

**ANNUAL  
PROFESSIONAL PERFORMANCE  
REVIEW**

**APPR**

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MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE BUFFALO PUBLIC SCHOOL DISTRICT ("DISTRICT")  
AND  
THE BUFFALO TEACHERS FEDERATION ("BTF")

RE: Annual Professional Performance Review/Teacher Evaluations

WHEREAS: The Buffalo School District and the Buffalo Teachers Federation desire to clarify the teacher evaluation process. It is agreed that:

1. Teacher evaluations will be completed in conformance with Document "I", BTF Professional Council Agreements for an APPR pursuant to 3012-d and Document "II", Further Examples of Observations Based Upon the Approved Rubric Indicators.
2. The parties agree to meet to negotiate any changes that become necessary to conform with applicable laws, rules and regulations promulgated by New York State/NYSED or issues of mutual concern.

  
Dr. Kriner Cash, Superintendent, BPS

3-28-17  
Date

  
Philip Rumore, President, BTF

17 Feb 2017  
Date

BTF Professional Council  
Agreements for an APPR pursuant to 3012-d

- 1) Observation by Principal or Other trained district administrator for all teachers covered by 3012-d. Teachers rated ineffective will also be subject to an observation by an independent evaluator pursuant to section 2 below.
  - a. Two (2) observations with one (1) being announced and one (1) being unannounced. However, either the principal or teacher may request one (1) additional announced observation for a maximum total of two (2) announced observations. In the event that a teacher or administrator requests an additional announced observation, the request must be made on or before April 1<sup>1</sup>. In the event that the first announced observation is conducted after April 1, the administrator or teacher may request an additional announced observation within ten (10) days after the post-conference is held. Observations will not occur during the month of September, the day before or after a holiday<sup>2</sup>, or during the last three weeks of instruction in June.
  - b. Principal observations represent:
    - i. For teachers rated HE, E, or Dev., announced observations count toward 80% of the total score for this component and the unannounced observation count toward 20% of the total score for this component. In the event that more than one (1) announced observation is performed pursuant to paragraph (a) above, the scores for each observation will be averaged.
    - ii. For teachers rated ineffective, announced observations count toward 80% of the total score for this component and the unannounced counts toward 10% of the total

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<sup>1</sup> For the 2016-2017 school year only, a teacher or administrator may only request a second announced observation in the event the first announced observation is ineffective.

<sup>2</sup> For purposes of this document, holiday shall be defined as Thanksgiving, the day of Halloween only, Winter (Christmas) Break, Mid-Winter Break, and Spring (Easter) Break.

score. The remaining 10% will be comprised of the observation of the independent evaluator pursuant to section 2 below. In the event that more than one (1) announced observation is performed pursuant to paragraph (a) above, the scores for each observation will be averaged.

- c. Minimum duration for these observations are one complete lesson or for as long as the teacher and administrator have agreed.
- d. For the announced observation, pre and post conferences as specified in the current APPR (“Process and Definitions”, **Attachment B, pg. 10**) will be utilized as updated during negotiations with the understanding that if a teacher utilizes an accrued day off (sick or personal) it will not negatively impact the evaluator’s ability to meet with the teacher upon his/her return to work regarding the observation. In addition, post conferences will be held within 7 (seven) school days after the announced observation.
- e. For the unannounced observation, the administrator will select a month in which the unannounced observation will occur and the teacher will be notified of the month. Unannounced observations will not occur during the month of September, the day before or after a holiday<sup>3</sup>, or during the last three weeks of instruction in June. Post conferences will be held for unannounced observations in conformance with section (d) above. The teacher will be allowed one (1) postponement of the unannounced observation prior to the commencement of the observation, which shall be rescheduled no sooner than 5 school days and no later than 30 school days after the postponement.
- f. Teachers will have the ability to provide a written response prior to and after the APPR information is finalized in the

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<sup>3</sup> For purposes of this document, holiday shall be defined as Thanksgiving, the day of Halloween only, Winter (Christmas) Break, Mid-Winter Break, and Spring (Easter) Break.

portal by the observer. Finalized information may be changed to the extent necessary to correct errors.

2) Observation by impartial independent trained evaluator (This portion only used for a teacher rated ineffective the prior school year)

- a. One (1) announced observation.
- b. This observation represent 10% of the total score for this category.
- c. For the announced observation, pre and post conferences as specified in the current APPR (“Process and Definitions”, **Attachment B, pg. 10**) as updated during negotiations will be utilized with the understanding that if a teacher utilizes an accrued day off (sick or personal) it will not negatively impact the evaluator’s ability to meet with the teacher upon his/her return to work regarding the observation. In addition, post conferences will be held within 7 (seven) school days after the announced observation.
- d. Minimum duration for this observation will be for one complete lesson or for as long as the teacher and administrator have agreed.
- e. The impartial/independent evaluator will be a trained current Buffalo School District administrator.
- f. Teachers will have the ability to provide a written response prior to and after the APPR information is finalized in the portal by the observer. Finalized information may be changed to the extent necessary to correct errors.

3) Observation by trained peer teacher

- a. There will not be an observation by a trained peer teacher.

4) Rubric to be used

- a. NYSUT 2014 Rubric (See **Attachment A(1) pg. 8 and A(2) pg. 9** for agreed upon indicators)
- b. The observer will collect evidence at the indicator level and rate each observed indicator. The ratings will be averaged to reach a final rating in accordance with example Attachment C pages 17 & 18. If an indicator is not observable during an observation, a score will not be included for that indicator to determine the teacher’s final average score.

