

Contract Modifications Effective

January 25, 2008

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ARTICLE XII

Evaluation Procedure

- A. **FREQUENCY.** Evaluation and assessment of the performance of employees shall be made on a continuing basis at least once each school year for temporary and probationary personnel and at least once every other year for employees with permanent status.

Effective with the 2008-09 school year, unit members with permanent status shall be evaluated at least every five (5) years if they have been employed by the district for ten (10) years or more and if the evaluator and the unit member consent to such time line. In order to be eligible for the five year cycle a unit member must be deemed to be "highly qualified" as defined in the No Child Left Behind Act (20 U.S.C. 7801) and his/her most recent evaluation must contain an overall rating of Satisfactory. For eligible unit members who do not teach in "core academic" subjects, qualification requirements shall be the same as for teachers of "core academic" subjects. For eligible unit members who are not classroom teachers the District and Association shall review and agree on appropriate comparable criteria.

Either the evaluator or the unit member may withdraw from this cycle at any time and such withdrawal shall not be subject to the grievance procedure. Upon request the evaluator will meet with the unit member to explain the reasons for withdrawal.

- B. **EVALUATOR.** The evaluator shall be the employee's immediate manager and/or another administrator designated by the manager, by the Superintendent, or by his designee.

- C. **DEADLINES.** It is agreed that deadlines specified in this Article, except for the date of the final evaluation, may be extended by the number of days the evaluatee or the evaluator is absent from the work site during the identified time periods. Any change in specified deadlines will be noted in writing by the evaluator along with reasons for the change in deadline.

- D. **NOTIFICATION OF EMPLOYEES.** Employees to be evaluated shall receive a copy of the evaluation procedures within four (4) weeks after the beginning of their school session work year, traditional or year-round calendar. Those employees will be advised of the evaluation policy, procedures, standards, and expectations by their evaluator no later than the end of the fifth school week.

Standardized test norms shall not be used for teacher evaluation. Personnel shall be judged on the District-adopted evaluation objectives and performance standards.

ARTICLE XII - EVALUATION PROCEDURE (continued)

1 Such objectives and standards shall be in writing and made available to the evaluatee
2 prior to any period in which he/she is evaluated.
3

- 4 E. **SETTING OF OBJECTIVES.** By the end of the sixth school week each evaluatee
5 shall be responsible for proposing in writing to the evaluator specific objectives and
6 standards to be achieved within areas of performance. The evaluator may propose
7 and/or require additional objectives and standards for each evaluatee in accordance
8 with the position and assignment. Employees will be advised if there is to be a
9 specific area(s) of concentration.
10

11 Within the maximum of seven (7) weeks of the first working day of an assignment
12 all objectives and performance standards shall be finalized, reduced to writing, and
13 signed by the evaluator and evaluatee.
14

- 15 F. **CONSTRAINTS.** When the total length of teaching experience, the length of duty
16 at one site, the length of time in the assignment, or other factor is considered to be a
17 constraint by the evaluator or the evaluatee, it may be so noted on the appropriate
18 form. Employees, who due to the room utilization patterns on a year-round school
19 schedule are limited in their ability to prepare the classroom prior to the arrival of
20 students, are deemed to be working within constraints related to room environment
21 and classroom management for a brief period of time at the beginning of each on-
22 track assignment.
23

- 24 G. **OBSERVATIONS.** Observations shall be both formal and informal. The number
25 of formal observations shall routinely be three (3). With agreement of both evaluatee
26 and evaluator the number may be reduced to two (2) or one (1) in cases of obviously
27 satisfactory performance by **permanent** employees. Additional observations shall be
28 conducted when deemed necessary by either the evaluatee or evaluator.
29

- 30 1. An observation shall be based upon one (1) or more of the following
31 components: District goals and objectives, individual school/office goals and
32 objectives, individual employee goals and objectives and performance
33 assessment criteria.
34
- 35 2. Each formal observation will be followed by a conference which will take
36 place within five (5) working days.
37
- 38 3. Formal observations will be summarized on an observation form with a copy
39 given to the evaluatee within ten (10) working days after the observation.
40
- 41 4. Except by mutual agreement, formal observations shall not begin until after
42 goals and objectives have been agreed upon. In the event that goals and
43 objectives have not been agreed to, formal observations may begin following
44 the seventh week of the school year.
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ARTICLE XII - EVALUATION PROCEDURE (continued)

