

Summary of Erie 1 BOCES Annual Professional Performance Review (APPR) Plan for Teachers under Education Law §3012-d

Introduction

Education Law §3012-d,¹ and its implementing regulations at Subpart 30-3 of the Rules of the Board of Regents, established new requirements for the annual professional performance review of classroom teachers (APPR).

Beginning with the 2016-2017 school year, these new requirements apply to certified Erie 1 BOCES teachers of record, including applicable special education teachers, alternative education teachers and career and technical education teachers.²

Under the new law, school districts and BOCES are required to adopt an APPR Plan which includes a description of how the new evaluation system will be implemented. A team consisting of District administrators, with input from representatives of the bargaining unit representing teachers, developed the District's overall Plan for the annual professional performance review of classroom teachers in accordance with the requirements of Education Law §3012-d and Subpart 30-3.³ The Erie 1 BOCES Board of Education adopted the APPR Plan, which was subsequently approved by the Commissioner of Education.

The following is a **summary** of Erie 1 BOCES' APPR Plan as it applies to classroom teachers. The Plan, in its entirety, is filed in District offices and made available to the public on the New York State Education Department's website at: <http://usny.nysed.gov/rttt/teachers-leaders/plans/districts/erie-one-boces.html>.

¹ Education Law § 3012-d, as added by Ch. 56 of the Laws of 2015.

² The new APPR requirements do not apply to teachers providing "pupil personnel services," which includes school counselors, school psychologists, and school social workers. Individuals holding such positions continue to be subject to annual professional performance review under Part 100.2(o) of the Rules of the Board of Regents and applicable provisions of the collective bargaining agreement, if any. Neither Education Law §3012-d nor Part 100.2(o) apply to evening school teachers of adults enrolled in nonacademic, vocational subjects, teacher aides or teaching assistants.

³ In accordance with Education Law § 3012-d, certain elements of the District's overall APPR Plan were subject to negotiation pursuant to the requirements of Article 14 of the Civil Service Law.

Overview of Teacher Effectiveness Scores and Quality Ratings

Annual professional performance reviews for classroom teachers conducted pursuant to Education Law §3012-d and Subpart 30-3 must be based on the following two categories:

- Student Performance Category
- Observation/School Visit Category

Each teacher will receive an effectiveness score in each of the two categories described above which shall correspond to a (“HEDI”) rating of “highly effective (**H**),” “effective (**E**),” “developing (**D**)” and “ineffective (**I**).” These ratings will be combined in the state developed matrix (shown below) to result in a final overall quality rating for each individual classroom teacher.

Student Performance Category

For the Student Performance Category, classroom teachers are assigned a quality rating based on student performance on designated/State-approved assessments. Where at least 50% of a teacher’s students are covered by a state-provided growth score, that state-provided growth score will be utilized to determine the overall composite quality rating for that teacher. Where less than 50% of a teacher’s students are covered by a state-provided growth score, a Student Learning Objective (SLO) must be developed and utilized to measure performance.⁴

All classroom teachers, regardless of whether their students are covered by a state-provided growth score or not, are required to develop back-up SLO’s in the event that there are not enough students, not enough scores, or other unforeseen data issues occur that do not allow the State Education Department to generate a growth score. In addition, during the 2015-16 through 2018-19 school years, growth measures based entirely (or in part, at district/BOCES discretion) on the grades 3-8 ELA and math State assessments or any other State-provided growth scores must be excluded from the calculation of transition scores and ratings.

In the case of evaluations pursuant to Education Law §3012-d and the new §30-3.17 of the Rules of the Board of Regents, transition scores and ratings for the student performance category and the overall transition rating will be determined using the scores/ratings in the student performance category that are **not** based on the grade 3-8 ELA or mathematics State

⁴ “A Student Learning Objective is an academic goal for an educator’s students that is set at the start of a course. It represents the most important learning for the year (or semester, where applicable). It must be specific and measurable, based on available prior student learning data, and aligned to Common Core, State, or national standards, as well as to any other school and district priorities. Educators’ scores are based upon the degree to which their goals were attained.” *Guidance on New York State’s Annual Professional Performance Review for Teachers and Principals to Implement Education Law § 3012-d and the Commissioner’s Regulations* (May 31, 2016).

assessments and/or a State-provided growth score on Regents examinations. Where no scores/ratings in the student performance category can otherwise be generated, a back-up Student Learning Objective (SLO) shall be developed by the district/BOCES consistent with guidelines prescribed by the Commissioner using assessments approved by the State Education Department.