- 5) The teacher's score for student performance will be determined based on the percentage of students reaching the performance target in accordance with **Attachment D pg. 22.**
- 6) A District-wide measure of student performance will be utilized for all teachers except for teachers who, as per NYS regulations, have fifty percent (50%) or more of their students enrolled in a course requiring Regents Examinations, NYSAA and 4<sup>th</sup> or 8<sup>th</sup> grade state science exams.
- 7) The final Student Performance/Teacher Observation rating will be based upon the NYS Rating Matrix. **Attachment E, pg. 23.**
- 8) Appeals of ineffective and certain developing ratings for probationary teachers will be pursuant to **Attachment F, pg. 24.**

**ATTACHMENT A (1)**

<b>3012-d Indicators</b>	
1.1A	Demonstrates and plans using knowledge of developmental characteristics of their students
1.2A	Uses strategies to support learning and language acquisitions.
II.2.B	Incorporates individual and collaborative critical thinking and problem solving.
II.5.A	Designs instruction using current levels of student understanding
II.6.A	Organizes time
III.1.B	Engages students
III.2.A	Provides directions and procedures
III.2.B	Uses questioning techniques to engage students.
III.2.C	Responds to students
III.3.B	Implements challenging learning experiences
III.6.B	Provides feedback during and after instruction.
IV.1.A	Interactions with students
IV.2.A	Promotes student pride in work and accomplishments.
IV.2.B	Promotes student curiosity and enthusiasm.
IV.3.B	Manages instructional groups.
IV.4.C	Establishes classroom safety
V.5.B	Provides preparation and practice
VI.4.A	Maintains records



<b><u>Non 3012-d Indicators</u></b>	
1.1A	Demonstrates and plans using knowledge of developmental characteristics of their students
II.5.A	Designs instruction using current levels of student understanding
II.6.A	Organizes time
III.2.A	Provides directions and procedures
III.3.B	Implements challenging learning experiences
IV.1.A	Interactions with students
IV.4.C	Establishes classroom safety
V.5.B	Provides preparation and practice
VI.4.A	Maintains records

BUFFALO PUBLIC SCHOOLS

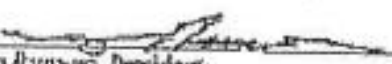
REPORT OF THE PROFESSIONAL COUNCIL

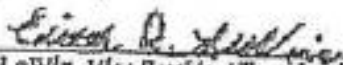
ANNUAL PROFESSIONAL PERFORMANCE REVIEW\*  
(APPR) FOR TEACHERS

(TEACHER EVALUATION DOCUMENT)

Approved by the Professional Council

Buffalo Teachers Federation Representatives

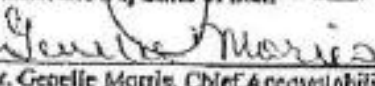
  
Phillip Humore, President

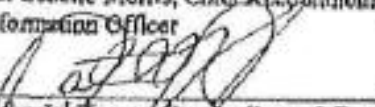
  
Edith Lowlin, Vice President/Presidential Assistant

  
Rebecca Pordum, Treasurer/Presidential Assistant

Buffalo Public Schools Representatives

  
Darren Brown, Chief of Staff

  
Dr. Genelle Morris, Chief Accountability Officer/Chief Information Officer

  
Nathaniel Kuzma, Deputy General Counsel/Executive Director of Labor Relations

Edited 12-19-16 12:00 PM

## **BUFFALO PUBLIC SCHOOLS**

Dr. Kriner Cash  
*Superintendent of Schools*

Darren Brown  
*Chief of Staff*

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#### **Buffalo Teachers Federation Representatives**

Philip Rumore, *President, BTF*  
Edith LeWin, *Vice President, BTF/Presidential Assistant*  
Rebecca Pordum, *Treasurer, BTF/Presidential Assistant*

# **TEACHER EVALUATION DOCUMENT**

## **PURPOSE**

The purpose of the APPR (evaluation) process is to positively foster the professional growth of teachers and enhance the teaching and learning process.

## **OVERVIEW**

An overview of the APPR process for non-3012d teachers is provided by the flow chart on page 14. Asterisks indicate definitions of the words/phrases found in the Glossary on pages 39-41. The flow chart delineates the step-by-step process to be followed in assessing a teacher's professional performance. When completing the APPR, the administrator should (a) provide positive feedback to the teacher that reinforces positive performance; (b) offer clear information to the teacher; and (c) identify methods or techniques for improvement when a teacher is rated developing\* or ineffective\*.

An overview of the APPR process for 3012d teachers is provided by the flow chart on page 14. Asterisks indicate definitions of the words/phrases found in the Glossary on pages 39-41. The flow chart delineates the step-by-step process to be followed in assessing a teacher's professional performance. When completing the APPR, the administrator should (a) provide positive feedback to the teacher that reinforces positive performance; (b) offer clear information to the teacher; and (c) identify methods or techniques for improvement when a teacher is rated developing\* or ineffective\*.

## **PROCESS**

### **3012-d Teachers:**

All 3012-d teachers will receive one announced and one unannounced observation by a trained current District Lead Evaluator. The teacher or the principal may request one additional observation. A pre-observation conference will be held prior to the announced observation(s). During the pre-observation conference the administrator and teacher will determine the purpose and intended outcome of the lesson to be observed, the date, time, and place of the observation. The observation will be held at least three school days after the pre-observation conference.

Within seven school days after the announced or unannounced observation (CBA XIII B), the teacher and administrator will meet for a post-observation conference\* after which, based upon evidence gathered in the pre-observation conference, observation, and post-observation conference the observation will be finalized.

A 3012d Teacher may only be issued a Teacher Improvement Plan (TIP) if their Composite Effectiveness Score (CES) from the prior year was developing or ineffective. The TIP must be issued during the first ten days of school.

\*Defined in Glossary

### **Non 3012-d Teachers:**

Prior to the announced observation, the teacher will receive written communication\* from the administrator who will be observing the teacher indicating the date, time, and place for the pre-observation conference. During the pre-observation conference\* the administrator and teacher will determine; the purpose and intended outcome of the lesson to be observed, the date, time, and place of the observation. The observation will be held at least three school days after the pre-observation conference.

Within one week after the announced observation (CBA XIII B), the teacher and administrator will meet for a post-observation conference\* after which, based upon evidence gathered in the announced pre-observation conference, observation, and post-observation conference, either an APPR is delivered or a Teacher Support Plan (TSP)\* will be developed if the teacher has received a rating of developing or ineffective.

