

## 6. Additional Requirements - Teachers

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#### 6.1) Assurances -- Improvement Plans

Please check the boxes below:

6.1) Assurances -- Improvement Plans   Assure that teachers who receive a Developing or Ineffective rating will receive a Teacher Improvement Plan (TIP) within 10 school days from the opening of classes in the school year following the performance year	Checked
6.1) Assurances -- Improvement Plans   Assure that TIP plans shall include: identification of needed areas of improvement, a timeline for achieving improvement, the manner in which the improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's improvement in those areas	Checked

#### 6.2) Attachment: Teacher Improvement Plan Forms

As a required attachment to this APPR plan, upload the TIP forms that are used in the school district or BOCES. For a list of supported file types, go to the Resources folder (above) and click Technical Tips.

<assets/survey-uploads/5265/136576-Df0w3Xx5v6/TIP Form.pdf>

#### 6.3) Appeals Process

Pursuant to Education Law section 3012-c, a teacher may only challenge the following in an appeal:

(1) the substance of the annual professional performance review

(2) the school district's or BOCES' adherence to the standards and methodologies required for such reviews, pursuant to Education Law section 3012-c

(3) the adherence to the regulations of the Commissioner and compliance with any applicable locally negotiated procedures, as well as the school district's or BOCES' issuance and/or implementation of the terms of the teacher or principal improvement plan, as required under Education Law section 3012-c

Describe the procedure for ensuring that appeals of annual performance evaluations will be handled in a timely and expeditious way:

*The district and the teachers association both agree that the appeals process will be done in a timely and expeditious manner.*

#### *5. 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 three-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;*
- b. The District's adherence to the standards and methodologies required for such reviews, pursuant to Education Law 3012-c;*
- 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-c 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. All grounds for appeal must be raised with specificity within one appeal. Any grounds not raised at the time the appeal is filed shall be deemed waived.*

*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 petitioner seeks relief.*

*V. The following timelines will be strictly adhered to unless extended by mutual agreement. 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*

*(Informal) Following a qualifying event, as defined in Sections I and II, 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.*

*(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.*

*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.*

*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 Teachers' Association President, shall receive copies of the response and any and all additional information submitted with the response.*

#### *Level 2 – Superintendent*

*Within five (5) school days of 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.*

*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.*

*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*

*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) administration representatives. The panel will be provided the entire appeals record; however, any information identifying the appellant or the appellant's district, 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. 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 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 unless the appeal is on an ineffective rating or the panel's decision is split on the appeal of a developing rating. Appeals of ineffective ratings and split decisions on an appeal of a developing rating will proceed to level 4 below.

#### Level 4 – Superintendent

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, and to the panel members. Whether the appeal is denied, sustained, or modified, such 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.

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.

## 6.4) Training and Certification of Lead Evaluators and Evaluators

Describe the process by which evaluators will be trained and the process for how the district will certify and re-certify lead evaluators. Describe the process for ensuring inter-rater reliability. Describe the duration and nature of such training.

All administrators are participating in the 5-day workshop through FEH BOCES. In addition we are all being trained for 3 days in August on the NYSUT Rubric and 2 additional days on using the TED Workbook. Principals will continue to work with our local FEH BOCES to receive updated training on the APPR process. Each year we will conduct or send principals to refresher training on the NYSUT Rubric for calibration purposes. In addition we pledge to training and certify any new administrator hired within Malone CSD>

## 6.5) Assurances -- Evaluators

Please check the boxes below:

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- Checked
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(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 the value-added growth model as defined in section 30-2.2 of this Subpart

(4) application and use of the State-approved teacher or principal rubric(s) selected by the district or BOCES 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 school district or BOCES utilizes to evaluate its classroom teachers or building principals, including but not limited to, structured portfolio reviews; student, parent, teacher and/or community surveys; professional growth goals and school improvement goals, etc.

(6) application and use of any State-approved locally selected measures of student achievement used by the school district or BOCES to evaluate its teachers or principals

(7) use of the Statewide Instructional Reporting System

(8) the scoring methodology utilized by the Department and/or the district or BOCES to evaluate a teacher or principal under this Subpart, including how scores are generated for each subcomponent and the composite effectiveness score and application and use of the scoring ranges prescribed by the Commissioner for the four designated rating categories used for the teacher's or principal's overall rating and their subcomponent ratings

(9) specific considerations in evaluating teachers and principals of English language learners and students with disabilities

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• Checked

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## 6.6) Assurances -- Teachers

Please check all of the boxes below:

6.6) Assurances -- Teachers   Assure the entire APPR plan will be completed for each teacher as soon as practicable, but in no case later than September 1 of the school year next following the school year for which the classroom teacher's performance is being measured.	Checked
6.6) Assurances -- Teachers   Assure that the district or BOCES will provide the teacher's score and rating on the locally selected measures subcomponent, if available, and on the other measures of teacher and principal effectiveness subcomponent for a teacher's annual professional performance review, in writing, no later than the last school day of the school year for which the teacher or principal is being measured.	Checked
6.6) Assurances -- Teachers   Assure that the APPR will be put on the district website by September 10 or within 10 days after approval, whichever is later.	Checked
6.6) Assurances -- Teachers   Assure that the evaluation system will be used as a significant factor for employment decisions.	Checked
6.6) Assurances -- Teachers   Assure that teachers will receive timely and constructive feedback as part of the evaluation process.	Checked
6.6) Assurances -- Teachers   Assure the district has appeal procedures that are consistent with the regulations and that they provide for the timely and expeditious resolution of an appeal.	Checked

## 6.7) Assurances -- Data

Please check all of the boxes below:

6.7) Assurances -- Data   Assure that SED will receive accurate teacher and student data, including enrollment and attendance data, and any other student, teacher, school, course, and teacher/student linkage data necessary to comply with regulations, in a format and timeline prescribed by the Commissioner.	Checked
6.7) Assurances -- Data   Certify that the district provides an opportunity for every classroom teacher to verify the subjects and/or student rosters assigned to them.	Checked
6.7) Assurances -- Data   Assure scores for all teachers will be reported to NYSED for each subcomponent, as well as the composite rating, as per NYSED requirements.	Checked