

BY AND BETWEEN THE SUPERINTENDENT OF SCHOOLS AND BOARD OF EDUCATION POUGHKEEPSIE CITY SCHOOL DISTRICT, hereinafter referred to as “The District” and **THE POUGHKEEPSIE PUBLIC SCHOOLS TEACHERS’ ASSOCIATION** hereinafter referred to as “The Association” or “the PPSTA”,

WHEREAS, the District and the Association have entered into negotiations in consideration of the implementation of New York State Education Law 3012-d regarding annual professional performance reviews of classroom teachers; and

WHEREAS, the parties shall be subject to the following Overall APPR HEDI Rating matrix under Education Law Section 3012-d, unless such matrix is modified by statute at a future time (in which case this provision shall be superseded by any statutory modification):

NOW, THEREFORE, the parties mutually agree as follows:

Teacher Observation					
Student Learning Objective	HEDI RATING	Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D	D	I	I

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 shall provide a timely opportunity for every covered teacher to verify the subjects and/or student rosters assigned to him/her. Covered teachers shall be afforded the opportunity to verify the final APPR data attributed to them as soon as possible within ten work days before it is sent to SED as allowable by law.

Student Performance Category:

The parties have agreed that no optional second negotiated Student Performance Category measure shall be used for the evaluation of classroom teachers under Education Law Section 3012-d.

Observation Category Rubric:

The parties mutually agree to use the NYSUT RUBRIC as the rubric for all classroom teachers as defined in Part 30-3:3 of the Regents' Rules for the 2021-2022 school year. The parties agree to meet at the end of the 2021-2022 school year to reassess the changes made to the 2016-2017 agreement.

Observation Category HEDI Cut Scores:

For the Teacher Observation Category, the parties agree to the following minimum/maximum cut scores for teachers evaluated hereunder:

Teacher Observation Scoring Bands		
	Overall Observation Category Score & Rating	
	Minimum	Maximum
H Highly Effective	3.51	4.0
E Effective	2.51	3.5
D Developing	1.5	2.5
I Ineffective	0.00	1.49

Process for assignment of points within the Observation Category:

Selected components from the standards of the rubric (1.2A, 1.3A, 1.4A, 2.2B, 2.4A, 2.5B, 3.1B, 3.2A, 3.2B, 3.2C, 3.4A, 3.5A, 3.6A, 3.6B, 4.1A, 4.1C, 4.2A, 4.2B, 4.3A, 4.3B, 4.4A, 5.1A, 5.1B, 5.2A, 5.2B, 5.3A) shall be weighted equally during each announced observation to arrive at a 1-4 rating for each observation. Selected components from the standards of the rubric (3.1B, 3.2B, 3.4A, 3.6B, 4.1A, 4.3A) shall be weighted equally during each unannounced observation to arrive at a 1-4 rating for each observation. All observable aspects of pedagogy within the components to be observed shall be appraised annually across the multiple observations conducted throughout the school year.

Each and every observed component shall be provided with a 1-4 rating during each observation (where 1=ineffective, 2=developing, 3=effective, and 4=highly effective), and all observed components shall be averaged to arrive at a 1-4 rating for each observation.

To arrive at an Overall Observation Category Score and Rating, 90% of the Observation Category shall be based upon the score(s) received during the observation(s) conducted by the teacher's lead evaluator and 10% of the Observation Category score shall be based upon the observation(s) conducted by the independent trained evaluator.

Tenured teachers will receive one announced observation conducted by their lead evaluator and one unannounced observation conducted by the independent evaluator. Non-tenured teachers will receive two announced observations conducted by the lead evaluator and one unannounced observation conducted by the independent evaluator.

For non-tenured teachers the two observations performed by the lead evaluator/other trained administrator, such multiple observation scores shall be averaged together to arrive at the HEDI point value that comprises 90% of the Observation Category score and corresponding HEDI rating, If either tenured or non-tenured teachers receive a developing or ineffective in the unannounced observation conducted by the independent trained evaluator, a second observation will be conducted and the multiple observation scores shall be averaged together to arrive at the HEDI point value that comprises 10% of the Observation Category.

Observation/Evaluation Procedures:

All ratings will be based upon and substantiated by evidence collected during the course of the current school year as long as it is documented as part of an observation(s) process(es).

Every effort shall be made for formal and/or informal documentation as described above to be provided to the teacher's lead evaluator by no later than June 1st of that school year.

The parties agree that no video recordings shall be utilized in the Observation Category of the APPR.

