

# **Annual Professional Performance Review (APPR)**

## **NEGOTIATED AGREEMENT: PRINCIPAL APPR PROVISIONS WITH DISCUSSION NOTES**

**REVISED**

**June 27, 2012**



## **SECTION I: GENERAL AGREEMENT**

### **APPR MOA between the Malone Administrators Association**

In compliance with Chapter 103 of the Laws of 2010 as modified by the NYS budget of 2012-13, the parties agree to modify their Collective Bargaining Agreement regarding the mandatory topics of negotiation in accordance with a revised administrator evaluation procedure, the components of which are outlined below. This MOA represents the parties' mutual understanding regarding both mandatory and non-mandatory topics of negotiation. The District maintains the right to change/modify/add/delete any provision of this agreement that is determined by the NYS Public Employment Relations Board or a court to be a non-mandatory topic of bargaining. Both parties agree to meet annually in June for the purposes of ongoing review and possible adjustment of this MOA.

Whereas the parties above are obligated to negotiate mandatory topics regarding APPR provisions for principals consistent with Education Law 3012-c and subsequent NYSED regulation, they hereby agree to the following:

1. Application:

- The APPR process will be conducted for those administrators with the title of Principal.
- Should the law (3012-c) of 2012, the corresponding regulations or NYSED guidance regarding 3012-c change from what was in place at the time of this agreement, the agreement shall be renegotiated to be consistent with further changes in law, regulation or NYSED guidance.

2. The superintendent or designee shall be the lead evaluator for principals.

3. The 20 or 25 points for student growth measures shall be the state provided score. Where there is no state score generated, the principal shall develop Student Learning Objectives (SLO) for approval by the superintendent for the 20 points comparable measure. They shall be developed by October 15. The superintendent or designee shall meet with the principals and provide the decision on approval within 5 days of submission by the principal.

4. The 15 or 20 points for locally selected measures of student achievement shall be based on an achievement target setting process to produce annual Local Achievement Targets (LAT) to be mutually agreed upon between the principal and superintendent or designee. This plan developed shall include what approved assessment measures will be utilized, what expectations will be set and how points will be earned regarding achievement in relation to the targets. LATs will be consistent with established district goals. The superintendent or designee shall verify comparability and rigor in the utilization of this achievement target-setting process as required by regulation. For all measures, the cohort of students utilized shall only include those continuously enrolled from BEDS Day to June 15 annually. For all targets, the superintendent or designee, and principal shall identify measures from the following NYSED identified options:

- Student performance on any district-wide locally selected assessments approved for use in teacher evaluations. (*SEE SECTION VII for specific approved assessments used in the district.*) [ES/MS/HS]
- Achievement on state tests (e.g., % proficient or advanced) in ELA and Math grades 4 to 8 [ES/MS]
- Growth or achievement for student subgroups (SWD, ELL) on State Assessments in ELA and Math grades 4 to 8 [ES/MS]
- Growth or achievement for student in ELA and Math grades 4 to 8 starting at specific performance levels (e.g. level 1, 2) on state or other assessments. [ES/MS]
- Percent of cohort achieving specified scores on Regents exams, AP, IB or other Regents-equivalents [HS]
- Graduation rates ( 4,5,6 years) and/or drop-out rates [HS]
- Graduation % with Advanced Regents designation and/or honors [HS]
- Credit accumulation (e.g. 9th and 10th grade) or other strong predictor of progress to graduation [HS]
- Student Learning Objectives if principals do not have state-provided growth or value-added measures for the growth subcomponent (1<sup>st</sup> 20%) [ES/MS/HS]