If there are indicators that result in a developing or ineffective rating on the teacher's APPR, the administrator will provide the teacher with a written compilation of such indicators two weeks before the APPR is delivered or a TSP is required and developed. During this time, the administrator and teacher may have further conversations relating to the indicators deemed unsatisfactory by the administrator. The teacher may present information/data/evidence that the teacher would like considered before the APPR/TSP is completed (see flow chart for possible teacher options).

If a TSP is required, the administrator and the teacher will meet to collaboratively develop the TSP, which will include suggestions for improvement from one, but not more than three, of the APPR indicators. The teacher may choose to have a union representative present.

In order to provide the administrator sufficient time to assess a teacher's progress on the TSP and to give the teacher sufficient time to begin to address identified areas, at least 15 school days will be provided for the identified criteria to be addressed.

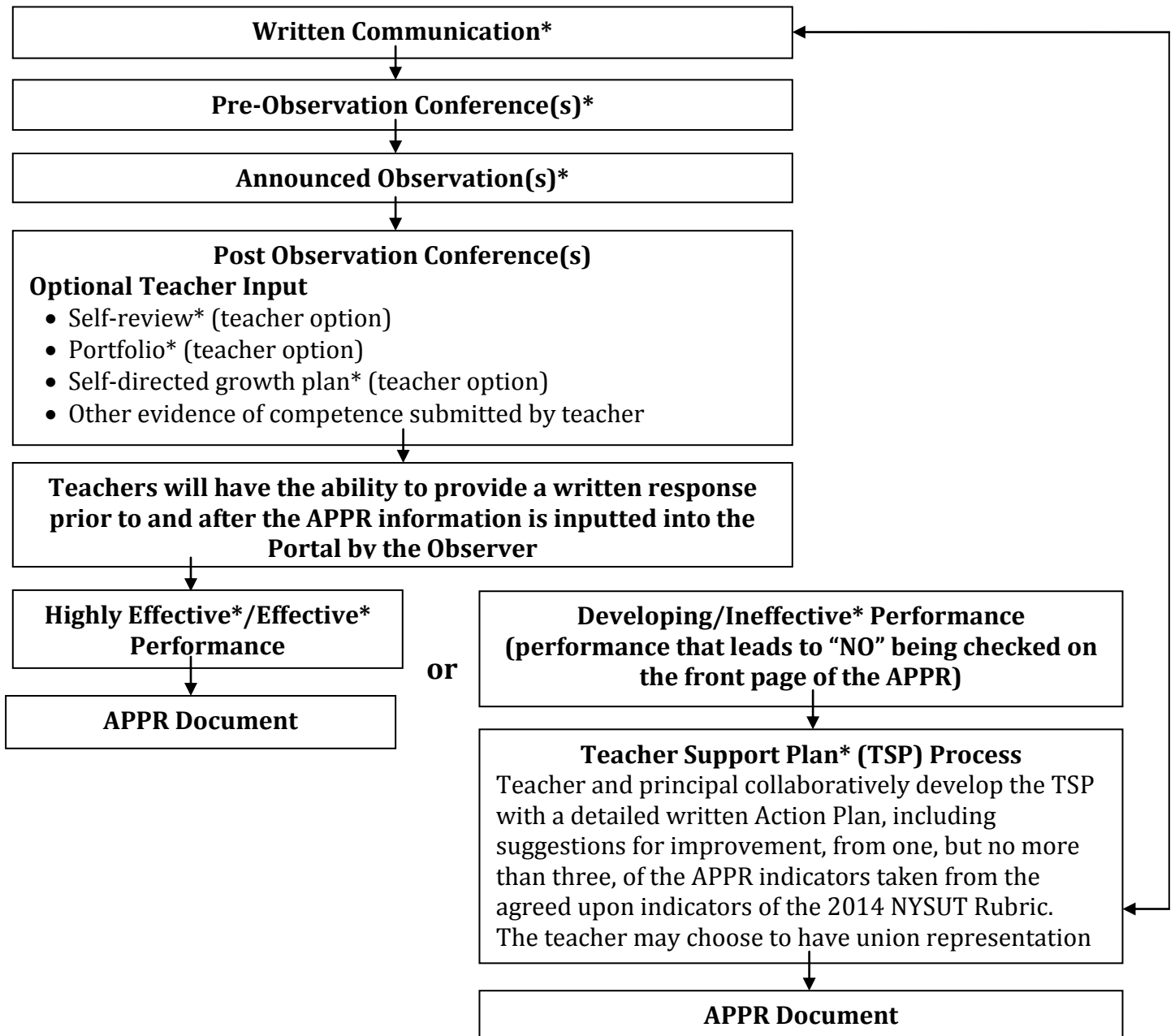
After the TSP has been completed satisfactorily, an APPR will be delivered to the teacher.

If the TSP has not been satisfactorily completed, the process (see flow chart) will again commence. If it is determined that as a result of the APPR process a temporary teacher's employment should be terminated, the Supplementary Teacher Evaluation Form\* shall be completed and a copy provided to the teacher.

It is understood that nothing contained herein will in any way diminish a teacher's rights under the collective bargaining agreement (including past practice), previous settlement agreements, and arbitrations.