The following procedures shall apply to the observation of those teachers who are subject to the requirements of 3012-d of the New York State Education Law and Part 30-3 of the Regents' Rules commencing with the 2021-2022 school year.

All Observations

1. For formal announced and informal unannounced observations, the evaluator shall provide the teacher with a 1-4 rating and a script or summary of observed evidence in each observed component within fifteen (15) school days of the observation, based upon the evidence collected during such observations.
2. During the post-observation conference between the administrator, who conducted the observation, and the teacher there will be a discussion of areas requiring improvement, indicated by evidence of developing or ineffective performance. In the event that one or more areas of improvement as defined above are identified in any component based on the findings of the first observation, the evaluator shall meet with the Teacher to discuss expectations for the next observations.
3. A teacher shall be provided an opportunity to respond in writing to any post observation report or the summative evaluation.
4. Any procedural violations of this plan document for a teacher who has received an overall composite rating of "developing" or "ineffective" shall be documented in writing to the lead evaluator by the teacher within ten (10) school days of the teacher's receipt of the observation rating/summary.
5. All observations must be concluded by June 5th of each school year.
6. For Mathematics and English Language Arts teachers Kindergarten through Eighth grade, they will not be observed during District directed state test preparatory days nor during state testing for their discipline (either Mathematics or English Language Arts).

Formal Announced Observations

7. Administrators will give ten school days notice of the announced observation. The teacher will provide a lesson plan five school days in advance of the observation.
8. The formal announced observation(s) shall be preceded by a pre-observation conference held within three (3) school days of the observation. Teachers shall be required to submit the observation conference form three (3) days prior to the pre-observation conference for a formal announced observation. Teachers will receive a score for each component of Standard 2 by the end of the pre-conference of a formal observation.
9. The length of a formal announced observation shall begin at the start of a class and be a minimum of one instructional period.
10. In the event that there has been an incomplete observation (shortened due to a fire drill or emergency) which the teacher has not agreed to waive in writing, the administrator shall conduct a follow-up formal announced observation within fifteen (15) school days of the observation, based upon the evidence collected during such observation.

11. A post observation conference held within ten (10) school days following the observation. The post conference form shall be submitted three (3) school days prior to the post-observation conference for a formal announced observation. Post observation conferences are required for all formal announced observations. Tentative scores will be released to the teacher 36 hours prior to the post conference.
12. The written report in Staff Trac will be completed fifteen (15) school days after the post conference.

Informal Unannounced Observations

13. An informal unannounced observation shall be no less than ten (10) minutes and no longer than twenty (20) minutes in length.
14. No completion of forms is required for an informal unannounced observation. A post conference shall be held if requested either by the independent evaluator or the teacher.
15. Feedback shall be provided in writing for any informal unannounced observation where the teacher receives a rating of "developing" or "ineffective".

Tenured Teachers

16. For tenured teachers there shall be one (1) formal announced classroom observation annually and one (1) informal unannounced observation annually. If a tenured teacher receives a developing or ineffective on their informal unannounced observation then a second informal unannounced observation will be conducted (see above - Process for assignment of points within the Observation Category). The sequence of the observations shall be formal announced observation and then one (1) informal unannounced observation. If a tenured teacher receives a developing or ineffective on their informal unannounced observation then a second informal unannounced observation will be conducted (see above - Process for assignment of points within the Observation Category).

Non-tenured Teachers

17. For non-tenured teachers, there shall be two (2) formal announced classroom observations annually and one (1) informal unannounced observation annually. If a non-tenured teacher receives a developing or ineffective on their informal unannounced observation then a second informal unannounced observation will be conducted (see above - Process for assignment of points within the Observation Category). The sequence of observations shall be a formal announced, an informal unannounced observation (second informal unannounced observation if the first informal unannounced observation was developing or ineffective), and then a formal announced observation.
18. Nothing herein shall be construed to limit the unfettered right of the District to terminate probationary classroom teachers, subject to applicable laws and regulations including during the pendency of an appeal for the performance that is the subject of the appeal.
19. The Superintendent and all designated pedagogical administrators must be trained in accordance with the requirements of statute and regulations, must possess appropriate NYS school professional or permanent administrators' certifications, must be trained in

the use of the NYSUT Teacher Practice Rubric for the evaluation of teachers and must be NYSUT certified evaluator.

20. Negotiations regarding any of these procedures shall be reopened prospectively after the first year of implementation, in the event that either party feels there is a need therefore.
21. The Observation/Evaluation Forms that have been agreed upon by the parties shall be annexed hereto as Appendix A.

