# ARTICLE VIII

# EVALUATIONS

The parties agree that the purpose of the formal evaluation process is to review and rate teachers’ performance and effectiveness in the classroom, ensure quality teaching, enhance student learning, recognize and/or improve practice, and offer a system of support, if necessary.

A. Stull Act Evaluation Procedure to Assess Employee Competency

1. The District shall evaluate and assess employee competency as it reasonably relates to:

- The progress of pupils toward the standards of expected student achievement at each grade level in each area of study and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments.

* The instructional techniques and strategies used by the employee.

- The employee's adherence to curricular objectives.

- The establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

- Additional evaluation and assessment guidelines or criteria related to an employee's job responsibilities.

- The evaluation and assessment of employee competence pursuant to the Stull Act Evaluation Procedure shall not include the use of publishers' norms established by standardized tests.

2. The evaluator and the employee shall meet for a pre-evaluation conference no later than November 1 to review any specific goals and objectives in addition to those listed in A.1. The evaluator and the employee shall attempt to reach agreement on the specific goals and objectives. If the evaluator and the employee do not reach mutual agreement on the employee's specific goals and objectives, the evaluator shall have the right to make a decision on such specific goals and objectives. The employee may attach a written statement indicating his/her disagreement with the specific goals and objectives.

1. Evaluation and assessment made pursuant to this procedure shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee not later than thirty (30) calendar days before the last school day scheduled on the school calendar adopted by the Board for the school year in which the evaluation takes place. Upon receipt of an evaluation, a conference shall be scheduled between the evaluator and the employee to discuss the evaluation. The certificated employee shall have the right to initiate a written reaction or response to the evaluation. Such response shall become a permanent attachment to the employee's personnel file.

4. Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis

* at least once each school year for probationary personnel, ~~and~~
* at least every other year for personnel with permanent status, and
* at least every five (5) years for teachers with permanent status who have been employed for at least ten (10) years with the District and are fully credentialed to teach the subject area and whose previous evaluation rated satisfactory

The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the Board, the District shall notify the employee in writing of such fact describing such unsatisfactory performance. The District shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist the employee in such performance.

When any permanent certificated employee has received an ~~unsatisfactory~~ evaluation with a rating that is less than satisfactory, the District shall annually evaluate the employee until the employee achieves a positive evaluation or is separated from the District.

5. No employee shall receive an unsatisfactory evaluation unless there were at least two classroom observations during the school year of at least thirty (30) minutes in duration prior to the unsatisfactory evaluation. These two classrooms observations shall be followed by a written observation report within ten workdays or a post-observation conference within ten workdays.

The teacher and evaluator shall meet prior to the first observation to mutually determine the actual date and time of the classroom observation, the class procedures, and the techniques and objectives of the lesson. If the teacher and evaluator are unable to agree on these matters, the evaluator may schedule the first classroom observation within 48 hours.

6. A post-observation conference shall be held within ten workdays of any observation if requested in writing by the employee. The time periods in this provision 6 and in provision 5 shall be set aside during any period in which the employee or the evaluator is ill or absent.

7. Any evaluation performed pursuant to this procedure which contains ~~an~~ ~~unsatisfactory rating~~ a rating that is less than satisfactory of an employee's performance in the area of teaching methods or instruction may include the requirement that the certificated employee shall, as determined necessary by the District, participate in a program designed to improve appropriate areas of the employee's performance and to further pupil achievement and the instructional objectives of the District. If an employee is required to participate in such a program, the program shall relate to the ~~unsatisfactory~~ less than satisfactory rating.

An employee shall not be required to participate in such a program unless an attempt is made to reach an agreement on the nature of the program with the employee. Should the employee and the evaluator fail to reach an agreement on the nature of the program, the Superintendent shall determine the nature of the program.

Release time shall be provided when required by the nature of the program or plan.

The program shall not require costs to the employee unless agreed to by the employee.

If the plan includes peer participation, the relationship between the participating teacher and his or her peer should be confidential.

Any certificated employee who receives an unsatisfactory rating on an evaluation ~~shall~~ may participate in the Peer Assistance and Review Program for Teachers pursuant to Education Code 44500.

8. The immediate supervisor, or his/her designee, shall ~~normally~~ conduct evaluations.

Bargaining unit members shall not evaluate other bargaining unit members.

In the case of an additional evaluation because of an unsatisfactory rating, an employee may select a monitor to conduct an observation with the evaluator. This monitor shall be a member of the bargaining unit who shall be certificated and have expertise, including recent experience, in the type of activity for observation. If a monitor is used, any observation should be discussed with the evaluator and the employee, and should provide the employee and the evaluator with a completed copy of the observation.

9. If, during the term of this Agreement, the Legislature should modify the Stull Act (Sections 44660 through 44665 of the Education Code), this Article shall be reopened for negotiations.

B. The District may conduct a reasonable number of additional observations or assessments within its discretion. The District reserves the right to visit classrooms or other job locations at any time.

1. The District retains the right to prepare and utilize Stull Act evaluation forms relating to the evaluation and assessment of the job performance of each bargaining member. Prior to the adoption of any Stull Act forms, the District shall seek input from the Association to assure compliance with this Agreement and to assure that the Association is given a reasonable opportunity to assist in the development of any proposed forms.
2. Results of an employee’s mandatory participation in the Peer Assistance and Review Program shall be made available as part of the evaluation conducted.
3. In lieu of the standard evaluation process by administrator observation, tenured certificated employees who received all satisfactory performance ratings on their most recent performance evaluation may elect to implement an alternative evaluation option with the evaluator’s approval of the Alternative Evaluation Proposal. Alternative Evaluation Proposals are due to the evaluator by the thirtieth (30th) instructional day of the school year. The evaluator must approve the proposal by the first work day of November or the evaluation will automatically revert to the standard evaluation process. Teachers are expected to schedule a mid-year progress conference by the ninetieth (90th) instructional day with the evaluator and a final assessment conference with the evaluator at least forty-five (45) calendar days prior to the end of the school year. An incomplete or poorly implemented alternative evaluation will result in an evaluation the subsequent year using the standard evaluation process.