

Memorandum of Understanding
Between
The Buffalo City School District ("District")
And
The Buffalo Teachers Federation

SIGNED
01-15-2013
7:00 p.m.

Re: Annual Professional Performance Review

WHEREAS, the Buffalo Public School District and the Buffalo Teachers Federation desire to clarify aspects of the APPR teacher evaluation process. It is agreed that:

1. The 2011-2012 and 2012-2013 school years were each the initial pilot years of a new and unfamiliar teacher evaluation procedure. (See Attachment A)
2. The State Education Department requires that teachers provide a baseline score for each student in the S.L.O. Teachers need not but may use the 2012 pretest as part of the New York State Education Department required S.L.O. process.
3. Absenteeism will be a factor in the 60% (40%+20%) section of the APPR as delineated in Attachment B.
4. The Teacher HEDI Local Measure of Student Achievement – 20 points (Attachment C) and Student Learning Objectives (SLO) – Growth Measure Charts 20 points – For teachers without a state provided growth score (Attachment D) are delineated herein.
5. This agreement shall be in effect for a term of two years, the 2012-13 and the 2013-14 school year. The terms and conditions hereof shall remain binding throughout the term of this agreement. However, upon demand by either party, the parties shall negotiate in good faith relative to the terms and conditions of the second year. Any negotiated terms agreed upon by the parties would have to be approved by the State Education Department prior to implementation.
6. The parties agree to comply with Education Law 3012-c and any other applicable laws, rules and regulations promulgated by the State Education Department.

For the District:



Pamela C. Brown
Superintendent, BPS

1-15-13
Date

For the Federation:



Philip Rumore
President, BTF

1/15/13
Date



BUFFALO PUBLIC SCHOOLS

Office of the Superintendent

City Hall, Room #712
Buffalo, New York 14202
Phone (716) 816-3575
Fax (716) 851-3033

January 15, 2013

Phil Rumore
Buffalo Teachers Federation
271 Porter Avenue
Buffalo, New York 14201

Dear Mr. Rumore:

I am writing to confirm the District's commitment to ensure that all teachers who are subject to the new APPR will not be negatively affected by the results of their evaluation ratings for the 2011-12 and 2012-13 school years.

I am very happy that the parties have been able to overcome recent obstacles in order to reach an agreement on the APPR for the next two years. I understand that our work is not finished. Teachers need training on the areas for which they will be evaluated. Similarly, evaluators need additional training so that they may appropriately evaluate within the confines of our agreement. We must work over the next month to adapt to the changes necessary to be made in order to comply with the new law and regulations. We must address the potential inconsistencies of teachers being observed this year under the old APPR, determine how the pre-assessment will be used in the teacher's student learning objective, reach agreement on which elements and indicators will be utilized and adhere to the recently modified NYSUT rubric. As issues arise, you have my commitment that we will work together on a fair resolution.

The District understands that it would not be fair to our teachers to use this process against them during this early stage of implementation. 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 2011-12 school year for the teachers at schools #39, #45, #200, #205, #206 and #301. This does not diminish the responsibility of the parties to create and implement a Teacher Improvement Plan consistent with Education Law §3012-c and regulations or any other actions required by the parties as mandated by said law and regulations.

I appreciate your cooperation and look forward to continuing to work with you during this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela C. Brown", written over a horizontal line.

Pamela C. Brown
Superintendent of Schools

**ALLOCATION OF POINTS FOR THE 60% (60 POINTS) “OTHER MEASURES” FOR
TEACHER “COMPOSITE EFFECTIVENESS SCORE”**

60 Points will be allocated in conformance with the “NYSUT’s Teacher Practice Rubric 2012 Edition” as per the BTF/District approved Report of the Professional Council:

Forty (40) points based upon the “NYSUT’s Teacher Practice Rubric 2012 Edition” Standards III, IV & V.

PLUS THE TEACHER’S CHOICE OF:

Twenty (20) points based upon the “NYSUT’s Teacher Practice Rubric 2012 Edition” Standards I, II, VI, & VII as demonstrated in the pre and post observation conferences.

OR

Twenty (20) points incorporating student attendance as delineated below:

STUDENT ATTENDANCE SEVERE + CHRONIC + AT RISK (See Definitions)	POINTS BASED ON AGREED UPON RUBRIC PERFORMANCE CHART (See Chart)	POINTS BASED ON THE TEACHER EVALUATION PROCESS DELINEATED IN THE JOINTLY APPROVED REPORT OF THE PROFESSIONAL COUNCIL STANDARDS III, IV & V
> 61%	20 of 20 points ^{*1}	40
45 – 60%	15 of 20 points ^{*2}	40
35 – 45%	10 of 20 points ^{*3}	40
< 34%	05 of 20 points ^{*4}	40

Required

*1 Completion of NYSUT’s Teacher Practice Rubric 2012 Edition Performance Chart Standards I, II, VI & VII.