Student Learning Objectives

APPR & SLO Bands

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

In grades Kindergarten through fifth (5th) grade, The iReady diagnostic .75 growth target will be used.

- Kindergarten - Kindergarten teachers will be assessed on the growth score based on the Kindergarten English Language Arts iReady.
- Grade 1 - First grade teachers will be assessed on the growth score based on the Grade 1 English Language Arts iReady.
- Grade 2 - Second grade teachers will be assessed on the growth score based on the Grade 2 English Language Arts iReady.
- Grade 3 - Third grade teachers will be assessed on the growth score based on the Grade 3 English Language Arts iReady.
- Grade 4 - Fourth grade teachers will be assessed on the growth score based on the Grade 4 English Language Arts iReady.
- Grade 5 - Fifth grade teachers will be assessed on the growth score based on the Grade 5 English Language Arts iReady.
- Special area and all other teachers who have multiple grades will have the average score of those grades for which they have students (i.e. physical education teacher who has grades 2, 3, 4 will have a growth score of the average of Grade 2, 3, and 4).
- Special Education teachers who teach a Life Skills class will have an average score of those grades for which they have students (K to 2 Life Skills class the teacher would have an average of growth scores from Grade K, 1, and 2).

- If a teacher believes that a student won't meet a target a rationale must be provided and approved by the administrator at the time of Student Learning Objective development. Once the targets are set and approved the targets may not change.

Middle School teachers in grades sixth (6th) through eighth (8th) grade, The iReady diagnostic .75 growth target will be used.

- Grade 6 - Sixth (6th) grade English Language Arts teachers will be assessed on the growth score based on Grade 6 English Language Arts iReady.
- Grade 6 - Sixth (6th) grade Mathematics teachers will be assessed on the growth score based on Grade 6 Mathematics iReady.
- Grade 6 - All other teachers who only teach sixth grade (6) students will be assessed on the growth score based on Grade 6 English Language Arts iReady.
- Grade 7 - Seventh (7th) grade English Language Arts teachers will be assessed on the growth score based on Grade 7 English Language Arts iReady.
- Grade 7 - Seventh (7th) grade Mathematics teachers will be assessed on the growth score based on Grade 7 Mathematics iReady.
- Grade 7 - All other teachers who only teach seventh grade (7) students will be assessed on the growth score based on Grade 7 English Language Arts iReady.
- Grade 8 - Eighth (8th) grade English Language Arts teachers will be assessed on the growth score based on Grade 8 English Language Arts iReady.
- Grade 8 - Eighth (8th) grade Mathematics teachers will be assessed on the growth score based on Grade 8 Mathematics iReady.
- Grade 8 - All other teachers who only teach eighth grade (8) students will be assessed on the growth score based on Grade 8 English Language Arts iReady.
- Grade 7-8 split team - Seventh (7th) - eighth grade split English Language Arts teachers will be assessed on the growth score based on the average of the Grade 7 English Language Arts iReady and the Grade 8 English Languages Arts iReady.
- Grade 7-8 split team - Seventh (7th) - eighth grade split Mathematics teachers will be assessed on the growth score based on the average of the Grade 7 Mathematics iReady and the Grade 8 Mathematics iReady.
- Grade 7-8 split team - All other teachers of the seventh (7th) - eighth grade split will be assessed on the growth score based on the average of the Grade 7 English Language Arts iReady and the Grade 8 English Languages Arts iReady.
- All kindergarten through twelfth grade English as a New Language teachers will be assessed on the growth score based on the NYSESLAT/NYSITELL.
- Special area and all other teachers who have multiple grades will have the average score of those grades for which they have students (i.e. physical education teacher who has grades 6, 7, and 8 will have a growth score of the average of Grade 6, 7, and 8).

- Special Education teachers who teach a Life Skills class will have an average score of those grades for which they have students (6 to 8 Life Skills class the teacher would have an average of growth scores from Grade 6, 7, and 8).
- If a teacher believes that a student won't meet a target a rationale must be provided and approved by the administrator at the time of Student Learning Objective development. Once the targets are set and approved the targets may not change.

High School Teachers will utilize a growth model using a pretest and the Regents as a post test in Algebra, Living Environment, Global, and English Language Arts.

- The building level growth score will use only those students who took the pre test and Regent's test (post test) and passed the course in that Regent's subject to address issues of attendance and high mobility. Banding will be used based upon development of the bands by teachers and administrators. If a teacher believes that a student won't meet a target a rationale must be provided and approved by the administrator at the time of Student Learning Objective development. Once the targets are set and approved the targets may not change.

