



Memorandum of Agreement

Between

Ogdensburg Education Association

And

Ogdensburg City School District

Regarding Annual Professional Performance Review (3012-d)

The provisions of this Memorandum of Agreement shall be in effect upon ratification of the Collective Bargaining Agreement between the Ogdensburg City School District and the Ogdensburg Education Association commencing with the 2023-2024 school year, and by the board of education of the Ogdensburg City School District and the membership of the Ogdensburg Education Association.

The parties agree to modify their collective bargaining agreement in accordance with a revised teacher evaluation procedure under the NYS budget and laws of 2015 (3012-d), as modified by the New York State Board of Regents on October 8, 2019, the primary components of which are outlined below. Both parties view this revised procedure as subject to ongoing review and possible adjustment upon mutual agreement to any changes. This agreement will be subject to annual review no later than June of each year. Such review will include negotiations upon the request of either party.

1. Definition of Covered Teachers

This Agreement will apply to all classroom teachers who are providing direct instruction for at least 40% of their workday.

2. Ensuring Accurate Teacher and Student Data

The District shall provide accurate data to the State Education Department (the "SED") in a format and timeline prescribed by the Commissioner. The District shall also provide an opportunity for every covered teacher to verify the subjects and/or student rosters assigned to him/her. Verification of subjects and/or student rosters shall take place no later than Basic Education Data System (BEDS) day and the 15th school day prior to the end of a course or class. Verification of students taking state assessments shall take place at the time the test is administered. Every covered teacher shall receive a hard copy or digital copy of each verification. 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. The Data Coordinator shall have the authority to assign tasks and deadlines, as required.

3. Reporting Individual Ratings

The Data Coordinator (who shall not be a bargaining unit member) shall be responsible for reporting to the SED the individual subcomponent ratings and the final rating for each covered classroom teacher in the District, and shall do so in a format and timeline prescribed by the Commissioner. Covered teachers will be afforded the opportunity to verify the final data attributed to them within five (5) business days before it is sent to the SED. Business days shall be when the District office is open. Notification and teacher response shall take place through school District e-mail.

4. Development, Security and Scoring of Assessments

The Assistant Superintendent for Curriculum, Instruction, Assessment and Technology shall be responsible for overseeing the assessment development, security, and scoring processes utilized by the District under this APPR Plan, 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.

5. Student Performance Transition Score

For the 2023-2024 school year the Student Performance Rating of all teachers, under the terms of 3012-d, will be mutually agreed upon and derived from the following:

Building	Assessment	Target
John F. Kennedy Elementary School (JK-6)	Average of: NYS Earth Science Regents NYS Living Environment Regents NYS English Language Arts Regents	<u>General Education Students</u> 3 and above
Grant C. Madill Elementary School (JK-6)		<u>Special Education Students</u> 2 and above
Ogdensburg Free Academy (7-12)	Average of: NYS Earth Science Regents NYS Living Environment Regents NYS English Language Arts Regents	<u>General Education Students</u> 65 and above <u>Special Education Students</u> 55 and above

The following chart will be used to determine a student performance score for all teachers:

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

Student Performance Conversion Chart

Rating	Minimum	Maximum
Highly Effective	18	20
Effective	15	17
Developing	13	14
Ineffective	0	12

In cases where there are extenuating circumstances (i.e. student mobility, large number of students with IEP's, students with attendance problems, et al), subject to the Superintendent's approval, the evaluator may weigh individual students' scores to adjust the student performance rating. Documentation of any such circumstances will be maintained by the District.

For the 2021-2022 school year and thereafter, the student performance subcomponent will incorporate state tests as necessary by law, and a final arrangement regarding this subcomponent will have to be mutually agreed upon.

6. Details of the District's Evaluation System

Teachers' performance will be assessed using multiple measures grounded in the New York State Teaching Standards. The Marzano Rubric will be used to assess teachers' professional practice.

