

**MEMORANDUM OF AGREEMENT  
SAVE HARMLESS**

**BY AND BETWEEN THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT**, hereinafter referred to as "The District" and **THE NEWBURGH TEACHERS ASSOCIATION**, hereinafter referred to as "the NTA";

**WHEREAS**, there is a legitimate concern on the part of the District and the NTA regarding the effects of poor student attendance upon student results on State assessments as well as locally developed measures of growth and achievement;

Accordingly, the District and the NTA agree that for the 2012-13 school year, the District shall save harmless from a 3020-a proceeding brought pursuant to the APPR amendments of 2010 & 2012, any tenured teacher who:

- (a) is rated ineffective on the 100 point APPR composite score, in the event that 5% or more of the students belonging to the teacher of record are in attendance for less than 140 classroom sessions during the 2012-13 school year, so long as the teacher receives more than 30 points on the Local 60 Point Rubric of teacher effectiveness; or
- (b) is rated ineffective on his/her 100 point APPR composite score, in the event that 10% or more of the students belonging to the teacher are in attendance for less than 160 days during the 2012-13 school year, so long as the teacher receives more than 37 points on the Local 60 Point Rubric of teacher effectiveness.

SO AGREED, this 27 day of June, 2012.

THE DISTRICT

By: Ralph G. Lyzo

THE NTA

By: Patricia M. VanDusen