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January 22, 2013

MEMO TO: All Buffalo Teachers

FROM: Philip Rumore, President

RE: MOU Clarification

In an effort to get the documents to you as soon as possible, although the MOU itself refers to “Attachment A – D”, A – D are labeled “Appendices A – D” in the document.

Therefore, although the documents in the MOU are sometimes referred to as “attachments” and “appendices”, while both are correct, it is confusing.

Here is a revised consistent Memo and MOU that is clearer. While the Council of Delegates was briefed at our last meeting, we will forward examples of how this all works later this week.

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January 18, 2012

MEMO TO: All Buffalo Teachers
FROM: Philip Rumore, President, BTF
RE: APPR

Attached, please find two (2) documents:

1. [Memorandum of Understanding](#) between the Buffalo City School District (“District”) and The Buffalo Teachers Federation, Inc. (“Federation”)
2. [APPR Document](#), [APPR Attachments](#) & [NYSUT Conversion Table](#) submitted to the New York State Department of Education.

Overview

- Q. What is the APPR and how is it different from the former teacher evaluation process?
- A. Instead of evaluating teachers based upon classroom observations and/or a teacher’s portfolio, most teachers (e.g. except librarians and pupil personnel teachers e.g. psychologists, school counselors and school social workers), a teacher is now rated in 3 categories for a total of 100 points
1. 20 points - New York State Growth Score – Up to 20 points will be awarded to teachers by the New York State Education Department (NYSED) based upon tests it develops to determine

student growth. Thus far NYSED has only developed “growth” tests for 4-8 ELA and Math. Teachers not teaching 4-8 ELA and Math will have their 20 points determined by a method that has been negotiated by the Bargaining Unit and District until such time as NYSED has developed growth measure for their tenure area.

2. 20 points – Student growth and/or achievement based upon locally developed and negotiated measures/procedures.
3. 60 points – Based upon classroom observations and other components, e.g. portfolios and artifacts.

Artifact - In this context, “artifact” means evidence of instruction provided by the teacher to the evaluator; it may include such things as student work, course outlines, lesson plans, teacher created materials, written feedback to students, written communication to parents, or any other resource used to facilitate student learning.

Portfolio – A portfolio is a collection of materials assembled by a teacher that demonstrates the progress of the teacher’s knowledge and skills.

Our position is that Librarians and Pupil Personal Teachers are exempt from both 20 point categories. Their total 100 points is based upon the observation section i.e. instead of 60 points it is worth 100 points.

Q. What is the composite HEDI score?

A. Once the points are totaled, a teacher receives a rating of Highly Effective, Effective, Developing or Ineffective based upon this chart.

	Overall Composite Score
Highly Effective	91-100
Effective	75-90
Developing	65-74
Ineffective	0-64

Q. Why was our last (June) APPR rejected by NYSED?

A. Mainly as a result of how we compensated for ELL, Students with Disabilities (SWD) and absenteeism.

The method we used in each 20 point section would have possibly added 20 points in each category.

NYSED determined that no more than two (2) points can be added to each category.

We have, instead of adding 2 points to each of the 20 point categories, compensated for ELL, SWD and now also poverty by utilizing the process outlined in Attachments C and D of MOU. Examples will follow

next week since we wanted to get these to you ASAP.

We have moved absenteeism to the 60 point section as you can see in Attachment B. Once again, we will provide you with an example next week.

Q. Will our APPR's for 2011-2012 and 2012-2013 be used against us?

A. No. See MOU #1 and Attachment A - particularly the first paragraph and "Therefore, for example the District will not initiate Education Law §3020-a proceedings against any teacher based on an "ineffective" rating for this school year or the 2011-2012 school year for the teachers at schools #39, #45, #200, #205, #206 and #301." (Emphasis added)

Since we have been advised by Albany that this document can not be destroyed, we are working on a way to attach a letter to it, like the Superintendent's, making it clear that it cannot be used in anyway against the teacher.

Q. Do we have an Appeal Process in which a neutral makes the final determination?

A. Yes. We were one of, if not the first to have one. It has been updated to comply with some of SED's issues i.e. timelines have been delineated and a conformity to law section has been included.

Q. For how long is the APPR in effect?

A. For two (2) years – however, either party can demand to renegotiate any section(s) it chooses. (See MOU #5)

Q. When will the APPR be voted on?

A. At our March 14th Council of Delegates meeting.

Q. What will happen if the APPR is not approved?

A. As you have read, the District will lose approximately \$30 million in State Aid and \$20 million in Grants.

Q. If the funding is lost what will happen?

A. The Board could either take the funding out of the \$60 million surplus it has reserved for our negotiations, layoff staff or a combination of both.

Q. Is the MOU binding on the District?

A. Yes, as with all signed MOU's, it is enforceable in Court.

These documents are being forwarded to you now that we have them in final form.

We will follow up next week with a further explanation of how some of the sections work.

After you have reviewed all the materials, we encourage you to take a look at your present class and see how the

correction factors will impact on you. We have utilized known school/District data and believe you will find that what we have worked out is a good and fair process.

As you have no doubt heard me say, as reported in the media, while we know by law it had to be done, the whole process has nothing to do with improving teaching and learning. Indeed, it mitigates against creativity, critical thinking and the joy of learning and teaching.

It is based upon a quicksand foundation of standardized tests and as such the entire edifice falls once the standardized test is realized for what it is - something that is taking the joy of teaching and learning out of education.

Be assured we will continue to fight this battle until we end what I call “institutionalized child abuse”.

After you receive the clarifications next week, please send any questions for me to sumhauer@btfny.org.

Thank you as always for your solidarity and support. You are the best. No – the very best!

PR:su