Band	Goal
0-20	55
21-40	
41-50	65
51-60	
61-80	70
81-100	

Appeals Process

- Any teacher who receives an ineffective or developing rating on his/her APPR shall be entitled to appeal their annual APPR rating, based upon a paper submission to the Central Office administrator designee of the Superintendent of Schools, who shall be trained in accordance with the requirements of statute and regulations and also possesses either an SDA or SDL certification.
- The appeal must be brought in writing, specifying the area(s) of concern, but limited to those matters that may be appealed as prescribed in Section 3012-d of the Education Law. Further, a teacher who is placed on a Teacher Improvement Plan ("TIP") shall have a corresponding right to appeal concerns regarding the TIP in accordance with the requirements set forth in Section 3012-d of the Education Law.
- An appeal of an evaluation or a TIP must be commenced within fourteen (14) days of the presentation of the document to the teacher or else the right to appeal shall be deemed waived in all regards.

- D. The Superintendent's administrative designee shall respond to the appeal with a written answer granting the appeal and directing further administrative action or deny the appeal. In the event that the teacher is unsatisfied with the result of the appeal, a further appeal may be taken to the Superintendent of Schools within two weeks of receipt of the Superintendent's designee's decision upon the appeal.
- E. The Superintendent shall make his or her decision in writing regarding the further appeal within two weeks of receipt of that appeal. The decision of the Superintendent so long as the decision made within the timeframe set forth in this paragraph shall be final and binding in all regards and shall not be subject to review at arbitration, before any administrative agency or in any court of law.
- F. Notwithstanding the above, in the event that a tenured teacher has received two or three consecutive ineffective APPR evaluation ratings, the second tier appeal shall be to an arbitrator selected on a rotating basis from the following list, based on order and reasonable timeframe of availability; Howard Edelman, Bonnie Siber-Weinstock and Sheila Cole, who shall make a final and binding decision upon the appeal of the APPR evaluation and/or the teacher improvement plan. In the event of their unavailability, the parties shall make an alternative mutual selection on an expedited basis. The arbitrator's decision shall be issued within 35 calendar days of the filing of the appeal for arbitration. The cost of arbitration shall be borne equally by the parties.
- G. Nothing herein shall be construed to limit the unfettered right of the District to terminate a probationary teacher subject only to the provisions of Sections 3012, 3019-a and 3031 of the New York State Education Law.
- H. Notwithstanding the above, in the event that there is a substantive violation of the observation procedures set forth in this SMOA, an immediate grievance may be filed with the Superintendent of Schools, under the Grievance Article of the current PPSTA Grievance Procedure. If the grievance is not resolved within ten (10) calendar days at that level, an appeal may be brought to the Board of Education or a subcommittee thereof with twenty (20) calendar days of the alleged substantive violation. For probationary teachers the Superintendent's decision shall be final and binding. For tenured teachers, if the matter is not satisfactorily resolved at the Board level within thirty-five (35) calendar days of the alleged substantive violation, the Association may file for expedited arbitration before Arbitrator Howard Edelman or in the event of his unavailability, Jeffrey Selchick. There shall be three (3) expedited arbitration days when these evaluation appeals may be heard and abbreviated bench rulings issued regarding the validity of the observation, (1st week in December, 1st week in February and 1st week in May). The decision of the Arbitrator shall be final and binding upon all parties. The cost of arbitration shall be borne equally by the Association and the District.

The Appeals Process set forth above shall be incorporated into the District's APPR Plan Document.

Teacher Improvement Plan

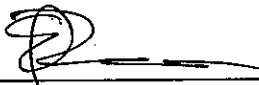
The parties shall incorporate the provisions and form of the Teacher Improvement Plan from their Section 3012-c Education Law APPR Plan Document into their Section 3012-d Education Law Plan. The TIP should be prepared by no later than October 1st or as soon thereafter as practicable.

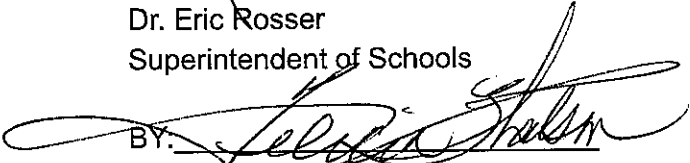
Sunset Clause

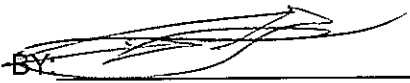
The terms contained in this Supplemental Memorandum of Agreement ("SMOA") shall sunset at the end of the 2021-2022 school year. The Agreement shall revert to the 2016-2017 Agreement for the 2022-2023 school year should a successor agreement not be mutually agreed upon and the end of the 2021-2022 school year.