Evidence for evaluations will come from the following:

- Formal observation cycle
- Walk through observations

Additional information, as observed by the administrator or provided by the teacher during the formal observation cycle and walk through observations, may come from:

- Teacher created material (i.e. lesson plans, unit plans, projects, tests, etc.)
- Student management systems
- Written communications
- Goal setting
- Professional development

The assigned administrator's observations will account for 90% of the Teacher Observation rating, and the independent evaluator's observations will account for 10% of the Teacher Observation rating. The independent evaluator used will be mutually agreed upon between the District and the Association.

The independent evaluator for the District will be the Assistant Superintendent for Curriculum, Instruction, Assessment and Technology/or his/her designee.

The responsibility for gathering evidence of a teacher's performance is shared by the administration and the teacher. Both must demonstrate a commitment to providing a complete and accurate picture of a teacher's professional performance.

Probationary teachers will receive a formal classroom observation at least three (3) times per year during each full year of his/her probationary service. At least one of the formal classroom observations shall precede Christmas recess. The observation cycle will include a full period classroom observation of no less than thirty (30) minutes and a post observation conference. In addition, administrators will conduct a minimum of two (2) walk-through observations of no less than five (5) minutes and no more than fifteen (15) minutes each school year. Evidence gathered from both formal classroom observations and walk-through observations will be used in the annual summative evaluation. Within seven (7) school days of the walk-through observation, the administrator's notes will be shared (either electronically or by some other means) with the teacher. The teacher may respond to the walk-through observation.

The formal observation cycle will include a pre- and post-observation conference and a full period classroom observation of no less than thirty (30) minutes. Evidence gathered during each formal observation will be used in the annual summative evaluation. The classes that will be observed as part of the formal observation process will be mutually agreed upon between the assigned administrator and the teacher.

Tenured teachers who receive an effective or highly effective rating for 2013-14 and/or each subsequent year will receive at least one formal observation, every two years, of no less than thirty (30) minutes duration. Administrators will provide notice in September to those teachers who will receive a formal observation in that school year. Tenured teachers who receive an ineffective or developing rating will receive at least one formal observation each year of no less than thirty (30) minutes duration. In addition, administrators will conduct a minimum of two (2) walk-through observations of no less than five (5) minutes and no more than fifteen (15) minutes each school year. Evidence gathered from both formal classroom observations and walk through observations will be used in the annual summative evaluation. Within seven (7) school days of the walk-through observation, the administrator’s notes will be shared (either electronically or by some other means) with the teacher. The teacher may respond to the walk-through observation.

Teachers will be notified, at least five (5) school days in advance, of formal classroom observations to be made. A pre-observation/and or a post observation conference will be held if requested by either the teacher or the evaluator within five (5) school days of when the observation is “shared” using the iObservation platform. Walk-through observations may be conducted at any time but shall not be considered part of the formal observation. At least one walk-through observation each year shall be unannounced.

Any teacher who has earned a rating of Ineffective or Developing will be subject to a greater number of observations.

Evidence for each teacher will be systematically organized using a method mutually agreed upon by the Association and the District.

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

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

The following weighted system will be used to derive the HEDI rating (Marzano Rubric):

Domain	Sub-Component	Evidence	Percentage Weight
<p>Domain I: Classroom Strategies and Behaviors</p>	<ul style="list-style-type: none"> • Communicating Learning Goals and Feedback • Establishing Rules and Procedures • Helping Students Interact With New Knowledge • Helping Students Practice and Deepen New Knowledge • Helping Students Generate and Test Hypothesis • Engaging Students • Recognizing Adherence to Rules and Procedures • Establishing and Maintaining Effective Relationships with Students • Communicating High Expectations for All Students 	<p>Teacher Self-Evaluation Formal Classroom Observation Walk-Through Observations Teacher-Created Materials (i.e lesson plans, unit plans, projects, tests) Other resources provided by teacher or gathered by the administrator</p>	<p>68%</p>
<p>Domain 2: Planning and Preparation</p>	<ul style="list-style-type: none"> • Planning and Preparing Lessons and Units • Planning and Preparing for Use of Resources and Technology • Planning and Preparing for the Needs of English Language Learners • Planning and Preparing for the Needs of Students Receiving Special Education • Planning and Preparing for the Needs of Students Who Lack Proper Support for Schooling 	<p>During the course of observation: Teacher Self-Evaluation Formal Classroom Observation Walk-Through Observations Teacher-Created Materials (i.e. lesson plans, unit plans, projects, tests,) Written communications Student Management System (i.e. grade book) Other resources provided by teacher or gathered by the administrator</p>	<p>14%</p>

