

ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) PLANS

**STATEMENT RESPECTING THE DISTRICT AND BOARD OF EDUCATION'S
COMPLIANCE WITH OBLIGATIONS IMPOSED BY EDUCATION LAW 3012-c,
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 "A.PPR") for teachers since 1999. The District has dutifully complied with the existing law, and has in place an A.PPR Plan for its teaching staff and 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 A.PPR 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 A.PPR 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 A.PPR requirements establishing robust changes to the existing A.PPR requirements. These changes include the establishment of a composite effectiveness score and the introduction of student performance measured by both state and local assessment as a criterion for teacher evaluation, 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 as 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.

The District labor agreement between it and the Brentwood Teachers Association contains provisions substantially inconsistent with the requirements of 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. These inconsistencies, set forth in Article 9 and Appendices 3, 4, 4(a), 4(b), and 4(c) of the parties' current collective bargaining agreement, include differences in applicable criteria, rating categories, the absence of a composite effectiveness score model, and other procedural inconsistencies. Hence, these provisions together with the District's current APPR plan will remain in effect until expiration of the parties' current collective bargaining agreement. Likewise, the District labor agreement between it and the Brentwood Principals and Supervisors Organization incorporates by reference the parties' current evaluation plan for administrators, which plan contains provisions substantially inconsistent with the requirements of 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 District has invited the Brentwood Principals and Supervisors Organization to commence negotiations concerning the negotiable aspects of Education Law Section 3012-c, 8 N.Y.C.R.R. 30 and 8 N.Y.C.R.R. 100.2 prior to the expiration of the parties' current contract on June 30, 2013. The provisions in said labor agreement, together with the District's current administrative evaluation plan, will remain in effect until the completion of negotiations concerning the negotiable aspects of said evaluation plan, and the District shall file an amended plan upon the completion of such negotiations.

Attached to this statement is the current District APPR Plan together with the above referenced provisions of the labor agreement between the District and the Brentwood Teachers Association, as well as those existing provisions applicable to the Brentwood Principals and Supervisors Organization.