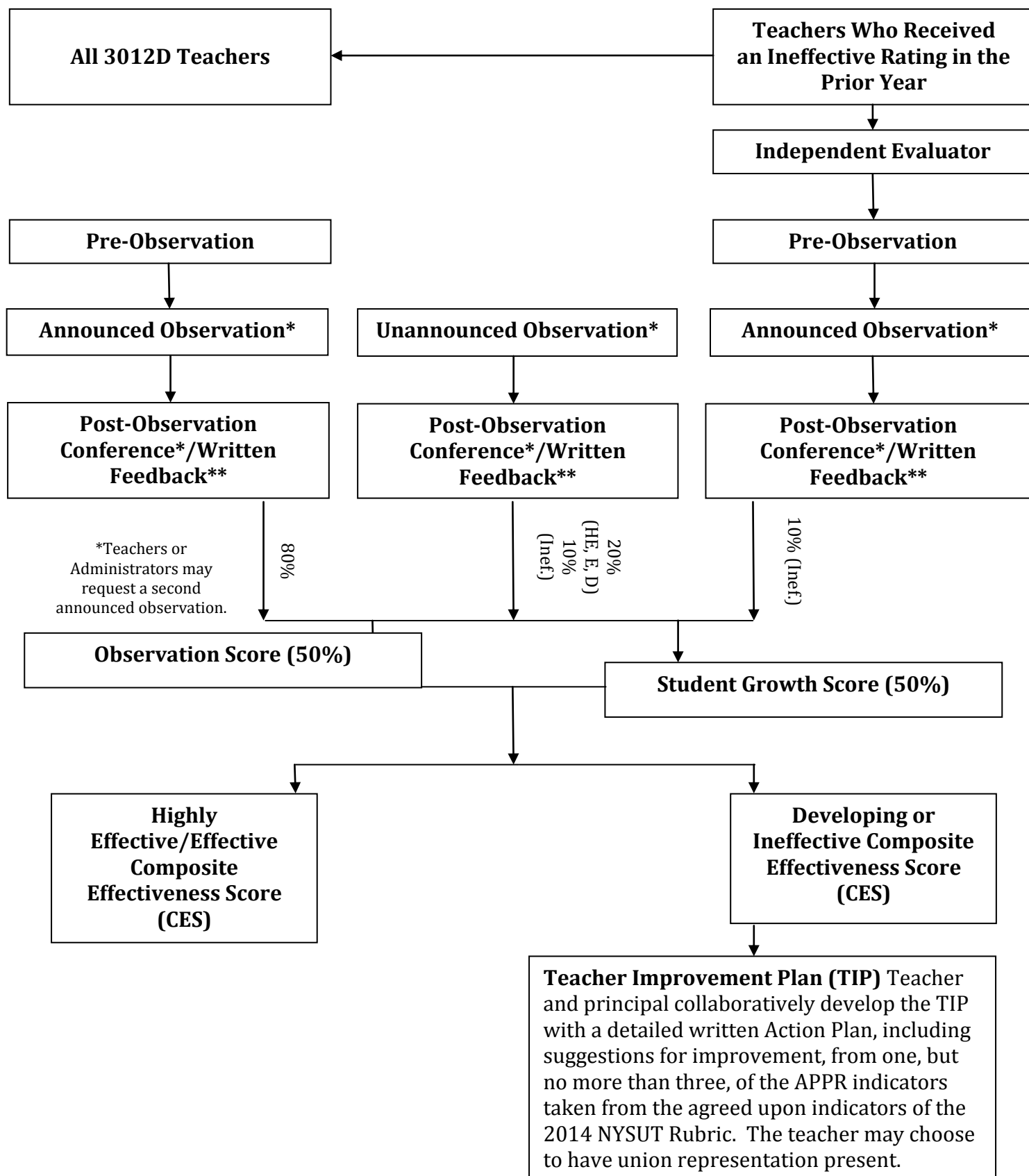
\*Defined in Glossary

**ANNUAL PROFESSIONAL PERFORMANCE REVIEW\*(APPR)  
PROCESS FOR NON-3012D TEACHERS**



\*Defined in Glossary

# ANNUAL PROFESSIONAL PERFORMANCE REVIEW\*(APPR) PROCESS FOR 3012D TEACHERS



\*Defined in Glossary

\*\*As defined on page 4f.

<b>BUFFALO PUBLIC SCHOOLS</b> <b>Annual Professional Performance Review * (APPR)/Evaluation Document for Temporary and NON- 3012D Teachers</b>		
Teacher's Name		
School		
Teaching Position	Grade:	Subject:
Temporary, Probationary or Tenured	Status:	
Period covered by this APPR	From:	To:
Administrator completing APPR		

Do you consider this teacher adequate for the position Yes ☐ No ☐

If the answer is "No", please complete the Teacher Support Plan or the Supplementary Annual Professional Performance Review report.

### Instructions

The evaluator is to rate the teacher's performance with respect to the New York State Education Department's seven Teaching Standards (Knowledge of Students and Student Learning, Knowledge of Content and Instructional Planning, Instructional Practice, Learning Environment, Assessment for Student Learning, Professional Responsibilities and Collaboration, Professional Growth) based on evidence from pre-conference(s)\*, announced and unannounced observations, optional self-review, teacher portfolio, self-directed growth plan, and/or other evidence submitted by the teacher, and the Teacher Support Plan\* if one is required. The evaluator should add comments (in the expandable comments box) at the end of each standard of teaching for which a rating of highly effective, effective, developing or ineffective is given.

Once each Observation has been completed:

1. The administrator should discuss the results of the observation (APPR) with the teacher and shall counsel in private discussion with the teacher regarding possible areas needing improvement. Such discussion should take place within one week of the observation (APPR) at a time mutually agreed to by both parties and jointly signed attesting that the above was done (Buffalo Teachers Federation/Buffalo Public Schools Master Contract, 2016, Article XIII B).

2. The teacher must receive a copy of the observation on or before the last day of school.

Once the APPR is written:

3. The original APPR/Evaluation Document will be filed and maintained in *E-Doctrina*. Copies may be provided upon request only to the Superintendent, Deputy Superintendent, Lead Community Superintendent, Community Superintendent assigned to the teacher's school, or the subject area Director or Supervisor. The teacher must receive a written copy.

4. The teacher is provided an opportunity to respond to the administrator's ratings and comments which must be filed and maintained to the original evaluation (APPR)/evaluation document in *E-Doctrina*. Teachers still have the opportunity to print the evaluation and the attachment. The levels of performance, Highly Effective, Effective, Developing, Ineffective (HEDI) are those required by State Education Law and the Commissioner's Regulations.