Quality ratings based upon state-provided growth scores and SLO's are assigned in accordance with the following State-developed scoring ranges:

SLOs		Scoring Range	State-Provided Growth Scores	
Rating	Percent of Students Meeting Target		MGP Range	Rating
I	0-4%	0	3-23	I
I	5-8%	1	24	I
I	9-12%	2	25	I
I	13-16%	3	26	I
I	17-20%	4	27	I
I	21-24%	5	28	I
I	25-28%	6	29	I
I	29-33%	7	30	I
I	34-38%	8	31	I
I	39-43%	9	32	I
I	44-48%	10	33	I
I	49-54%	11	34	I
I	55-59%	12	35	I
D	60-66%	13	29-37	D
D	67-74%	14	38-40	D
E	75-79%	15	36-48	E
E	80-84%	16	49-55	E
E	85-89%	17	56-68	E
H	90-92%	18	67-68	H
H	93-96%	19	69-72	H
H	97-100%	20	73-94	H

Through the 2018-19 school year, State-provided growth scores will continue to be computed for advisory purposes only and overall HEDI ratings taking these scores into account will continue to be provided to teachers and principals based on such growth scores. **However, during the transition period (through 2018-19 school year), only the transition score and rating will be used for purposes of Education Law § 3012-d and Subpart 30-3. This includes, but is not limited to use in employment decisions such as tenure determinations and for purposes of proceedings under Education Law §§3020-a and 3020-b as well as development of teacher and principal improvement plans.**

For purposes of public reporting of aggregate data and disclosure to parents pursuant to subdivision 10 of section 3012-c and as made applicable to section 3012-d of the Education Law, the original composite score and rating along with the transition score and rating must be reported and accompanied by an explanation of such transition score and rating.

Observation/School Visit Category

For the Observation/School Visit Category, classroom teachers are assigned a quality rating (corresponding to effectiveness score on 4 point scale) based upon their performance during two classroom observations (three, if teacher is probationary). One of the classroom observations must be conducted by an independent evaluator (not the building administrator). Quality ratings are then assigned in accordance with the following scoring ranges which were locally negotiated within the State-developed parameters:

	E1B HEDI Ranges	
	Minimum	Maximum
Highly Effective	3.5	4.0
Effective	2.5	3.49
Developing	1.5	2.49
Ineffective	0	1.49

In arriving at the quality ratings described above, the individual point score assigned for each observation is weighted in accordance with the following ranges which were locally negotiated within the State-developed parameters:

Observation Performed by Lead Evaluator: 85%
 Observation Performed by Independent Evaluator: 15%

Overall Quality Ratings

As mentioned above, the ratings from the Student Performance Category and the Observation/School Visit Category are then combined to result in a final overall quality rating in accordance with the State-developed scale shown below.

		Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	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

Again, note that an overall quality rating based upon state-provided growth scores will be calculated for advisory purposes along with the transition rating through the end of the 2018-19 school year.

Details of the Categories That Comprise the Overall Quality Rating

Student Performance Category

It is understood that student GROWTH means the measure of change in student achievement for an individual student between two or more points in time.

Classroom teachers with a sufficient number of students taking state assessments with an approved growth/value-added measure to generate a State provided student growth/value added score will use that State determined score for this portion of their overall total quality rating.

In addition, **all** classroom teachers must also develop a Student Learning Objectives (SLO's) in order to determine growth for the student performance category of their APPR. These will be considered back-up SLO's for those teachers whose students also may receive a state-provided growth score and will be utilized to determine transition scores during the 2015-16 school year through the 2018-19 school year.

