



Memorandum of Agreement

between

Ogdensburg Supervisory Unit

and

Ogdensburg City School District



Regarding Annual Professional Performance Review

SECTION I: GENERAL AGREEMENTS

This APPR Addendum shall be incorporated, by reference, into the collective bargaining agreement between The Ogdensburg City School District and the Ogdensburg Supervisory Unit, this APPR Addendum covers the period: July 1, 2018 through June 30, 2019.

1. Application:
 - This provision shall apply only to those who have the title of principal/assistant principal and are serving in that capacity.
 - This provision shall sunset on June 30, 2019 with implementation to begin upon approval by NYSED. All provisions of this agreement shall apply to all principal evaluations produced under its provisions for the 2018-19 school year.
 - Should the law (3012-d) of 2015, the corresponding Rules of the Board of Regents, or NYSED guidance regarding 3012-d 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 or with any required material change to the District APPR plan related to principal evaluation.
 - If districts are allowed, by subsequent law or regulation, to continue with previously NYSED approved 3012-c APPR plans, the parties agree to negotiate whether this plan will be implemented or the district will continue to implement the currently approved 3012-c plan.
2. The student performance category measure shall be the required state provided growth score or SLO. (See Section II)
3. The Superintendent of Schools shall be the lead evaluator for principals and shall complete the required announced observational school visits. The person serving as the required "independent observer" shall be the Superintendent of Schools. This person shall do the required unannounced observational school visit. (See Section III)
4. The district shall utilize the LCI Multidimensional rubric, Section I, Domains 1 to 6 (covering all ISLLC 2008 Standards) for principal evaluation as the basis for the Observation (of Professional Performance) Category. This shall be according to the provisions of Section III and attached Appendix instruments.

5. Scores and ratings for both the Student Performance Category and Observation Category (rubric) shall be provided annually no later than June 30. Final overall summative evaluations, including transition scores and ratings, shall be provided to principals annually no later than the 15th of July. If data for any student performance measure is not available by June 30, the related scores and ratings, including the final summative evaluation, shall be provided within 15 business days of receipt of the achievement results, or by some other District and Association mutually agreed upon date.
6. The following matrix, required by law and regulation, will be used to determine the overall rating for principals.

EVALUATION RATING MATRIX

		OBSERVATION			
STUDENT PERFORMANCE		HIGHLY EFFECTIVE (H)	EFFECTIVE (E)	DEVELOPING (D)	INEFFECTIVE (I)
	HIGHLY EFFECTIVE	H	H	E	D
	EFFECTIVE	H	E	E	D
	DEVELOPING	E	E	D	I
	INEFFECTIVE	D (or I) *	D (or I) *	I	I
	* If a State-designed supplemental assessment was included as an optional sub-component, the teacher can be rated no higher than Ineffective overall with a Student Performance rating of "I".				

7. Improvement plans for principals with developing or ineffective overall evaluation ratings shall be according to the attached format and process. Such plans shall be mutually agreed upon within 10 district work days following the issuance of the final summative evaluation and overall rating. (SEE SECTION IV)
8. An appeal of any principal's evaluation shall be for ineffective and developing ratings or any rating tied to compensation. The reasons for appeal shall be those identified in law and regulation as identified in Section V. The attached appeal process shall be utilized. An appeal of an evaluation may NOT be initiated prior to the issuance of the final composite rating. (SEE SECTION V)
9. Normal rounding procedures shall apply to all score computations where the calculated score falls between the points on any applicable range of scores used to determine a HEDI rating.
10. Specific procedures and forms for each sub-component are contained in the attached Sections II to VI.

Any additional forms needed shall be developed mutually by the Ogdensburg Supervisory Unit and The Ogdensburg City School District no later than 30 calendar days, or some other mutually agreeable date, following approval of the provisions of this agreement by NYSED.

11. That the parties agree to enter into negotiations for a successor APPR agreement no later than March 1, 2019.

SECTION II: STUDENT PERFORMANCE CATEGORY

NO OPTIONAL MEASURES OF STUDENT PERFORMANCE SHALL BE USED TO DETERMINE THE RATING FOR THE STUDENT PERFORMANCE CATEGORY. STATE PROVIDED GROWTH SCORES AND/OR REQUIRED STUDENT LEARNING OBJECTIVES (SLOs) SHALL BE THE MEASURES USED TO CALCULATE ORIGINAL SCORES AND A RATING FOR THIS CATEGORY.