<p>Domain 3: Reflecting on Teaching</p>	<ul style="list-style-type: none"> • Evaluating Personal Performance • Developing and Implementing a Professional Growth Plan 	<p>Teacher Self-Evaluation Goal Meeting(s) with Principal Other resources provided by teacher or gathered by the administrator</p>	<p>8%</p>
<p>Domain 4: Collegiality and Professionalism</p>	<ul style="list-style-type: none"> • Promoting a Positive Environment • Promoting Exchange of Ideas and Strategies • Promoting District and School Development 	<p>Teacher Self-Evaluation Written Communication Other resources provided by teacher or gathered by administrator</p>	<p>10%</p>

Marzano Point Conversion

Conversion to the New York State Ratings Categories

The teacher's Status Score reflects his/her overall understanding and application of the Art and Science of Teaching framework across the Marzano Causal Evaluation Model Four Domains: Domain 1: Classroom Strategies and Behaviors; Domain 2: Planning and Preparing; Domain 3: Reflecting on Teaching; Domain 4: Collegiality and Professionalism.

The following steps outline the process used to calculate Status Score. The Status Score aggregates teachers' ratings across all observed elements within the framework to result in a score.

1. Using the Domain Forms, rate observed elements at each of the following levels: Innovating (4), Applying (3), Developing (2), Beginning (1), and Not Using (0)
2. Count the number of ratings at each level for each of the four domains.
3. For each domain, use the percentage weight as described in the above chart.
4. For each domain, apply the results from Step 3 to the description for each level on the Proficiency Scale (based on teacher's experience level). This is a domain proficiency score and will be a number between 1 and 4.
5. Using the four domain frequency scores, compute the weighted average to obtain the Status Score. The 3 Category Proficiency Scales can be used to determine a numerical value that represents a proficiency score for each domain. Each domain will be weighted to obtain an overall Status Score. The domains will be weighted as follows:
 - a) Domain 1: 68%, 41 Elements
 - b) Domain 2: 14%, 8 Elements
 - c) Domain 3: 8%, 5 Elements
 - d) Domain 4: 10%, 6 Elements

This weighting system distinguishes the Marzano Causal Evaluation Model from traditional evaluation models in that Domain 1 carries the most weight as these strategies are directly related to student learning.

Evidence for each teacher will be systematically organized using iObservation.

Prior to the last day of classes each school year, each teacher will participate in an evaluation conference with the building principal. It is the building principal’s responsibility to schedule the conference. The purpose of this conference will be to review the evidence gathered throughout the school year, assess progress on the teacher’s professional growth goals, and to arrive at the teacher’s observation rating. This rating will be combined with the student performance rating to arrive at the teacher’s overall rating. Teachers will be notified of their HEDI rating by September 1.

The Student Performance Score (50%) and the Teacher Observation Score (50%) will be applied to the rubric below to ascertain the final rating:

		TEACHER OBSERVATION			
		HE	E	D	I
STUDENT PERFORMANCE	HE	HE	HE	E	D
	E	HE	E	E	D
	D	E	E	D	I
	I	D	D	I	I
	I	D	D	I	I

7. TEACHER IMPROVEMENT PLANS

A Teacher Improvement Plan (TIP) must be determined no later than October 1st of the school year following the applicable rating of “Developing” or “Ineffective” for such teacher. Teacher Improvement Plans will be mutually developed and agreed upon between the evaluator, the teacher, and his/her representative (at the option of the teacher). Please see form on page 9 of this agreement.