\*Defined in Glossary

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Teacher's Initials



## ATTACHMENT C: 3012-D INDICATORS – EXAMPLE

### Rating Example - Rating at the Indicator Level

- Collect evidence at the indicator level. Rate each indicator
- Ratings are averaged to receive a final score

Indicator	Rating	Numerical Value
1.1.A	Effective	3
1.2.A	Developing	2
II.2.B	Effective	3
II.5.A	Effective	3
II.6.A	Highly Effective	4
III.1.B	Effective	3
III.2.A	Highly Effective	4
III.2.B	Developing	2
III.2.C	Effective	3
III.3.B	Effective	3
III.6.B	Effective	3
IV.1.A	Developing	2
IV.2.A	N/A	*
IV.2.B	Developing	2
IV.3.B	Effective	3
IV.4.C	Effective	3
V.5.B	Developing	2
VI.4.A	Highly Effective	4
Total	49/17	2.88 Effective

- IV.2.A was not observable during the observation by the administrator. Therefore, a score was not entered or averaged in.

### Rating Examples:

All ratings are calculated using the following guidelines

Range	Rating
3.5 – 4	Highly Effective
2.5-3.49	Effective
1.5-2.49	Developing
0-1.49	Ineffective

## ATTACHMENT C: NON-3012D INDICATORS – EXAMPLE

### Rating Example - Rating at the Indicator Level

- Collect evidence at the indicator level. Rate each indicator
- Ratings are averaged to receive a final score

Indicator	Rating	Numerical Value
I.1.A	Highly Effective	4
II.5.A	Effective	3
II.6.A	Highly Effective	4
III.2.A	N/A	*
III.3.B	Effective	3
IV.1.A	Developing	2
IV.4.C	Effective	3
V.5.B	Developing	2
VI.4.A	Highly Effective	4
Total	25/8	3.13 Effective

- III.2.A was not observable during the observation by the administrator. Therefore, a score was not entered or averaged in.

### Rating Examples:

All ratings are calculated using the following guidelines

Range	Rating
3.5 – 4	Highly Effective
2.5-3.49	Effective
1.5-2.49	Developing
0-1.49	Ineffective

**BUFFALO BOARD OF EDUCATION  
SUPPLEMENTARY ANNUAL PROFESSIONAL PERFORMANCE REVIEW**

The Supplementary Annual Professional Performance Review must be completed for any teacher that is not considered adequate for the position.

<b>Teacher's name</b>	
<b>School</b>	
<b>Administrator completing Supplementary</b>	
<b>Position of administrator</b>	

1.	On what dates did you bring reported inadequacies to the teacher's attention? <i>(This is an expandable box).</i>
2.	What written constructive suggestions for improvement did you give the teacher? On what dates? <i>(This is an expandable box).</i>
3.	On what dates did you make subsequent observations of the teacher? <i>(This is an expandable box).</i>
4.	Was the teacher provided with written feedback and suggestions for improvement following each observation? On what dates? <i>(This is an expandable box).</i>

**Administrator's signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Teacher's signature** \_\_\_\_\_ **Date** \_\_\_\_\_  
(Signature does not necessarily constitute agreement)

Note: A teacher may subsequently submit a letter answering an adverse APPR with said answer being filed and maintained with the original APPR in E-Doctrina.

# BUFFALO PUBLIC SCHOOLS

## ANNUAL PROFESSIONAL PERFORMANCE REVIEW

### TEACHER IMPROVEMENT PLAN (TIP)

School: LSP School Of Excellence	Teacher: Vader, Darth	Year: 2016-2017
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Assessment: NYSUT 2014		
Standards:	Element:	Indicator:
STRATEGIES/RECOMMENDATIONS (WITH RESOURCES AND/OR PERSONNEL NEEDED)		EXPECTED EVIDENCE: DOCUMENTATION AND/OR PERFORMANCE
TIMELINE		STATUS (e.g. "Successfully completed, 1/20/ 13"; "Continued 1/20/13")
From:	To:	

Teacher Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Principal's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Signed Name	User ID	Position	Date/Time	IP Address
ddistrict	12902	District admin	12/13/16 09:05 AM	168.169.216.173
Action: Approved				
dvader	351467	Teacher	12/13/16 09:01 AM	168.169.216.173

# **BUFFALO PUBLIC SCHOOLS**

## **ANNUAL PROFESSIONAL PERFORMANCE REVIEW**

### **TEACHER SUPPORT PLAN (TSP)**

School!:	Teacher: Ada, Lovelace	Year: 2016-2017
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Assessment:		
Standards: A. Strategy	Element: a. Team	Indicator:
<b>STRATEGIES/RECOMMENDATIONS (WITH RESOURCES AND/OR PERSONNEL NEEDED)</b>		<b>CRITERIA FOR SUCCESS</b>
fdsafdsa		fdsafsaf
TIMELINE		STATUS (e.g. "Successfully completed, 1/20/13"; "Continued 1/20/13")
From: 02/16/2017	To: 02/23/2017	Successfully Completed, 1/20/17

Teacher Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Principal's Signature \_\_\_\_\_ Date: \_\_\_\_\_

### **Updates**

Author	Comment
Denise District	02/16/2017 3:51 pm This is a comment added to the plan.

**PERFORMANCE TARGET**

<b>Historic percentage meeting target:</b>	<b>48%</b>			
<b>Target to receive all possible points:</b>	<b>59%</b>			
<b><u>Percent Reaching the Target</u></b>				
<b>Bottom</b>	<b>Top</b>	<b><u>SED Scoring Ranges</u></b>	<b><u>HEDI points</u></b>	
0%	3%	0-4%	0	Ineffective
3%	5%	5-8%	1	Ineffective
5%	7%	9-12%	2	Ineffective
8%	9%	13-16%	3	Ineffective
10%	12%	17-20%	4	Ineffective
12%	14%	21-24%	5	Ineffective
15%	16%	25-28%	6	Ineffective
17%	19%	29-33%	7	Ineffective
20%	22%	34-38%	8	Ineffective
23%	25%	39-43%	9	Ineffective
26%	28%	44-48%	10	Ineffective
29%	32%	49-54%	11	Ineffective
32%	35%	55-59%	12	Ineffective
35%	39%	60-66%	13	Developing
39%	43%	67-74%	14	Developing
44%	46%	75-79%	15	Effective
47%	49%	80-84%	16	Effective
50%	52%	85-89%	17	Effective
53%	54%	90-92%	18	Highly Effective
54%	56%	93-96%	19	Highly Effective
57%	59%	97-100%	20	Highly Effective

\*If the Percent Reaching the Target exceeds 59% the HEDI points will be 20.