For all other classroom teachers (*i.e.*, those teachers of grades/subjects where there is no state assessment with an approved growth/value added measure, or, those teachers with an insufficient number of students who take a state assessment with an approved growth/value-added measure to generate a State provided student growth/value added score) SLO's will be the sole measure of growth for the student performance category.

Assessments that will be used for evidence of student learning within SLO's include State Education Department (SED) approved Erie 1 BOCES-developed assessments, State assessments, Regents assessments, and state-approved 3rd party assessments (e.g., SED-Approved Grades 10-12 NOCTI Assessments) as further described in Erie 1 BOCES' APPR Plan.

Targets for SLOs shall set by the District Superintendent or his/her designee for teachers in the same grade level/subject or course. Targets will be established in accordance with guidance from the Commissioner and the State Education Department.

Using data results from district-developed pre-assessments, targets for the final assessment will be established for each individual student. Based on the number of students that meet the established targets, teachers will be assigned 0-20 points within the HEDI rating categories as shown on page 3.

Observation/School Visit Category

Teacher scores within this category shall be based on multiple measures aligned with the New York State Teaching Standards.⁵ The Danielson Framework for Teaching Rubric (2011 Revised Edition) will be used to assess teachers' performance under this category. Points (see four point scale on page 4 above) will be assigned based on formal classroom observations and walkthrough observations, as well as other evidence of student development and performance through lesson plans, student portfolios and other artifacts of teacher practices where such material constitutes evidence of an observable rubric category.

The Erie 1 BOCES Pre-observation Conference form, the Post-observation Conference form and the Walkthrough Observation Report are forms locally developed to support the use of the Danielson Rubric and allow for the assignment of points for those components of the Danielson Rubric for which evidence can be obtained outside of formal classroom observations.

Tenured Teachers

Tenured teachers will receive a minimum of one (1) announced formal observation, and one (1) unannounced walkthrough observation, each school year.

- Formal observation (announced – completed by lead supervisor):
 - Evidence gathered during the formal classroom observation will be used to assess the teacher's performance on components observed within each domain of the rubric.

⁵ The New York State Teaching Standards are as follows:

- (a) *Knowledge of Students and Student Learning*: the teacher acquires knowledge of each student, and demonstrates knowledge of student development and learning to promote achievement for all students;
- (b) *Knowledge of Content and Instructional Planning*: the teacher knows the content they are responsible for teaching, and plans instruction that ensures growth and achievement for all students;
- (c) *Instructional Practice*: the teacher implements instruction that engages and challenges all students to meet or exceed the learning standards;
- (d) *Learning Environment*: the teacher works with all students to create a dynamic learning environment that supports achievement and growth;
- (e) *Assessment for Student Learning*: the teacher uses multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction;
- (f) *Professional Responsibilities and Collaboration*: the teacher demonstrates professional responsibility and engages relevant stakeholders to maximize student growth, development, and learning; and
- (g) *Professional Growth*: the teacher sets informed goals and strives for continuous professional growth.

- Each formal classroom observation shall be preceded by a Pre-observation Conference, and followed by a Post-observation conference, between the teacher and the evaluator. Teachers will complete the Pre-Observation Conference form and the Post-Observation Conference form.
- Walkthrough observation (unannounced – completed by independent evaluator):
 - Complete **prior** to formal observation
 - A post-walkthrough conference between the teacher and the evaluator will be held.

Non-Tenured Teachers

Non-tenured teachers will receive a minimum of one (1) announced formal observation, one (1) unannounced formal observation, and (1) announced walkthrough observation each school year.

- Formal observations (one announced, one unannounced):
 - Evidence gathered during the formal classroom observations will be used to assess the teacher's performance on components observed within each domain of the rubric.
 - Pre-observation and Post-observation conferences between the teacher and the evaluator will be held for each announced formal classroom observation. Teachers will complete the Pre-Observation Conference form and the Post-Observation Conference form.
 - A Post-observation conference between the teacher and the evaluator will be held following the unannounced formal classroom observation. No points shall be assigned based on this Post-observation conference.
- Walkthrough observation (announced):
 - A post-walkthrough conference between the teacher and the evaluator will be held.