Ogdensburg City School District
Teacher Improvement Plan

Teacher Name: _____ Administrator: _____

Subject/Grade-Level: _____ Dates of Observations: _____

Score Breakdown

Teacher Observation Score: _____ *Highly Effective* *Effective* *Developing* *Ineffective*

Student Performance Score: _____ *Highly Effective* *Effective* *Developing* *Ineffective*

Overall Composite Score: _____ *Highly Effective* *Effective* *Developing* *Ineffective*

Pre-Conference Dates: _____ Coaching: _____

Standards Chosen for Further Development	Action(s) to be Taken	Administrator's Responsibilities	Teacher's Responsibilities	Timeline for Progress	Indicators of Success	Improvements Made and Documented

Administrator's Signature: _____ Date: _____

Teacher's Signature: _____ Date: _____

Representative/Witness Signature: _____ Date: _____

Or Teacher's Signature
Waiving Representation: _____ Date: _____

8. Appeals of Annual Professional Performance Reviews

The purpose of the internal APPR appeal process is to foster and nurture growth of the professional staff in order to maintain a highly qualified and effective work force. All tenured and probationary employees who meet the appeal process criteria identified below may use this appeal process. A teacher may not file multiple appeals regarding the same performance review or TIP. All grounds for appeal must be raised within one appeal, provided that the teacher knew or could have reasonably known the ground(s) existed at the time the appeal was initiated, in which instance a further appeal may be filed but only based upon such previously unknown ground(s).

APPR Subject to Appeal Procedure

Any unit member aggrieved by an APPR rating of either “ineffective,” or “developing” may challenge that APPR. [Unit members may also appeal a rating of “effective” if the member is denied opportunities for advancement with additional compensation, based on that rating.]

In accordance with Education Law §3012-d, an APPR which is the subject of a pending appeal shall not be sought to be offered in evidence or placed in evidence in any Education Law §3020-a proceeding, or any locally negotiated procedure, until the appeal process is concluded.

Grounds for an Appeal

Appeal procedures should limit the scope of appeals under Education Law §3012-d to the following subjects:

- a. The substance of the annual professional performance review; which shall include the instance of a teacher/ principal rated Ineffective on the Student Performance Category but rated Highly Effective on the Observation/School Visit Category based on an anomaly, as determined locally.
- b. The school district’s or board of cooperative educational services’ adherence to the standards and methodologies required for such reviews, pursuant to Education Law §3012-d and Subpart 30-3 of Commissioner’s regulations;
- c. The adherence to the Commissioner’s regulations, as applicable to such reviews and compliance with any applicable locally negotiated procedures, as required under Education Law §3012-d; and
- d. The school district’s or board of cooperative educational services’ issuance and/or implementation of the terms of the teacher or principal improvement plan under Education Law §3012-d.

Notification of the Appeal

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

When filing an appeal, the teacher must submit a detailed written description of the specific grounds for the appeal as well as the performance review and/or improvement plan being challenged. Along with the appeal, all supporting documentation must be submitted, or specifically noted if pending. Any grounds for appeal or any supporting documentation/information not submitted or noted at the time the appeal is filed shall not be considered.

Assigned Administrator's written response to appeal

Within five (5) school days of receipt of an appeal, the supervising administrator must submit a detailed written response. The response must include any and all additional documents or written materials that are specific to the point(s) of disagreement and/or are relevant to the resolution of the appeal. Material not submitted at the time the response is filed shall not be considered in the deliberations related to the resolution of the appeal.

Decisions on Appeal

Step 1 - Meeting with the supervising administrator. Within ten (10) working days of receipt of the appeal, the bargaining unit member shall, upon request be entitled to an Association representative being present. This meeting shall be an informal meeting wherein the authoring administrator and the employee are able to discuss the evaluation and the areas of dispute. If the bargaining unit member is not satisfied with the outcome, he/she may proceed to the second step. The second step shall be initiated by the unit member and/or Association notifying the Superintendent in writing, within five (5) days of the conclusion of the conference.