In any instance where Student Learning Objectives (SLOs) are required in lieu of a state growth score, the principal shall develop such SLOs, consistent with any related NYSED requirements, for approval by the superintendent. They shall be submitted by the principal by October 15 or as soon as practicable. The superintendent shall meet with the principal and provide the decision on approval within 5 days of submission by the principal.

For all locally developed student performance measures, including SLOs, the students to be included in the data shall be: those continuously enrolled from BEDS day to the date of the applicable tests, and for whom there is an appropriate score for the previous year, where needed.

Local considerations for special education, ELL, and poverty shall be incorporated into all student performance measures in any manner allowed.

For the required Alternate SLOs during the “transition” period:

- Which allowable assessments are to be utilized shall be mutually agreed upon by the parties prior to the signing and submission to NYSED of any plans or forms which include provisions for such Alternate SLOs.
- Targets for Alternate SLOs, based on the agreed upon assessments, will be mutually agreed upon annually prior to implementation.

The following NYSED SLO scoring charts will be required for scoring of any SLOs:

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

Overall Student Performance Category Score & Rating		
	<i>Minimum</i>	<i>Maximum</i>
H	18	20
E	15	17
D	13	14
I	0	12

SECTION III: OBSERVATION CATEGORY

1. The parties agree that principals shall be evaluated using the Multidimensional Principal Performance Rubric, Section I, Domains 1 to 6 covering all ISLLC 2008 Standards for the Other Measures subcomponent.
2. The Superintendent of Schools shall be the lead evaluator and complete required announced observational visits. The person serving as the required “independent observer” shall be the Superintendent of Schools and he/she shall complete the required unannounced school visit.
3. The rating of the Independent Observer shall constitute 10% of the rating for the Observation/School Visit Category for principals. The summative evaluation rating of the superintendent/supervisor shall constitute 90% of the rating for this category. (Note: specific procedures and forms shall be developed through the process outlined in Section I.)
4. *Each* observed element of the Multidimensional domain shall be rated by the supervisor in a holistic manner, circling the language on the rubric that best matches the performance of the principal for each element. These HEDI ratings shall be converted to a four-point scale: Highly Effective = 4 points; Effective = 3 points; Developing = 2 points; and Ineffective = 1 point.
5. For the unannounced visit only directly observed professional performance shall be used to rate and score applicable sections of the rubric. The principal may choose to invite the independent observer to join a planned meeting or activity, do a school walk-through visit focusing on leadership initiatives, or engage in an educational planning discussion related to school records and documents.
6. The supervisor’s summative evaluation shall be based, in part, on a minimum of 2 visits of 45 minutes or more to the school, while in session. These will be as agreed to between the superintendent and principal. Another school visit of at least 20 minutes shall be by the “independent observer” and will also be the required unannounced observational visit. Observational School Visits are to be completed annually between September 1 and June 1, with at least one occurring after April 1. The following optional sources of information, if provided by the principal during the “observation cycle”, shall be considered observable evidence of performance by the supervisor in utilizing the rubric and instrument. These shall be provided to the superintendent at the time of an announced observational school visit.
 - a. School documents and records related to components of the rubric.
 - b. Progress on any organizational goals.
 - c. The principal’s self-analysis on the rubric for joint review and discussion.

Supervisors may also provide such additional documents as sources of evidence. However, any evidence to be used by the supervisor shall be presented to the principal at least two days prior to the observational visit in which it is to be used. Such evidence shall be used in only one observational visit. Evidence of professional performance to be used resulting from “natural conversations” outside of the required observational visits shall be documented, in writing, to the principal within three days of such conversations. If considered in determining scores for the final summative evaluation, such written documentation shall be referenced and included.

SECTION III: OBSERVATION CATEGORY Continued

7. Each observational visit shall result in an observational report provided to the principal within 7 days of the observation. For any element observed and rated “Ineffective” (1) or “Developing” (2), the observer shall:
 - Substantiate such scores/ratings with a reference to the specific observed evidence leading to such score.
 - Provide concrete suggestions for the principal’s improvement, and
 - Indicate the assistance and resources to be provided by the district to support the professional growth of the principal in the areas rated “I” or “D”.