*2 Completion of 3 of the 4 Performance Chart Standards

In addition to 3 of the 4 NYSUT Rubric Standards selected above, the fourth Standard shall be addressed in the pre and/or post observation conferences through the presentation of artifacts.

*3 Completion of 2 of the 4 Performance Chart Standards

In addition to 2 of the 4 NYSUT Rubric Standards selected above, the third \and fourth Standard shall be addressed in the pre and/or post observation conferences through the presentation of artifacts.

*4 Completion of 1 of the 4 Performance Chart Standards

In addition to 1 of the 4 NYSUT Rubric Standards selected above, the second, third and fourth standards shall be addressed in the pre and/or post observation conferences through the presentation of artifacts.

RUBRIC PERFORMANCE CHART

STANDARD	ELEMENT AND INDICATOR	ARTIFACT
Standard I	I.3.A	<input type="checkbox"/> The teacher presents a document showing that he/she has modified instruction or adopted strategies to meet the needs of their students and teacher asserts he/she has discussed the importance of attendance and completion of assignments with their students.
Standard II	II.5.B	<input type="checkbox"/> Teacher documents that he/she has provided time for the student to achieve the learning goals and that adjustments are made if necessary.
Standard VI	VI.5.C	<input type="checkbox"/> Teacher documents that if necessary he/she reports student absenteeism, instances of child abuse, safety violations, bullying and other concerns to the appropriate personnel.
Standard VII (Choose 1)	VII.1.A VII.2.A VII.4.A VII.1.A VII.2.A VII.4.A VII.2.B VII.3.A VII.4.A	<input type="checkbox"/> Teacher documents how he/she has had professional growth opportunity impacting his or her effort to improve student attendance. <p align="center">or</p> <input type="checkbox"/> Teacher documents how he/she has had professional growth opportunities which shape and inform his/her choice of strategies designed to provide instruction to students with ongoing attendance issues. <p align="center">or</p> <input type="checkbox"/> Teacher documents how he/she has had professional growth opportunity which have provided him/her with knowledge and skills that have been shared with colleagues during common planning time, grade level meetings, or other professional collaborative learning times.

STUDENT ATTENDANCE

Student attendance will be considered in the 60% (60 Points) locally developed other measure of teacher effectiveness sub-component of a teacher's APPR as follows:

DEFINITIONS

Satisfactory Attendance: missing 5% or less over the course of an academic year - excused or unexcused (approximately 9 days or less).

At Risk of Chronic Absence: missing more than 5% but less than 10% over the course of an academic year - excused or unexcused (approximately 10-17 days).

Chronic Absence: missing more than 10% but less than 20% over the course of an academic year - excused or unexcused (approximately 18-35 days).

Severe Chronic Absence: missing 20% or more over the course of an academic year – excused or unexcused (approximately 36 days or more).

(Source: Chang & Romero, **Present, Engaged & Accounted for...**, NCCP, 2008)

(Source: Balfanz, Robert et al, **Preventing Student Disengagement and Keeping Students in the Graduation Path in Urban Middle-Grade Schools...** Educational Psychologist, 2007)

Student absence is defined when a student is not present in a teacher's class. The time a student is absent from a teacher's class as a result of being suspended will be included in the calculation of student absenteeism.

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.

Teacher HEDI Local Measure of Student Achievement – 20 points

Goal Setting:

The teacher and principal (or agreed upon BPS administrator) will mutually agree upon the academic goal for the students.

Decision-Making Chart for Goal Setting

Using the verified class roster(s) of students, the teacher and principal, will use the charts below for identifying the percent of students that will achieve the academic a goal.

To Use:

- 1) Find the % SWD and/or % ELL.
- 2) Find the % Poverty.
- 3) Use the lowest % to adjust the academic goal using either the % SWD and/or % ELL or % Poverty chart.

% SWD and/or % ELL	% GOAL
0%	80%
01 – 22%	75%
23 – 35%	70%
36 – 49%	65%
50 – 59%	60%
60 – 74%	55%
75 % or more	50%

% Poverty	% GOAL
29% or less	80%
30 to 59%	75%
60 to 69%	70%
70 to 79%	65%
80 to 89%	60%
90 to 99%	55%
100%	50%

DEFINITIONS

ELL – English Language Learners are those identified as such by the NYSESLAT.

POVERTY – Poverty is defined as an economically disadvantaged student who is eligible for Free or Reduced-price lunch programs, or whose family participates in, economic assistance programs such as:

- Other Federal/State Programs (such as Social Security Insurance (SSI) or Food Stamps), Foster Care, Refugee Assistance (cash or medical assistance), Earned Income Tax Credit (EITC), Home Energy Assistance Program (HEAP), Safety Net Assistance (SNA), Bureau of Indian Affairs (BIA), or Family Assistance: Temporary Assistance for Needy Families (TANF).

