothing in subpart 30-3 shall be construed to alter or diminish the authority of the governing body of a district to grant or deny tenure or to terminate probationary teachers during the pendency of an appeal pursuant to this section for statutorily and constitutionally permissible reasons, including the teacher's or principal's performance that is subject of the appeal.

VI. The entire appeals record will be part of the teacher's APPR.

VII. This appeals procedure constitutes the exclusive means for initiating, reviewing and resolving any and all appeals within the scope of Sections I and II, above. A teacher may not resort to any other contractual grievance procedure for the resolution of these appeals, except as otherwise authorized by law.

VIII. Nothing in this appeals procedure will restrict the right of the district or the obligation of the teacher to proceed in accordance with otherwise standard practice, e.g., implementation of an

improvement plan or denial/granting of tenure, while an appeal is pending, except for statutorily and constitutionally permissible reasons other than the teacher's performance that is the subject of the appeal.

APPENDICES:

- A-SLO Template
- B- NYSUT 2014 Teacher Practice Rubric
- C- Full Observation Summary
- D- Teacher Assistance Plan
- E- Final Composite Rating Form
- F- TIP Worksheet
- G- TIP Evaluation
- H- Appeals Form
- I- Summary of MCS Student Performance Selected Measures for 2023-2024

For the Association:

Cindy Grinnell, MCTA Co-President

Date_____

Dean Fleming, MCTA Co-President

Date_____

For the District:

Bill Larrow, MCS Superintendent

Date_____