In addition to the above, the District Superintendent or his/her designee may, in his/her discretion, conduct an observation of each non-tenured teacher during his/her probationary period for purposes of informing a recommendation to grant or deny tenure.

Teacher Improvement Plans

In accordance with Education Law §3012-d and Subpart 30-3, upon rating a teacher as “developing” or “ineffective,” a school district or BOCES must implement a Teacher Improvement Plan (TIP) for that teacher.

The TIP shall clearly specify the area(s) in need of improvement. For each area, the TIP shall include a timeline for achieving improvement, the manner in which improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas. The principal/supervisor will develop the contents of an individual TIP in collaboration with the teacher, at a meeting held for this purpose.

The TIP shall be developed and implemented as soon as practicable following a teacher’s receipt of his/her total composite effectiveness score and rating, but in no case later than ten school days after the opening of classes for the school year (unless data required for such completion has not yet been received from SED).

A teacher who believes that the District has failed to meet its obligation to properly issue and/or implement the terms of a TIP may seek relief through the negotiated appeal process. The grounds for appeal of a TIP is limited to the District’s issuance and/or implementation of the terms of the teacher improvement plan under Education 3012-d.

Appeal Process

The appeal process for a teacher’s APPR is only available to a teacher who received an overall total composite effectiveness score of “ineffective” or “developing.”

A teacher may appeal the:

- a. Substance of the Annual Professional Performance Review (APPR); which shall include the instance of a teacher 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. District’s adherence to the standards and methodologies required for such review;
- c. District’s compliance with its procedures for conducting the APPR, or the appeal process;

- d. District's issuance and/or implementation of the terms of the Teacher Improvement Plan;
- e. District's adherence to regulations of the Commissioner of Education applicable to such review.

Such appeal must be submitted in writing to the administrator developing and implementing the APPR or Teacher Improvement Plan. The written submission must explain in detail the specific basis for the appeal. The appeal must be submitted within seven school days of the issuance of the APPR or Teacher Improvement Plan, or other act under this section which is the subject of the appeal, or it is deemed waived. Along with his or her written appeal, the unit member may submit copies of any supporting documentation or written materials specific to the point(s) of disagreement and relevant to the resolution of the appeal. Any such additional information not submitted at the time the appeal is initially filed shall not be considered.

Within seven school days of receipt of the appeal, the administrator conducting the APPR or Teacher Improvement Plan shall submit a written determination on the merits of the appeal. The District administrator's response shall include copies of any and all additional documents or written materials that he or she considered in reaching a decision. The absence of a determination shall be deemed a denial of the appeal.

If the member received an "ineffective" or "developing" rating and disagrees with the administrator's determination of the appeal, the teacher may submit a copy of the appeal, the determination, and a written statement explaining in detail the basis for disagreement within seven school days either directly to the District Superintendent or to the Director of Human Resources who will convene a Labor-Management Panel to review the appeal. The Labor-Management Panel will consist of three members of the EPEA as chosen by the unit president or designee and two District representatives as chosen by the District Superintendent or designee but excluding the District Superintendent, the evaluating administrator and the unit member appealing his or her APPR or Teacher Improvement Plan as part of the Panel. The Labor-Management Panel shall provide the unit member with the opportunity to meet with the Panel within seven school days of the date the teacher's request was received (or such other convenient time as may be determined by the Panel), and shall render a final recommendation on the appeal within seven school days after the date on which the unit member was provided the opportunity to meet with the Panel. This recommendation will be delivered by the unit president to the District Superintendent who will make the final determination of the appeal within 10 school days upon receipt of the recommendation from the Panel.

The decision of the District Superintendent (or the decision of the District Administrator if not appealed to the Labor-Management Panel or directly to the District Superintendent) shall be final and binding on all parties. It shall not be subject to any further appeal through any other process including grievance or arbitration contained within Article 3 of the collective bargaining agreement.