Step 2 - Superintendent

- a. Within five (5) school days of receipt of the Level 1 response, if a teacher and/or Association is not satisfied with such response the teacher and/or Association must submit the appeal to the Superintendent of Schools, or the Superintendent's designee. The superintendent or designee will be provided all documentation submitted in step one of the appeal and the responses from the evaluator. In the case where the Superintendent and the evaluator is the same person, the Superintendent will designate at least two (2) administrators to act as proxy.
- 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

Step 3 - Binding Arbitration

Within five (5) school days of receipt of the Level 2 response, if a teacher and the Association are not satisfied with such response the appeal may be submitted to Arbitration if and only if the overall rating is ineffective. Appeals shall be decided in final and binding arbitration by an arbitrator within ninety (90) days. The arbitrator shall be mutually agreed upon between the Association and the District. If the District and the Association cannot agree on an arbitrator, the American Arbitration Association will be used. The demand for arbitration shall be filed within five (5) school days after notification of the step three (3) appeal is delivered by the superintendent or his designee. The cost of the arbitration shall be borne equally by the school district and the Association.

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

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

9. **Duration and Nature of Training Provided to Evaluators and Lead Evaluators**

- a) The "lead evaluator" is the administrator who is primarily responsible for a teacher's APPR composite rating. The term "evaluator" shall include any administrator who conducts an observation or evaluation of a teacher.
- b) All evaluators shall successfully complete a training course that meets the minimum requirements prescribed by the law and shall include application and use of teacher practice rubrics selected for use by the parties in evaluations.
- c) To be deemed a district certified lead evaluator one must successfully complete a training course meeting the minimum requirements prescribed in the law and regulations.
- d) Other details of the District's training for evaluators, lead evaluators, and appeals panel members, including the duration and nature of such training, the process for certifying lead evaluators, and issues related to the particular practice rubrics selected by the parties, may need to be negotiated at a later time.
- e) Nothing herein shall be construed to prohibit an evaluator who is properly certified by the State as a school administrator from conducting classroom observations or school visits as part of an annual professional performance review under 3012-d prior to completion of the training required by said statute, as long as such training is successfully completed prior to completion of the annual professional performance review.
- f) As soon as practicable, but no later than ten (10) calendar days after successful completion of required training, the Superintendent will provide a training record to the OEA President. The training record will include name(s), date(s), topic(s) of those trained and proof of successful completion.

As further trainings are offered by SED by St. Lawrence-Lewis BOCES, lead teacher evaluators will attend them. Ongoing training opportunities through St. Lawrence-Lewis BOCES will enable evaluators to refresh their learning, and new administrators will receive the full training series. Those who have not been through the training series in the 2011-2012 school year will go through
6/13/18

the same series, and new evaluators will do so in subsequent years. Each year certified evaluators will attend SLL BOCES sponsored sessions in order to become recertified. These sessions will focus upon continuing calibration of evaluators, ensuring inter-rater agreement and inter-rater reliability. All evaluators will participate in these yearly sessions to become recalibrated.

All District teacher evaluators have also participated in two full days of Marzano frame work instruction, focused on inter-rater agreement and inter-rater reliability. These sessions were led by trainers from Learning Sciences International who were deeply familiar with the Marzano Framework. All have also participated in (and will continue to participate in) training from the North East Regional Information Center (NERIC) staff on the use of the IObservation electronic platform (within which the district will house its Marzano framework rubrics, instruments, and evidence.

Based upon their participation in these activities, District teacher evaluators will be certified by the Superintendent and Board of Education as lead evaluators and evaluators.

10. Effect on Existing Collective Bargaining Agreements

Unless specifically revised or modified by this Memorandum of Agreement, nothing herein shall be construed to abrogate any provisions of the parties' collective bargaining agreement.

FOR THE DISTRICT:

FOR THE ASSOCIATION:

Superintendent Date

OEA President Date

Board President Date