8. For the supervisor’s final summative evaluation, the element scores shall be determined according to the RUBRIC SCORE WEIGHTING CHART, and then averaged to determine a rubric score that shall be converted to a HEDI rating pursuant to the CONVERSION CHART below. Rounding to the nearest hundredth shall apply to average element scores to match the HEDI ranges in the conversion chart.

Summative Evaluation:

Based on a review of all observation scores, documented “natural conversations” about professional performance, and other sources of evidence reviewed in observation cycles, the superintendent shall compile and end-of-year summative evaluation.

Each rubric element shall receive a score with no score being lower than any observation score assigned to the element during an observation cycle during the year.

Element scores of 1 (I) or 2 (D), shall be supported by reference to specifically observed evidence during the observation cycles.

A final overall rubric score shall be computed using the average of all of the summative element scores. Normal rounding will apply to an overall average element score falling between the negotiated Observation Category HEDI ranges. This final average overall element score shall be the Overall Summative Observation Score from the superintendent as lead evaluator (weighted at 90% in determining the final Observation Category Rating).

The superintendent’s summative evaluation report shall be presented, reviewed, and discussed in an additional end-of-year post-observation conference.

9. A form to document all school visits with related scores and ratings, and to calculate the final overall score and rating for this category, shall be developed through the process identified in Section I.

10. The HEDI bands for the Observation Category, based on the average rubric score shall be:

Observation Category (Rubric): Average Score* to HEDI Rating Conversion	
<u>Average rubric score</u> **	<u>Performance Level</u>
3.5 to 4.0	Highly Effective
2.5 to 3.49	Effective
1.5 to 2.49	Developing
1*** to 1.49	Ineffective

* For all components or sub-components of a category, the Average Score may be a Weighted Average Score to determine the HEDI rating for a category, as collectively bargained.

** For average scores that fall between these identified ranges, the attained average shall be rounded to the nearest hundredth.

*** Where all elements of a rubric are rated as 1, law (3012-d) requires that the score for the "Observation Category" be recorded and reported as 0 (zero).

SECTION IV: PRINCIPAL IMPROVEMENT PLAN PROCESS

Upon rating a principal as ineffective or developing, an improvement plan designed to rectify perceived or demonstrated deficiencies must be developed and commenced within 10 district work days after the issuance of the final evaluation rating. 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 be provided by the district to achieve goals.
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.

SECTION V: PRINCIPAL APPR APPEAL PROCESS

CHALLENGES IN AN APPEAL:

Appeals are limited to those identified by Education Law, as follows:

1. The substance of the annual professional performance review, which shall include the following:
 - a. In the instance of a 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 (Subpart 30-3.12 (a) (1) of the Rules of the Board of Regents);
2. The school district's or board of cooperative educational services' adherence to the standards and methodologies required for such reviews;
3. The adherence to the Commissioner's regulations, as applicable to such reviews;
4. Compliance with any applicable locally negotiated procedures applicable to annual professional performance reviews or improvement plans; and
5. The school district's or board of cooperative educational services' issuance and/or implementation of the terms of the principal improvement plan.

RATINGS THAT MAY BE APPEALED

Appeals of annual professional performance reviews may be initiated by any principal for ineffective and developing ratings or any rating tied to compensation. An appeal may only be initiated once a principal receives the overall composite score and rating.

PROHIBITION AGAINST MORE THAN ONE APPEAL

A principal may not file multiple appeals regarding the same performance review. The issuance of an improvement plan may prompt an appeal independent of the performance review. The implementation of an improvement plan may be appealed upon each alleged breach thereof. All grounds for appeal must be raised with specificity within such appeal. Any grounds not raised shall be deemed waived.

TIME FRAME FOR FILING APPEAL

All appeals shall be filed in writing. The act of mailing the appeal shall constitute filing.

An appeal of a performance review must be filed no later than fifteen (15) business days of the date when the principal receives their final and complete annual professional performance review. If a principal is challenging the issuance of a principal improvement plan, appeals must be filed with fifteen (15) business days of issuance of such plan. An appeal of the implementation of an improvement plan shall be within fifteen (15) business days of the failure of the district to implement any component of the plan.