Unit members may not file more than one appeal regarding the same APPR or Teacher Improvement Plan. All grounds for appealing a particular APPR or Teacher Improvement Plan must be raised with specificity within the initial appeal. Any grounds not raised at the time of the appeal is filed shall be deemed waived.

The above appeals procedure shall constitute the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a unit member's APPR or Teacher Improvement Plan. Unit members may not resort to any other grievance or arbitration procedures contained within the collective bargaining agreement or to any administrative or judicial forum for the resolution of challenges and appeals related to the APPR or Teacher Improvement Plan, except as otherwise authorized by law.

Ensuring Accurate Data

Erie 1 BOCES shall provide accurate teacher and student data to SED in a format and timeline prescribed by the Commissioner. To the extent authorized by the Family Educational Rights and Privacy Act (FERPA), the District will provide teachers with an opportunity to review any information in the District's possession that is necessary for the teacher to verify the subjects and/or student rosters assigned to him/her.

Erie 1 BOCES will be responsible for submitting teacher-student data linkage (TDSL) information as required to the Student Information Repository System (SIRS).

Teachers shall review and verify student rosters in the District's student management system (currently eSchool or BOCES Direct) on a daily basis, and shall review their Teacher-Student Roster Verification Reports online at SED's Education Data Portal. Teachers without online access will be provided with a hard copy of reports by the District for verification purposes, or be provided with an alternative location at an Erie 1 BOCES facility for the purpose of obtaining online access.

Twice each year, teachers shall complete and submit the Teacher Course Reporting Data Verification form acknowledging that they have reviewed their Teacher-Student Roster

Verification Report, determined it to be complete and accurate, and understand that the data will be used for evaluation purposes.

Reporting APPR Data to SED

The District shall be responsible for reporting to SED the individual subcomponent scores and the total composite effectiveness score and the transition score, as applicable, for each teacher in a format and timeline prescribed by the Commissioner.

Feedback to Teachers

The District will provide timely and constructive feedback to teachers on their Annual Professional Performance Review. Building administrators will provide such feedback during pre-observation and post-observation meetings with the teacher held in conjunction with formal observations, and in meetings with the teacher held following walkthrough observations. The District will provide feedback regarding APPR continually through staff development opportunities during the school year.

Development, Security and Scoring of Assessments

A Data Team member shall be responsible for overseeing the assessment development, security, and scoring processes utilized by the District and shall take steps to ensure that any assessments and/or measures used to evaluate teachers are not disseminated to students before administration, and that teachers do not have a vested interest in the outcome of the assessments they score. Classroom teachers shall not discuss or disclose the content of, nor make or retain copies of any assessment (or items included in any assessment) that is used for or created for the purpose of teacher evaluation. This shall include but not be limited to hard copy, electronic or digital copies/recordings.

Evaluator Training, Certification of Lead Evaluators, Ensuring Inter-Rater Reliability

In order to certify and re-certify lead evaluators and evaluators, all lead evaluators and evaluators and independent observers will complete training through the Erie 1 BOCES Instructional Resource Team, which consists of (1) full day training and five (5) ½ day trainings throughout the year. New Administrators would take four (4) additional ½ day trainings to be initially certified. These trainings will include the nine required elements as outlined in 30-3.10 (for all evaluators, lead evaluators and independent evaluators). In addition, collaborative review and analysis of observation-based evidence and other professional evidence within Danielson's 2011 Rubric will take place during regular monthly administrative council/management team meetings and evaluator training meetings in order to ensure inter-

rater reliability. Each lead evaluator and evaluator and independent observer will receive a minimum of six hours for this training. Lead evaluators and evaluators and independent observers will utilize authentic evidence gathered during actual teacher observations, they will jointly review 3rd party-provided video lessons, and they will discuss and review the nine criteria areas. All documentation of training and development activities will be kept on file. Upon gathering ample documentation that evaluators and lead evaluators and independent observers have been properly trained, the Superintendent will make the recommendation for the Board of Education to certify each evaluator to conduct evaluations. The in-district activities outlined and participation in regional meetings and trainings will be ongoing, and documentation of training will continue in order for all evaluators to be re-certified each year.