\*\*The “Top” column is not inclusive of the number listed. The number listed is the upper limit. For example, if 2.99% of students meet the target the HEDI points assigned is 0. If 3% of the students meet the target the HEDI points assigned will be 1.

3012D SCORING MATRIX

<b>STUDENT PERFORMAN</b>	<b>OBSERVATIONS</b>				
	<b>SCORES</b>	<b>HE</b>	<b>E</b>	<b>D</b>	<b>I</b>
	<b>HE</b>	HE	HE	E	D
	<b>E</b>	HE	E	E	D
	<b>D</b>	E	E	D	I
	<b>I</b>	D	D	I	I

**3012-D APPEALS PROCESS**

- A. Purpose – The purpose of the appeals procedure shall be to equitably settle disputes involving teachers who receive an “ineffective” rating on the Annual Professional Performance Review, “APPR”
- B. Structure – A teacher receiving an ineffective rating may only challenge the following in an appeal: 1) the substance of the Annual Professional Performance Review, including but not limited to the instance of a teacher rated Ineffective on the student performance category but rated Highly Effective on the observation category based on an anomaly, as determined locally. If the teacher’s basis of an appeal is based on an anomaly, the parties may either agree or disagree that the instance is an anomaly at the time of the Superintendent’s appeal described in Paragraph C below. In the event that the parties disagree, the teacher will have the right to appeal the issue of whether the instance is an anomaly to the neutral hearing officer. 2) the District’s adherence to the APPR process and procedures as approved by the Professional Council, the Buffalo Board of Education and the Buffalo Teachers Federation; 3) adherence to NYS Law, the regulations of the Commissioner and locally negotiated procedures, and 4) compliance with the terms of the Teacher Improvement Plan (TIP);
- C. Superintendent Appeal – Within 60 days of the receipt of the APPR, a teacher receiving an “ineffective” rating and teachers who receive a Probationary appointment on or after July 1, 2015 and receive either 1) two developing ratings during the probationary period or 2) A developing rating in the final year of his/her probationary term may appeal to the Superintendent of Schools. A hearing on the appeal will be held within thirty calendar days of the receipt of the appeal. The Superintendent or his/her designee will render a decision within thirty calendar days after the close of the hearing. Within thirty calendar days after the receipt of the Superintendent or designee’s decision a teacher may appeal the decision to a neutral hearing officer using the procedure delineated in “D”.
- D. Neutral Hearing Officer Appeal – In the event that a teacher wishes to pursue an appeal after receipt of the decision pursuant to paragraph C above, a teacher may obtain a review by a neutral hearing officer by submitting a written appeal to the Superintendent with a copy to the BTF within sixty (60) calendar days of the receipt of the decision pursuant to paragraph C above. A hearing will be scheduled in a timely and expeditious manner in compliance with Education Law. Said appeal shall set forth the nature of the objection to the APPR. All appeals shall be presented on a form mutually agreed upon by the parties and may be accompanied by supporting documentation.  
  
A teacher may amend the appeal within the above stated time period. Appeals not commenced within sixty (60) calendar days are deemed waived. A neutral hearing officer(s) shall be agreed upon by both parties and shall render a written decision on the appeal. The neutral hearing officer(s) will be selected by the parties within sixty (60) calendar days of the date final decisions are issued by the Superintendent or his/her designee. In the event that the parties are



unable to agree on the selection of a neutral hearing officer(s) within (60) sixty days, the parties will utilize PERB for the selection of hearing officer(s).

The hearing officer shall have the option to uphold or nullify the rating and/or modify the APPR. During the hearing each party may present no more than two witnesses. No written briefs will be submitted. All efforts will be made to conclude the hearing within one week and if not one week, concluded in a timely and expeditious manner, consistent with Education Law.

The written decision of the hearing officer shall be served upon the District and BTF within thirty (30) calendar days of the close of the hearing. The District will serve the teacher with a copy of the written decision within five (5) school days except that when school is not in session, it shall be five (5) week days. The decision shall be final and binding and not subject to the grievance procedure as set forth in Article V of the collective bargaining agreement. The written decision and the appeal document(s) shall be attached to the APPR and placed in the teacher's personnel file at the teacher's option.

- E. The parties may by mutual agreement amend this agreement consistent with the Education Law and all other applicable federal and State laws, rules, and regulations. Any substantive, mutual change to these procedures will be submitted to the New York State Education Department for review and approval.
- F. This agreement applies only to the Appeals Process for teachers delineated herein and solely to clarify the matters involved. It shall not be construed as modifying the rights of the parties under the collective bargaining agreement provided that the CBA is consistent with the Education Law and the Commissioner's Regulations. It is also expressly understood and agreed, as a condition to this agreement that neither this agreement nor any part hereof, shall constitute or be construed to be precedent or prejudicial to the respective positions of the Federation or the District on any other matters.

**Further Examples of  
Observations  
Based Upon the Approved  
Rubric Indicators**

**Rating Example – Rating at the Indicator Level**

- Collect evidence at the indicator level. Rate each indicator.
- Ratings are averaged to receive a final score.