**(SEE SECTION II)**

5. The district shall utilize the LCI Multidimensional rubric for principal evaluation as the basis for the 60 “Other” points allocated to measures of leadership and management. This shall be according to the attached instrument. The superintendent’s or designee’s assessment shall be based on at least 3 visits of 30 minutes or more to the school, while in session. One visit will be unannounced and the remaining two will be agreed upon between the superintendent and principal. Visits are to be completed no later than April 30. The two additional sources of information for the superintendent’s or designee’s consideration in utilizing the rubric and instrument shall be:
  - a. A portfolio of school documents related to components of the rubric. These shall be provided to the superintendent or designee by May 31. (*SEE SECTIONS III and VII*)
  - b. The superintendent shall consider the following discussions and reviews in assessing performance of the principal in leadership and management: 1.) The principal and superintendent or designee shall conduct a joint critical analysis of the NYS School Report Card (or other similar NYS accountability report) no later than October 15, including identification of actions to be taken to address components and district resources to be made available to the principal and building. 2.) No later than May 31, the principal and superintendent or designee shall meet to review the related initiatives and actions of the principal over the year as well as the availability and utilization of district provided resources.
  - c. The principal’s self-analysis on the rubric for the superintendent’s or designee’s consideration and discussion.

6. As per NYSED regulation, the method for assigning subcomponent points will identify how points will be awarded within four performance levels (HEDI) for the “local measures of student achievement” and the “other measures of effectiveness” subcomponents using the following standards:

Level	Achievement Growth Measures	Local assessment of growth or achievement	Other Measures (principal standards)
<b>Highly Effective</b>	Results are well-above state average for similar students. (Or district goals if no state test).	Results are well-above District or BOCES -adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.
<b>Effective</b>	Results meet state average for similar students. (Or district goals if no state test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
<b>Developing</b>	Results are below state average for similar students. (Or district goals if no state test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
<b>Ineffective</b>	Results are well-below state average for similar students (or district goals if no state test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.

*(SEE SECTION IV)*

7. Final evaluations shall be provided to principals no later than September 1 annually. Scores and ratings on Locally Selected Measures of Achievement and the “Other Measures” of Effectiveness shall be provided no later than June 30 annually. If data for the Locally Selected Measures of Achievement is not available by June 30, that score and rating shall be provided within 10 business days of receipt of those achievement results.
8. Improvement plans for principals with developing or ineffective ratings shall be according to the attached format and process. Such plans shall be collaboratively developed, with final approval of The Plan at the discretion of superintendent or designee.
9. An appeal of a principal’s evaluation shall be only for ineffective and developing ratings. The reasons for appeal shall be those identified in 3012-c. The attached appeal process shall be utilized. An appeal of an evaluation may NOT be initiated prior to the issuance of the final composite score and rating. *(SEE SECTION VI)*
10. The parties agree to annually review the APPR and its application.

\_\_\_\_\_/\_\_\_\_\_  
 Association President                      Date                      Superintendent/Designee                      Date

**SECTION II: LOCAL MEASURES OF STUDENT ACHIEVEMENT 20 POINTS**

**MALONE CENTRAL SCHOOL DISTRICT**

**LOCAL ACHIEVEMENT MEASURES FOR PRINCIPALS 20 PTS.**

**LOCAL ACHIEVEMENT TARGETS (LAT): RATINGS AND SCORES – PAGE 1**

**PRINCIPAL:** \_\_\_\_\_ **YEAR:** \_\_\_\_\_

The principal and superintendent shall mutually agree upon Local Achievement Targets, identifying the components below. One sheet should be completed for each LAT.

**Local Achievement Target:**

**Assessment used to measure achievement:**

**Scoring Methodology (Target attainment categories with related points and HEDI designations (see page 2), including relative value if multiple targets are utilized):**

**Date for final determination of assessment of Local Achievement Target:** \_\_\_\_\_

**PLAN AGREEMENT:**

\_\_\_\_\_/\_\_\_\_\_  
Superintendent/Designee Signature / Date      Principal Signature / Date

**FINAL RATING/SCORE FOR TARGET:** \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_  
Superintendent/Designee Signature / Date      Principal Signature / Date

## LOCAL ACHIEVEMENT MEASURES FOR PRINCIPALS 20 PTS

### LOCAL ACHIEVEMENT TARGETS (LAT): RATINGS AND SCORES – PAGE 2

#### HEDI SCORING BANDS SET IN LAW AND REGULATION:

#### BOTH ACHIEVEMENT COMPONENTS PLUS COMPOSITE

(BANDS FOR “OTHER MEASURES” NEGOTIABLE)