The failure to file an appeal within these timeframes shall be deemed a waiver of the right to appeal and the appeal shall be deemed abandoned. An extension of the time in which to appeal may be granted by the

Superintendent upon written request.

When filing an appeal, the principal must submit a written description of the specific areas of disagreement over his or her performance review, or the issuance and/or implementation of the terms of his or her improvement plan. Supportive evidence about the challenges may also be submitted with the appeal. Any additional documents or materials relevant to the appeal must be provided by the district upon written request for same. The performance review and/or improvement plan being challenged must also be submitted with the appeal.

TIME FRAME FOR DISTRICT RESPONSE

Within ten (10) business days of receipt of an appeal, the district must submit a detailed written response to the appeal. The response must include all additional documents or written materials relevant to the point(s) of disagreement that support the district's response. Any such information that is not submitted at the time the response is filed shall not be considered on behalf of the district in the deliberations related to the resolution of the appeal. The principal initiating the appeal shall receive a copy of the response filed by the school district, and all additional information submitted with the response, at the same time the school district files its response. Additional material supporting the challenges may be submitted by the principal up to the date of the hearing.

DECISION PROCESS FOR APPEAL

Within five (5) business days of the district's response, a single individual hearing officer shall be chosen from the list of hearing officers approved mutually by the district and bargaining unit representing the principals.

The parties agree that:

- a. The hearing officer shall hear appeals in a timely manner after the appeal is made, but in no event shall it be less than five (5) business days or more than fifteen (15) business days after the hearing officer is selected.
- b. The hearing shall be conducted in no more than one business day unless extenuating circumstances are present and the hearing officer agrees to a second day.
- c. The parties shall have the ability to be represented by either legal counsel, union representative, or appear pro se;
- d. The parties shall exchange an anticipated witness list no less than two (2) business days before the scheduled hearing date;
- e. The principal shall have the prerogative to determine whether the appeal shall be open to the public or not;
- f. The district shall have the opportunity to present its case supporting the rating or improvement plan and then the principal may refute the presentation. These may include the presentation of material, witnesses and/or affidavits in lieu of testimony.

DECISION

A written decision on the merits of the appeal shall be rendered no later than ten (10) business days from the close of the hearing. Such decision shall be a final administrative decision. The decision shall set forth the reasons and factual basis for the determination on each of the specific issues raised in the appeal. The reviewer must either, affirm, set aside or modify a district's rating or improvement plan. A copy of the decision shall be provided to the principal and the district representative.

Appendix A

HEDI Rating Categories

Multidimensional Principal Performance Rubric (MPPR)

Domain	Title	Points	Evidence
1	Shared Vision of Learning	15	Assessment of Principal Leadership and Management
2	School Culture and Instructional Program	25	Assessment of Principal Leadership and Management
3	Safe, Efficient, Effective Learning Environment	25	Assessment of Principal Leadership and Management
4	Community	10	Assessment of Principal Leadership and Management
5	Integrity, Fairness, Ethics	15	Assessment of Principal Leadership and Management
6	Political, Social, Economic, Legal and Cultural Context	10	Assessment of Principal Leadership and Management

For each rubric in a domain:

- Ineffective = 0
- Developing = 6
- Effective = 9
- Highly Effective = 10

For each domain:

- Add points for each dimension of the Domain together
- Take total points divided by the number of dimensions to get an average score for that Domain
- Take the average score divided by 10 to get a weighted percentage
- Multiply percentage by total possible weighted points in that domain to get the total points earned for that domain

Add the six domain scores together, for a total of 60 possible points. Any remaining leadership standards not addressed in the assessment of the principal's/administrator's leadership and management actions must be assessed at least once a year.

Appendix B

Rubric Average Element Score – Weighting Chart

DOMAINS & Elements	HEDI SCORE 1= I 2= D 3= E 4= HE NR= not rated	MULTIPLIER FOR WEIGHTING (AND NUM- BER FOR THE DIVISOR TO EQUATE AN AVERAGE)*	TOTAL WEIGHTED POINTS
1. SHARED VISION OF LEARNING			
a. Culture		3.5	
b. Sustainability		1.5	
2. SCHOOL CULTURE & INSTRUCTIONAL PROGRAM			
a. Culture		2	
b. Instructional Program		4	
c. Capacity Building		2	
d. Sustainability		1	
e. Strategic Planning Process		1	
3. SAFE, EFFICIENT, EFFECTIVE LEARNING ENVIRONMENT			
a. Capacity Building		3	
b. Culture		3	
c. Sustainability		2	
d. Instructional Program		2	
4. COMMUNITY			
a. Strategic Planning Process: Inquiry		3	
b. Culture		1	
c. Sustainability		1	
5. INTEGRITY, FAIRNESS, ETHICS			