If one student in a family is identified as low income, all students from that household (economic unit) may be identified as low income.

SWD – Students with Disabilities – Students identified by Committee on Special Education with a disability in conformance with Federal and State Laws and Regulations.

Examples:

EX #1: 80% of the students will meet or exceed the academic goal.

EX #2: 75% of the students will meet or exceed the academic goal.

80% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																					
INEFFECTIVE			DEVELOPING						EFFECTIVE										HIGHLY EFFECTIVE		
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-38%	39-42%	43-49%	50-54%	55-59%	60-64%	65-69%	70-74%	75-79%	80-81%	82-84%	85-90%	91-95%	96-100%	

75% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																					
INEFFECTIVE			DEVELOPING						EFFECTIVE										HIGHLY EFFECTIVE		
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-38%	39-42%	43-49%	50-54%	55-59%	60-63%	64-66%	67-69%	70-74%	75-77%	78-82%	83-90%	91-95%	96-100%	

Examples:

EX #1: 70% of the students will meet or exceed the academic goal.

EX #2: 65% of the students will meet or exceed the academic goal.

70% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																					
INEFFECTIVE			DEVELOPING						EFFECTIVE										HIGHLY EFFECTIVE		
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-38%	39-42%	43-45%	46-48%	49-51%	52-54%	55-62%	63-69%	70-72%	73-76%	77-84%	85-90%	91-94%	95-100%	

65% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																					
INEFFECTIVE			DEVELOPING						EFFECTIVE										HIGHLY EFFECTIVE		
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-38%	39-42%	43-47%	48-50%	51-52%	53-54%	55-59%	60-64%	65-67%	68-75%	76-84%	85-90%	91-94%	95-100%	

Examples:

EX #1: 60% of the students will meet or exceed the academic goal.

EX #2: 55% of the students will meet or exceed the academic goal.

60% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																				
INEFFECTIVE			DEVELOPING						EFFECTIVE									HIGHLY EFFECTIVE		
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-10%	11-15%	16-21%	22-25%	26-28%	29-32%	33-36%	37-41%	42-44%	45-47%	48-49%	50-51%	52-53%	54-56%	57-59%	60-66%	67-74%	75-79%	80-88%	89-93%	94-100%

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0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-36%	37-38%	39-40%	41-42%	43-44%	45-48%	49-51%	52-54%	55-64%	65-74%	75-84%	85-91%	92-98%	99-100%

Examples:

EX #1: 50% of the students will meet or exceed the academic goal.

50% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																				
INEFFECTIVE			DEVELOPING						EFFECTIVE								HIGHLY EFFECTIVE			
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-33%	34-35%	36-37%	38-39%	40-41%	42-43%	44-45%	46-47%	48-49%	50-59%	60-69%	70-79%	80-89%	90-96%	97-100%

Student Learning Objectives (SLO) – Growth Measure Charts 20 points – (For teachers without a state provided growth score.)

Goal Setting:

As per the Student Learning Objective (SLO) procedures, the teacher and principal (or agreed upon BPS administrator) will mutually agree upon the academic goal for their students.

Decision-Making Chart for Goal Setting

Using the verified class roster(s) of students, the teacher and principal, will use the charts below for identifying the percent of students that will achieve the academic goal.

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S L O	75% of the students in _____ (insert teachers name and subject area) will meet or exceed the academic goal																						
	INEFFECTIVE			DEVELOPING						EFFECTIVE											HIGHLY EFFECTIVE		
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-38%	39-42%	43-49%	50-54%	55-59%	60-63%	64-66%	67-69%	70-74%	75-77%	78-82%	83-90%	91-95%	96-100%			

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	INEFFECTIVE			DEVELOPING						EFFECTIVE											HIGHLY EFFECTIVE		
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
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0-10%	11-15%	16-21%	22-25%	26-28%	29-32%	33-36%	37-41%	42-44%	45-47%	48-49%	50-51%	52-53%	54-56%	57-59%	60-66%	67-74%	75-79%	80-88%	89-93%	94-100%			

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	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-34%	35-36%	37-38%	39-40%	41-42%	43-44%	45-48%	49-51%	52-54%	55-64%	65-74%	75-84%	85-91%	92-98%	99-100%			

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0-6%	7-13%	14-19%	20-23%	24-27%	28-30%	31-33%	34-35%	36-37%	38-39%	40-41%	42-43%	44-45%	46-47%	48-49%	50-59%	60-69%	70-79%	80-89%	90-96%	97-100%	