

**BOARD RESOLUTION ADOPTED IN COMPLIANCE WITH SECTION 3012-C OF THE
EDUCATION LAW AND COMMISSIONER OF EDUCATION REGULATIONS
CONTAINED IN 8 N.Y.C.R.R. 30 AND 8 N.Y.C.R.R. 100.2.**

RESOLVED, that the Board of Education herewith adopts the attached documents in compliance with Education Law Section 3012-c; 8 N.Y.C.R.R. 30-2 and 8 N.Y.C.R.R. 100.2; and

BE FURTHER RESOLVED, that the Superintendent of Schools is directed to file the foregoing documents in the Office of the District Clerk and post the attached documents on the District website on or after September 1, 2011, but before September 10, 2011.

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ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) PLANS

PROPOSED BOARD RESOLUTION TO BE ADOPTED IN CONFORMITY WITH

8 N.Y.C.R.R. 30 AND 8 N.Y.C.R.R. 100.2

New York State has required the implementation of an Annual Professional Performance Review Plan (hereinafter “APPR”) for teachers since 1999. The District has dutifully complied with the existing law and has in place an APPR Plan for its teaching staff and an evaluation program for its administrators. Section 3012-c of Education Law was enacted, effective July 1, 2010, by the New York State Legislature which amends the existing APPR requirements previously required by the Regulations of the Commissioner of Education in 8 NYCRR 100.2. The new statute, 3012-c of the Education Law, significantly modifies teacher and principal evaluations and has, as its primary goal, the introduction of student performance as a criterion.

In the spring of 2010, the Commissioner of Education, prior to the adoption of Education Law Section 3012-c, adopted an amendment to the then existing APPR regulations (8 NYCRR 100.2) which required the use of four categories of teacher performance: “ineffective, developing, effective and highly effective,” as well as requiring the use of student performance, effective in 2010, as a criterion for teacher evaluation.

Following the adoption of Education Law 3012-c the Board of Regents adopted 8 NYCRR 30, again amending the Commissioner’s APPR requirements establishing robust changes to the existing APPR requirements. These changes include the establishment of a composite effectiveness score, the introduction of student performance measured by both state and local assessment as a criterion for teacher evaluation and the requirement of the adoption of rubric for teacher evaluation, among many other provisions. The May 2011 amendments also included the following provision:

To the extent that any of the items required to be included in the annual professional performance review plan are not finalized by September 1, 2011 a result of pending collective bargaining negotiations, the plan shall identify those specific parts of the plan and the school district shall file an amended plan upon completion of such negotiations.

In addition this legislation, Education Law Section 3012-c contains a “safe harbor” provision which provides:

Nothing in this section shall be construed to abrogate any conflicting provision of any collective bargaining agreement in effect on July first, two thousand ten during the term of such agreement and until the entry into a successor collective bargaining agreement, provided that notwithstanding any prior provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement the provisions of this section shall apply.

BOARD RESOLUTION ADOPTED IN COMPLIANCE WITH SECTION 3012-C OF THE EDUCATION LAW AND COMMISSIONER OF EDUCATION REGULATIONS CONTAINED IN 8 N.Y.C.R.R. 30 AND 8 N.Y.C.R.R. 100.2.

The practical effect of the above quoted “safe harbor” statutory provision is to require that certain inconsistent provisions of the labor agreement between the District and the Uniondale Teachers Association, contained in Article IX thereof, will remain in effect until a change is negotiated or the contract expires. In addition, the District has invited its Teachers and Administrators Associations to commence negotiations concerning those provisions of the required APPR plan that are by law negotiable. (It should be noted that certain Memoranda of Agreement between the District and the Uniondale Teachers Association and between the District and the Uniondale Administrators Association, respectively dated March 22, 2011 and April 8, 2011, require that such negotiations commence as soon as is possible). Until a new APPR plan is established for both teachers and administrators, the District’s current APPR for teachers, a copy of which is attached hereto, and current administrator evaluation system, will remain in effect. The District is prepared to commence negotiations at an appropriate time with the foregoing bargaining units concerning those issues required to be negotiated by Section 3012-c of the Education Law, 8 NYCRR 100.2 and 8 NYCRR 30. Invitations to bargain have been sent to both Unions.

The District has commenced its own planning to comply with Section 3012-c of the Education Law to insure that its APPR evaluation process is fair and transparent and provides all teachers and principals with useful feedback on their performance.

Attached to this statement is the current District teacher APPR Plan. The District labor agreement between it and the Uniondale Teachers Association contains certain provisions inconsistent with some requirements of Section 3012-c of the Education Law and the Commissioner of Education Regulations contained in 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2. The inconsistencies relate to the rating categories required by 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2 and the requirement of the establishment of an appeals process for evaluations.