#### POINT BANDS FOR 2011-12 GRADE 4-8 ELA/MATH AND 2012-13 FOR THOSE FOR WHOM A VALUE-ADDED SCORE WILL NOT BE GENERATED:

Level	Measures of Student Growth (25%)	Local measures of student achievement (15%)	Overall Composite Score
Highly Effective	18-20	18-20	91-100
Effective	9-17	9-17	75-90
Developing	3-8	3-8	65-74
Ineffective	0-2	0-2	0-64

#### POINT BANDS FOR 2012-13 WHEN A VALUE ADDED MODEL IS ADOPTED; ONLY APPLIES TO THOSE WHO WILL GET A STATE VALUE ADDED SCORE:

Level	Measures of Student Growth (25%)	Local measures of student achievement (15%)	Overall Composite Score
Highly Effective	22-25	14-15	91-100
Effective	10-21	8-13	75-90
Developing	3-9	3-7	65-74
Ineffective	0-2	0-2	0-64

### **SECTION III: "OTHER" MEASURES OF EFFECTIVENESS (60 POINTS)**

#### **Malone Central School District**

#### **Principal's Leadership and Management**

#### **Assessment Summary: LCI Multidimensional Rubric**

Using the rubric, the superintendent will circle the descriptor for each item that best matches the principal's performance. Using a holistic approach, a HEDI rating shall then be determined for each domain and overall on the rubric. Based on the overall rating on the rubric, points will be assigned according to the ranges below.

Name of Principal \_\_\_\_\_ School Year \_\_\_\_\_

Domain	Highly Effective	Effective	Developing	Ineffective
Shared Vision of Learning				
School Culture and Instructional Program				
Safe, Efficient, Effective Learning Environment				
Community				
Integrity, Fairness, Ethics				
Political, Social, Economic, Legal and Cultural Context				
OPTIONAL –Other: Goal Setting and Attainment				

**Overall Rating:**      Highly Effective      Effective      Developing      Ineffective  
(Circle one)

<b>Rubric Performance Levels and Score Scale</b>	
<b><u>Performance Level</u></b>	<b><u>Points ranges negotiated (subject to negotiated revision should NYSED ranges change)</u></b>
Highly Effective	59-60
Effective	57-58
Developing	55-56
Ineffective	0-54

**Points Awarded 0-60:** \_\_\_\_\_

## **SECTION IV: OVERALL EVALUATION SUMMARY**

### **Malone Central School District**

#### **Principal Annual Professional Performance Review Summary**

Principal's Name \_\_\_\_\_

Position/Site \_\_\_\_\_

School Year \_\_\_\_\_

Evaluator's Name \_\_\_\_\_

Evaluator's Visit Date \_\_\_\_\_

Date of Evaluation \_\_\_\_\_

Evaluation Component	Points Range (check one in each of 1 <sup>st</sup> 2 boxes)	Points Earned	HEDI RATING	Comments
State (or comparable) student achievement growth score	<u>  </u> 0 – 20 <b>or</b> <u>  </u> 0 – 25			
Locally selected measures of student achievement Score	<u>  </u> 0 – 20 <b>or</b> <u>  </u> 0 – 15			
Other Measures of Performance: Supervisor's Assessment of Leadership and Management: LCI Multidimensional Rubric	(0 – 60)			
<b>OVERALL TOTAL POINTS</b>	<b>0-100</b>			

<b>HEDI Composite Scale</b>	
Highly Effective	91-100
Effective	75-90
Developing	65-74
Ineffective	0-64

**APPR Overall Rating (HEDI):** \_\_\_\_\_

Supervisor's Signature / Date \_\_\_\_\_ / \_\_\_\_\_

Principal's Signature / Date \_\_\_\_\_ / \_\_\_\_\_

## **SECTION V: IMPROVEMENT PLAN**

### **Malone Central School District Principal Improvement Plan Process**

Upon an overall composite rating a principal as ineffective or developing, an improvement plan designed to rectify perceived or demonstrated deficiencies must be developed and commenced no later than ten (10) school days after the start of a school year. The superintendent or designee, in conjunction with the principal, must develop an improvement plan that contains:\*