a. Sustainability		2	
b. Culture		1	
6. POLITICAL, SOCIAL, ECONOMIC, LEGAL & CULTURAL CONTEXT			
a. Sustainability		1	
b. Culture		1	
TOTALS	DOES NOT APPLY	35*	
AVERAGE ELEMENT SCORE (TOTAL WEIGHTED SCORE DIVIDED BY TOTAL OF MULTIPLIERS) =			
OVERALL RUBRIC HEDI RATING BASED ON THE AVERAGE ELEMENT SCORE =			

Appendix C

PRINCIPAL IMPROVEMENT PLAN

Name of Principal _____

School Building _____ Academic Year _____

Deficiencies that contributed to 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 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 days after the identified completion date. Such summary shall be signed by the superintendent and principal with the opportunity for the principal to attach comments.

APPENDIX D

Ogdensburg City School District

Principal Annual Professional Performance Review Summary

Principal's Name _____

Position/Site _____

School Year _____

Evaluator's Name _____

Supervisor's school visit dates: _____

Independent Observer's visit dates: _____

Date of Summative Evaluation: _____

STUDENT PERFORMANCE CATEGORY RATING: _____

NYSED GROWTH SCORE OR SLO SCORE/RATING:

_____/_____

OBSERVATION CATEGORY RATING: _____

SUPERVISOR SCORE/RATING (90%):

_____/_____

INDEPENDENT OBSERVER SCORE/RATING (10%):

_____/_____

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EVALUATION MATRIX RATING

		OBSERVATION			
STUDENT PERFORMANCE		HIGHLY EFFECTIVE (H)	EFFECTIVE (E)	DEVELOPING (D)	INEFFECTIVE (I)
	HIGHLY EFFECTIVE	H	H	E	D
	EFFECTIVE	H	E	E	D
	DEVELOPING	E	E	D	I
	INEFFECTIVE	D (or I) *	D (or I) *	I	I
		* If a State-designed supplemental assessment was included as an optional sub-component, the teacher can be rated no higher than Ineffective overall with a Student Performance rating of "I".			

APPR Overall Rating (HEDI): _____

Supervisor's Signature and date _____

Principal's Signature and date _____

EXCLUSIVITY OF THE APPEAL PROCEDURE

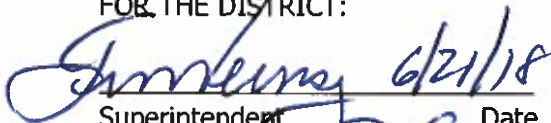
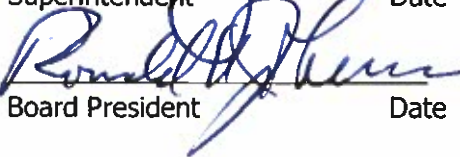
This appeal procedure shall constitute the means for initiating, reviewing and resolving challenges to a principal's performance rating or improvement plan.

OTHER

1. The district and bargaining unit, in the event of an appeal, shall mutually agree upon the appointment of a hearing officer.
2. Appeals shall be assigned to hearing officers on a rotational basis, alphabetically by last name.
3. The cost of a hearing officer shall be the responsibility of the district.
4. In addition to any further limitations agreed to within the APPR agreement, an evaluation shall not be placed in a principal's personnel file until either the expiration of the fifteen (15) business day period in which to file a notice of appeal without action being taken by the principal or the conclusion of the appeal process described herein, whichever is later.

A principal who takes advantage of the appeals process described herein does not waive his/her right to submit a written rebuttal to the final evaluation. A principal who elects to submit a written rebuttal to his/her evaluation prior to the expiration of the fifteen (15) business days in which to file a notice of appeal does not waive her/his right to file an appeal.

FOR THE DISTRICT:


Superintendent Date

Board President Date

FOR THE ASSOCIATION:


OSU President Date