Range	Rating
3.5-4	Highly Effective
2.5-3.49	Effective
1.5-2.49	Developing
0-1.49	Ineffective

**Example #1: One Announced and One Unannounced Observation (HE, E, D Teachers)**

Announced Observation:

Indicator	Rating	Numerical Value	Total
I.1.A	Effective	3	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	Highly Effective	4	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	N/A	N/A	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.88 - Effective</b>

**Example #1: Unannounced Observation:**

Indicator	Rating	Numerical Value	Total
I.1.A	N/A	N/A	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Developing	2	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	N/A	N/A	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Effective	3	
IV.2.A	N/A	N/A	
IV.2.B	Effective	3	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Effective	3	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.93 - Effective</b>

Example #1:

Announced Observation:  $2.88 \times .80 = 2.30$

Unannounced Observation:  $2.93 \times .20 = .59$

$2.30 + .59 = 2.89$       Effective

**Example #2: Two Announced and One Unannounced (HE, E, D)**

Announced Observation #1:

<b>Indicator</b>	<b>Rating</b>	<b>Numerical Value</b>	<b>Total</b>
I.1.A	Effective	3	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	Highly Effective	4	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	N/A	N/A	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.88 - Effective</b>

**Example #2: Announced Observation #2:**

<b>Indicator</b>	<b>Rating</b>	<b>Numerical Value</b>	<b>Total</b>
I.1.A	Effective	3	
I.2.A	Effective	3	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Effective	3	
III.1.B	Effective	3	
III.2.A	Effective	3	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	Highly Effective	4	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Developing	2	
<b>Total</b>			2.78- Effective

**Example #2: Unannounced Observation:**

Indicator	Rating	Numerical Value	Total
I.1.A	N/A	N/A	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Developing	2	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	N/A	N/A	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Effective	3	
IV.2.A	N/A	N/A	
IV.2.B	Effective	3	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Effective	3	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.93 - Effective</b>

**Example #2**

Announced Observation #1:  $2.88 \times .5 = 1.44$

Announced Observation #2:  $2.78 \times .5 = 1.39$

$1.44 + 1.39 = 2.83$

$2.83 \times .8 = 2.26$

Unannounced Observation:  $2.93 \times .2 = .59$

$2.26 + .58 = 2.85$      Effective

**For Teachers Rated Ineffective the Prior Year**  
**Example #3 Independent Evaluator:**

Announced Observation:

Indicator	Rating	Numerical Value	Total
I.1.A	Effective	3	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	Highly Effective	4	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	N/A	N/A	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.88 - Effective</b>



**Example 3: Unannounced Observation:**

<b>Indicator</b>	<b>Rating</b>	<b>Numerical Value</b>	<b>Total</b>
I.1.A	N/A	N/A	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Developing	2	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	N/A	N/A	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Effective	3	
IV.2.A	N/A	N/A	
IV.2.B	Effective	3	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Effective	3	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.93 - Effective</b>

**Example 3: Announced Observation #2 (Independent Evaluator)**

Indicator	Rating	Numerical Value	Total
I.1.A	Effective	3	
I.2.A	Effective	3	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Effective	3	
III.1.B	Effective	3	
III.2.A	Effective	3	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	Highly Effective	4	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Developing	2	
<b>Total</b>			<b>2.78- Effective</b>

**Example #3:**

Announced Observation #1:  $2.88 \times .8 = 2.30$

Unannounced Observation:  $2.93 \times .1 = .29$

Announced Observation #2 (Independent Evaluator):  $2.78 \times .1 = .28$

$$2.30 + .29 + .28 = 2.87 \quad \text{Effective}$$

## For Teachers Rated Ineffective in the Prior Year

### Example #4: Two Announced, One Unannounced, Independent Evaluator

Announced Observation #1:

Indicator	Rating	Numerical Value	Total
I.1.A	Effective	3	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	Highly Effective	4	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	N/A	N/A	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.88 - Effective</b>

**Example #4: Announced Observation #2:**

<b>Indicator</b>	<b>Rating</b>	<b>Numerical Value</b>	<b>Total</b>
I.1.A	Effective	3	
I.2.A	Effective	3	
II.2.B	Effective	3	
II.5.A	Effective	3	
II.6.A	Effective	3	
III.1.B	Effective	3	
III.2.A	Effective	3	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Developing	2	
IV.2.A	Highly Effective	4	
IV.2.B	Developing	2	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Developing	2	
VI.4.A	Developing	2	
<b>Total</b>			2.77- Effective

**Example #4: Unannounced Observation:**

Indicator	Rating	Numerical Value	Total
I.1.A	N/A	N/A	
I.2.A	Developing	2	
II.2.B	Effective	3	
II.5.A	Developing	2	
II.6.A	Highly Effective	4	
III.1.B	Effective	3	
III.2.A	N/A	N/A	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	Effective	3	
IV.1.A	Effective	3	
IV.2.A	N/A	N/A	
IV.2.B	Effective	3	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Effective	3	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.93 - Effective</b>

**Example #4: Announced Observation (Independent Evaluator):**

Indicator	Rating	Numerical Value	Total
I.1.A	N/A	N/A	
I.2.A	Effective	3	
II.2.B	Effective	3	
II.5.A	Developing	2	
II.6.A	Effective	3	
III.1.B	Effective	3	
III.2.A	N/A	N/A	
III.2.B	Developing	2	
III.2.C	Effective	3	
III.3.B	Effective	3	
III.6.B	N/A	N/A	
IV.1.A	Effective	3	
IV.2.A	N/A	N/A	
IV.2.B	Effective	3	
IV.3.B	Effective	3	
IV.4.C	Effective	3	
V.5.B	Effective	3	
VI.4.A	Highly Effective	4	
<b>Total</b>			<b>2.93 - Effective</b>

**Example #4**

Announced Observation #1:  $2.88 \times .5 = 1.44$

Announced Observation #2:  $2.77 \times .5 = 1.39$

$1.44 + 1.39 = 2.83$

$2.83 \times .8 = 2.26$

Unannounced Observation:  $2.93 \times .1 = .29$

Announced Observation (Independent Evaluator):  $2.93 \times .1 = .29$

$2.26 + .29 + .29 = 2.84$       Effective

## GLOSSARY

*The following terms define words used in the Annual Professional Performance Review Process, Buffalo Public School Annual Professional Performance Review for Teachers, and the Buffalo Public School Annual Professional Performance Review Teacher Support Plan:*

**3012-d:** Classroom teacher or teacher shall mean a teacher in the classroom teaching service as that term is defined in section 80-1.1 of this Title who is a teacher of record as defined in this section, except evening school teachers of adults enrolled in nonacademic, vocational subjects, and supplemental school personnel as defined in section 80-5.6 of this Title.