1. A clear delineation of the deficiencies that resulted in the ineffective or developing assessment.
2. Specific improvement goal/outcome statements.
3. Specific improvement action steps/activities.
4. A reasonable time line for achieving improvement.
5. Required and accessible resources to achieve goal.
6. A formative evaluation process documenting meetings strategically scheduled throughout the year to assess progress. These meetings shall occur at least twice during the year: the first between December 1 and December 15 and the second between March 1 and March 15. A written summary of feedback on progress shall be given within 5 business days of each meeting.
7. A clear manner in which improvement efforts will be assessed, including evidence demonstrating improvement.
8. A formal, final written summative assessment delineating progress made with an opportunity for comments by the principal.

## Principal Improvement Plan

Name of Principal \_\_\_\_\_

School Building \_\_\_\_\_ Academic Year \_\_\_\_\_

Deficiency that promulgated the “ineffective” or “developing” performance rating:

Improvement Goal/Outcome:

Action Steps/Activities:

Timeline for completion:

Required and Accessible Resources, including identification of responsibility for provision:

Dates of formative evaluation on progress (lead evaluator and principal initial each date to confirm the meeting):

December:

March:

Other:

Evidence to be provided for Goal Achievement:

Assessment Summary: Superintendent or designee is to attach a narrative summary of improvement progress, including verification of the provision of support and resources as outlined above no later than 10 business days after the identified completion date. Such summary shall be signed by the superintendent or designee and principal with the opportunity for the principal to attach comments.

Supervisor's Signature / Date \_\_\_\_\_ / \_\_\_\_\_

Principal's Signature / Date \_\_\_\_\_ / \_\_\_\_\_

## **SECTION VI: APPEAL PROCESS**

### **Malone Central School District Principal APPR Appeal Process**

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

1. Appeals will be limited to the following situations:
  - a. A principal completing the first year of a three-year probationary appointment may appeal only an ineffective APPR composite rating;
  - b. Any other principal may appeal only an ineffective or a developing APPR composite rating;
  - c. Any principal 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.
2. 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 principal improvement plan under Education Law 3012-c in connection with an ineffective or developing rating.
3. A principal may not file multiple appeals regarding the same performance review or principal 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.
4. In an appeal, the principal has the burden of demonstrating a right to the relief requested and the burden of establishing the facts upon which petitioner seeks relief.

5. 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**

- a. (Informal) Following a qualifying event, as defined in Sections I and II, above, the principal shall be encouraged and shall be entitled to schedule a follow up meeting to informally discuss with the evaluator any and all related issues.
- b. (Formal) Any appeal must be submitted to the evaluator in writing no later than ten (10) school days of the date when the principal receives his/her annual professional performance review. If a principal is challenging the issuance or implementation of a principal improvement plan, the appeal must be submitted in writing within ten (10) school days of issuance or of the time when the principal knew or should have known of an alleged implementation breach of such plan.
- c. When filing an appeal, the principal 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 principal initiating the appeal, and the Principals' Association President, 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 receipt of the Level 1 response, if a principal is not satisfied with such response the principal 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 principal's appeal, the Superintendent or designee will conduct a hearing at which the principal (and representative at the option of the principal) 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 principal, the Principals' Association President, and the evaluator.

### **Level 3 – Panel**

- a. Within five (5) school days of receipt of the Level 2 determination, if a principal is not satisfied with such determination and if the Principals' Association deems the appeal meritorious, the Association must submit the appeal to a bipartisan panel\* comprised of two (2) principal 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.
- 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 Principals' 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 for all appeals on developing ratings. Appeals of ineffective ratings and split decisions 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 Principals' 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.
6. The entire appeals record will be part of the principal's APPR.
  7. 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 principal may not resort to any other contractual grievance procedure for the resolution of these appeals, except as otherwise authorized by law.

Nothing in this appeals procedure will restrict the right of the district or the obligation of the principal 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.