SO AGREED, this _____ day of _____, subject to ratification by the respective constituencies.

The DISTRICT

BY: 
Dr. Eric Rosser
Superintendent of Schools

BY: 
Dr. Felicia Watson
Board of Education President

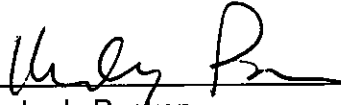
BY: 
Dr. David Scott
Administrative Union President (PPSAA)

THE ASSOCIATION

DATE: 11/5/21

DATE: November 10, 2021

DATE: 11/2/21

BY 
Ms. Kimberly Popken
Teachers Union President (PPSTA)

DATE: 11/2/21

Appendix A

APPR Pre-Conference Questions

1.2a Identify and explain how you will use a variety of strategies to support learning and language acquisition needs of each student. Incorporate the responses to these questions into your lesson plan.

1.3a How do you develop plans that build upon a variety of student learning styles, abilities, interests, and experience to meet their diverse needs? How do you incorporate student voice and choice into your planning?

1.4a How do you communicate directly with students' parents, guardians, and/or caregivers to enhance student learning? Provide the multiple modes of communication you use and how you accommodate for the needs of each family. What methods of communication do students and parents/guardians have as a means of contacting you/team?

2.2b Teacher plans on-going opportunities for students to engage in individual and collaborative critical thinking and problem solving that align with 21st century skills. How have you planned opportunities for students to engage in critical thinking and problem solving? Explain how students have and will use these skills

moving forward. How will you build on your students' capacity for collaboration in the future?

2.4a Articulate and explain the standards addressed in this lesson. How do these standards connect to other standards and content within or outside of the discipline? How did you design multiple learning experiences for students to achieve the learning standards?

2.5b Teachers design relevant instruction that connects students' prior understanding and experiences to new knowledge. How do you design learning experiences that connect prior content knowledge to new learning? How do you plan opportunities for students to make connections to prior learning within and across content areas?

Post Conference Questions

5.1 a Designs an Assessment System

Explain your grading procedures and how they align to learning goals. How do you use formative assessments to monitor student progress towards their goals? How have you used assessment data to inform or adjust your instruction?

5.1 b Measures and records student achievement

How do you use multiple measures to determine student achievement in summative assessments? How do your summative assessments incorporate student voice and choice?

5.2 a Uses assessment data as feedback to set goals with student

How do your students use teacher and peer feedback to set goals and monitor their own progress?

5.2 b Engages students in self-assessment

In what ways do you embed opportunities for students to self-assess? How do you use this information to provide feedback towards students' continued success?


5.3a Accesses, analyzes, and interprets assessments:

5.3a (1) To what extent did your students meet the learning objectives for this lesson? Provide evidence of student achievement. Based on this evidence, what changes would you make to this lesson?

5.3a (2) - In what ways have you analyzed various assessment data to monitor student progress and design differentiated instruction? How do you support students contributing information and participating in the interpretation of data?

Name:
Student Assessment Performance

Printing Options



▼ NYSUT Lesson Plan

Please answer each question.

Questions:

Curriculum Standards: Identify the curriculum standards to be taught; connect to other standards within or outside of the discipline.

Student / Class Profile: Identify any accommodations in instruction to meet student learning needs.

Learning Outcomes: Identify the important concepts and skills that students will be expected to learn.

Assessments: Identify the formative and/or summative assessments used to determine student progress towards achieving the learning outcomes of the lesson.

Cognitive Engagement: include warm-up or opening to lesson, activities to engage students in the intended learning outcomes, closure activity.

Adjustments/Modifications: Identify ways in which you may adjust the lesson if formative assessments warrant modification.

Groups: How will students be grouped for each activity of the lesson?

Resources: Identify resources and materials needed for lesson.

Estimated time spent: hours, minutes

Forms/Videos
None

Forms available for download

Upload Form/Video: No file chosen
Max file size is 100MB

Notes:

Pre-conference Agenda and Meeting Notes - Not Scheduled

Pre-Conference Analysis of Teaching Artifacts - Not Scheduled

▶ Observation/Evidence Collection form by [Name] [Date]

Post-Conf Educator Reflection Questions - Not Scheduled

Post-Conf Structured Review of Student work - Not Scheduled

▶ Additional Components