**Annual Professional Performance Review [APPR]** – The APPR for 3012d teachers is a process that is outlined by the 3012d law and the APPR agreement between the BTF and the District. The APPR for non-3012d teachers is an evaluation document that is written by administrators (principals, assistant principals, directors, or supervisors) and shared with teachers to affirm exemplary practices, professional competence, and/or promote improvements where needed. The document is produced two times per year for temporary teachers (no later than January and no later than the end of the first week of June) and one time per year for tenured teachers (at the end of the first week of June). The APPR for 3012d teachers is a process that is outlined by the 3012d law and the APPR agreement between the BTF and the District.

**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.

**assessment** – Assessment is a means of measuring student progress toward national, state, and local goals. Assessments may include teacher-made tests, diagnostic, screening and progress-monitoring measures, standardized tests, programmatic measures, summative and formative measures, teacher observation, evaluation of oral responses, in-class assignments, or homework.

**common curricular planning time [CCPT]** - CCPT is an opportunity for colleagues from one curricular department within a school (e.g., science) to hold regularly scheduled meetings (outside of a teacher’s preparation period) to strategize ways to improve student outcomes.

**developing** – The levels of performance, Highly Effective, Effective, Developing, Ineffective (HE, E, D, I) are those required by State Education Law and the Commissioner’s Regulations.

**differentiated instruction** – Differentiated instruction is "individualized" or "customized" instruction. For example, within one block or period, teachers might use learning areas, small group instruction, or materials geared to accelerate or intervene in order to meet students’ varied needs.

**effective** - The levels of performance, Highly Effective, Effective, Developing, Ineffective (HE, E, D, I) are those required by State Education Law and the Commissioner’s Regulations.

**effective instruction** – Effective instruction provides a structure for explaining and demonstrating concepts, processes, and skills. This method consists of five attributes:

- *direct explanation* (teacher states and explains lesson(s)’ objective(s)\* and how learning will be assessed)
- *modeling* (teacher demonstrates how to meet the objective(s) by providing examples of the concepts, processes, and skills that students are to learn)
- *guided practice* (teacher monitors students practicing the skill[s] that were taught)
- *corrective feedback and verification* (teacher provides immediate feedback to students regarding their performance or responses/teacher affirms correct responses)
- *application/assessment* (students are provided with the opportunity to demonstrate their knowledge of the skills and concept(s) independently)

**grade level meeting** – Grade levels meetings are opportunities where colleagues from one grade level hold regularly scheduled meetings (outside of a teacher’s preparation period) to analyze grade level, classroom and individual student data, and to strategize ways to improve student outcomes.

**highly effective** – The levels of performance, Highly Effective, Effective, Developing, Ineffective (HE, E, D, I) are those required by State Education Law and the Commissioner’s Regulations.

**Individual Education Plans [IEP]** – A highly detailed education plan created for students with disabilities by their teachers, parents or guardians, school administrators, school counselors, educational psychologists, and other appropriate parties. The plan is tailored to the student’s specific needs and abilities and outlines goals for the student to reach. The IEP is a legally binding document that specifies all accommodations needed for the student to succeed in class and, in particular, to participate in assessments.

**ineffective** – The levels of performance, Highly Effective, Effective, Developing, Ineffective (HE, E, D, I) are those required by State Education Law and the Commissioner’s Regulations.

**lesson objective** – A lesson objective is a statement establishing learning outcomes that students are expected to achieve at the end of a specific lesson or unit of lessons.

**lesson plan** – The written outline of a teacher’s lesson/group of lessons as per the 2002 lesson plan document approved by the Board of Education and clarified by Dr. Folasade Oladele, Deputy Superintendent, on February 18, 2010.

**New York State learning standards** – New York State learning standards are defined as the knowledge, skills, and understandings that students can, and do, habitually demonstrate over time—as a result of instruction and experience. The New York State learning standards can be located on the following websites: [www.nysed.gov](http://www.nysed.gov) and [www.buffaloschools.org](http://www.buffaloschools.org).

**Non-3012-d:** All other teachers not covered by the definition on 3012-d.

**portfolio** – A portfolio is a collection of materials assembled by a teacher that demonstrates the progress of the teacher’s knowledge and skills and often includes a form of self-reflection (teacher option).



**post-observation conference** – A post-observation conference is a scheduled meeting between an administrator and teacher following a classroom observation; during which time the teacher and administrator mutually reflect on the teaching and learning process, after which either an APPR is delivered or a TIP is required. The post-observation conference is completed outside of a teacher’s preparation period and is held within seven school days.

**pre-observation conference** – A pre-observation conference, is a scheduled conversation between an administrator and teacher in advance of the classroom observation (at least three school days) in order to determine in writing the purpose and intended outcome of the lesson, as well as the time, date, and place of the formal observation (conducted outside of a teacher’s preparation period).

**professional learning opportunity [PLO]** – A PLO is an activity that engages teachers in experiences to increase their professional knowledge and skill levels.

**self-directed growth plan** – A self-directed growth plan is a voluntary action plan developed by a teacher to improve his/her professional knowledge and skills. The plan is intended for the exclusive use of the teacher. The teacher will not be asked to share the plan with administrators or staff (teacher option).

**self-review** – A teacher independently reflects on his/her teaching and learning practices.

**Teacher Improvement Plan [TIP]** - A TIP is a collaboratively developed (teacher and principal), detailed, written action plan for improvement for teachers who receive a developing or ineffective CES the prior school year that focuses on one, but no more than three, of the APPR indicators. This plan is only applicable to 3012d teachers. See *Annual Professional Performance Review Teacher Improvement Plan*. (Page 18)

**Teacher Support Plan [TSP]** – A TSP is a collaboratively developed (teacher and principal), detailed, written action plan for improvement for teachers who receive a developing or ineffective rating (a rating that leads to “NO” being checked on the first page of the teacher’s APPR), that focuses on one, but no more than three, of the APPR indicators. This plan is only applicable to non-3012d teachers. See *Annual Professional Performance Review Teacher Improvement Plan*. (Page 19)

**written communication** – Written information between the administrator and teacher that establishes the date, time, and place for the pre-observation and post-observation conference.