1 5. In the event of an **unsatisfactory** observation lesson analysis, the evaluatee
2 may request an additional formal observation conducted jointly by the
3 evaluator and another manager selected by **the evaluatee from a list of up to**
4 **five (5) managers selected by the District.** The second manager will be
5 credentialed/certified in the credential/subject/special services area of the
6 evaluatee's assignment. The subsequent conference and lesson analysis shall
7 be conducted/developed by both managers.
8

9 H. **EVALUATION.** An evaluation shall be reduced to writing and transmitted to the
10 employee no later than thirty (30) calendar days prior to the last school day for K-12
11 students as identified on the appropriate traditional or year-round school calendar.
12 The evaluator will hold a conference to review the written evaluation with the
13 employee at the time of the transmittal of the written evaluation. The evaluatee shall
14 sign the evaluation form signifying that he/she has read the form and shall be
15 provided the opportunity to prepare a written response which shall become a part of
16 the employee's permanent record. There shall be only one (1) final evaluation form
17 per year which shall become part of an employee's permanent file. This form may be
18 supported by documentation deemed appropriate by the site manager.
19

20 **A joint committee consisting of five (5) unit members appointed by TALB and**
21 **five (5) administrators shall be convened to review and revise final evaluation**
22 **forms and lesson analysis forms; the final evaluation forms shall conform to and**
23 **reflect State Standards and the Lesson Analysis forms shall correlate to the final**
24 **evaluation forms; if the Committee deems it appropriate they may also make**
25 **recommendations concerning forms for those participating in "Action**
26 **Research." The forms shall be submitted to the bargaining teams for final**
27 **negotiation. If meetings are scheduled during the work day the unit members**
28 **shall be provided released time; if the meetings are scheduled for times after the**
29 **work day the unit members shall be paid their regular hourly rate.**
30

31 I. **IMPROVEMENT OF LESS THAN SATISFACTORY PERFORMANCE.** No
32 assessment of "unsatisfactory" or "needs to improve" shall be introduced on an
33 evaluatee's evaluation form which has not been first formally called to his/her
34 attention in a written report. Time shall be allowed, when practicable, from the date
35 of the written report where the deficiency is first noted and the date of the next
36 evaluation when the deficiency is formally cited to allow for correction of said
37 deficiencies. Upon formally citing a condition(s) of less-than-satisfactory
38 performance, the evaluator shall thereafter confer with the evaluatee and during the
39 conference make specific recommendations as to areas of improvement in the
40 evaluatee's performance. In the case of instructional deficiencies, the evaluator will
41 offer direct assistance and/or additional resources as the evaluator deems appropriate
42 to implement the specific recommendations.
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44 Nothing in this Section shall be interpreted as limiting the ability of the District to
45 take immediate action in the case of an extremely serious or egregious circumstance
46 as identified in Education Code, Section 44932.

ARTICLE XII - EVALUATION PROCEDURE (continued)

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J. **PERSONNEL FILE.** Each employee shall have the right, by appointment, to review the contents of his/her personnel file. Such appointment will normally be scheduled within **five (5)** working days of the request, except that during unusually concentrated work periods, it may be postponed with the approval of the Assistant Superintendent, Human Resource Services. **Unit members may obtain copies of materials in their personnel files and be charged the same rate per page as the District charges the general public.¹** Such materials shall not include those excluded from disclosure under Education Code Section 44031; normally such materials will be provided within **ten (10)** working days of the request. A representative of the Association at the teacher's request may accompany the teacher in this review. Such review by the employee shall be permitted twice per year before or at the end of the duty day when instructional duties have been completed.

Negative or derogatory materials will be processed in accordance with Education Code, Section 44031, which states that information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his own comments thereon.

K. **GRIEVABILITY.** Any grievance arising out of the foregoing procedures shall be limited to a claim that the procedure has been violated.

L. **PARENT/GUARDIAN COMPLAINT.** When a parent or guardian complaint regarding an employee filed pursuant to Education Code, Section 35160.5 is terminated at any level or is not sustained by the Board of Education, the Board shall direct that all written documentation relating to the complaint be destroyed pursuant to procedures provided for in Title V of the California Administrative Code.

¹ As of December 13, 2007 the rate is twenty-five cents (\$0.25) per page.