

FRESNO UNIFIED SCHOOL DISTRICT

DISTRICT COUNTERPROPOSAL

February 13, 2014

Article 16 – Evaluation and Professional Standards

The parties endorse a high level of professional preparation and competence for all members of the bargaining unit. Attaining and maintaining high professional standards requires a joint commitment to provide the assistance, support, and proper teaching environment needed for the success of the bargaining unit member. Standards shall be clear and consistent. The parties shall use the California Standards for the Teaching Profession (CSTP); and the District Continuum of Standards for the Teaching Profession, which includes the CSTP Indicators (District CSTP Continuum), will serve as a guide for reflective practice, continuous improvement, and evaluation.

1. Evaluation:

Evaluation is recognized as a desirable method to achieve the improvement of instruction, to identify skills and abilities that contribute to the success of the educational program, and to redirect skills and abilities that do not result in optimum student growth. The District accepts as a fundamental premise for a successful evaluation program the necessity for mutual respect and confidence to exist between the evaluator and those evaluated. Evaluation is a process that includes an evaluation plan with established performance goals and objectives for advancement of professional practices and the completion of the evaluation instrument.

1.1 Probationary and temporary unit members shall be evaluated annually. Permanent and temporary unit members with more than three years' full-time service shall be evaluated at least every two years. This section shall not be construed to be in conflict with any subsequent sections of this Article.

1.2 ~~Effective beginning the 2005-2006 school year~~, Permanent unit members who have been with the District at least ten (10) consecutive years, who are "highly qualified" pursuant to the laws and regulations under "No Child Left Behind" (20 U.S.C. 7801, et. seq.) and whose most recent evaluation rating is "meets" standards may be evaluated up to every five years, provided the unit member and his/her evaluator consent. At any time, the unit member or the evaluator may withdraw consent to this extended cycle.

1.2.1 A decision to grant this extended cycle shall be made on an individualized basis by the deciding administrator.

1.2.2 Upon request, the administrator shall provide written reasons to a unit member who was denied placement on the extended cycle.

1.2.3 The judgment of the evaluator to place a unit member on the extended cycle is not grievable, except for an allegation that the decision was not determined on an individualized basis.

2. Evaluation Ratings:

2.1 Unit members shall receive an overall rating of “demonstrates expertise,” “meets standards,” “growth expected,” or “not meeting standards” in each of the six standards of the ~~California Standards for the Teaching Profession (CSTP)~~ CSTP. It is the intent of the parties to encourage unit members to advance their teaching practice on a continual basis against the standards in the CSTP. This shall be pursued by using the District ~~CSTP Continuum of Standards for the Teaching Profession~~ and by unit members developing their own individual evaluation plans that identify goals and objectives for the improvement of professional practice and student learning to be used during the course of the evaluation process. Unit members are encouraged to conduct a self-assessment to assist in identifying goals and objectives for improving their professional practice and student learning.

2.2 The judgments reached by the evaluator are not subject to the grievance procedure. Judgments concerning the professional practice of the unit member shall be reasonably related to multiple sources of information consistent with the ~~Education Code, the California Standards for the Teaching profession, and standards in the CSTP~~ and the District ~~CSTP Continuum of Standards for the Teaching Profession~~.

3. Criteria for Evaluation:

3.1 The criteria for evaluation shall be based on the Education Code, ~~the California Standards for the Teaching Profession (“CSTP); Sections 44660 - 44665 (Stull Act), the CSTP~~ and the District ~~CSTP Continuum of Standards for the Teaching Profession~~.

3.2 Consistent with 3.1 above, the criteria for every teacher evaluation shall include the use of multi-faceted evidence of teacher practice, student learning, and professional contributions to determine the level of teacher effectiveness in measuring progress of students towards established standards of expected student achievement: such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within the District. ~~Twenty percent (20%) of the evaluation will be based on student growth/achievement measured by using assessments that are predominantly teacher designed including grades, portfolios of student work, student outcomes on pre/post tests, multiple formative assessments, end-of course tests, and other objective, performance-based assessments developed by Accountable Communities, as well as other measures of student growth/achievement that are rigorous and comparable across schools within the District for all students~~

~~including English learners and students with disabilities. Along with teacher-designed assessments of student growth/achievement, State assessments such as the SBAC where applicable and other indicators of professional practice within the academic, social/emotional, and school culture/climate domains will be used to determine teacher effectiveness in assessing students for learning under CSTP-5 which will constitute 30% of the overall evaluation (i.e., 20% based on a minimum of four student assessments and 10% on teacher practice).~~

- 3.3 Assessment shall be based on reflection, observation, documentation, and conference in relation to measuring ~~and optimizing student academic growth~~ the effectiveness of professional practice and growth in student learning as a significant factor. ~~The utilization of student growth/achievement criteria in conducting teacher evaluations will be phased in over a period of two school years as follows:~~

~~3.3.1 During the 2014-15 school year, data generated from multiple measures of student growth/achievement will be included as part of the criteria used in conducting teacher evaluations for demonstration purposes only and without affecting any of the ratings a teacher receives on his/her preliminary or final evaluation.~~

~~3.3.2 During the 2015-16 school year, data generated from multiple measures of student growth/achievement will be formally included among the criteria utilized for all teacher evaluations.~~

- 3.4 No unit member shall be held accountable for any deficiencies in the educational program over which he/she has no authority to correct.

4. Evaluation Plan Procedures and Timelines:

- 4.1 Before the close of the first three (3) weeks of the school work year, unit members to be evaluated shall be notified and be informed of his/her assigned evaluator and the name of any designee(s). The evaluatee shall be provided with the CSTP and the District CSTP Continuum ~~of Standards for the Teaching Profession.~~

- 4.2 By the end of the sixth (6th) week of the school work year, each evaluatee shall be responsible for preparing a written Evaluation Plan containing specific performance goals and objectives and identifying standards to be achieved for improving professional practice for optimum and optimizing student academic growth.

- 4.2.1 The evaluatee shall present the Evaluation Plan to his/her evaluator in a preliminary evaluation conference. The evaluator may propose and/or require additional goals, objectives and standards for each evaluatee in accordance with the evaluatee's position and assignment.

- 4.2.2 The written Evaluation Plan containing all performance goals, objectives and standards shall be finalized and signed by the evaluatee and the evaluator. Both the evaluator and the evaluatee shall keep a copy of the final Evaluation Plan.
- 4.2.3 The Evaluation Plan as developed by the evaluatee shall be congruent to the CSTP and the District CSTP Continuum. ~~of Standards for the Teaching profession~~ Mitigating factors should also be considered in this process.
- 4.2.4 The Evaluation Plan shall include identification of at least one standard of the CSTP; at least one of the evaluatee's goals and objectives for the purpose of professional growth; and the evaluatee's goals and objectives for the progress of students towards established standards of expected student achievement based on the Criteria for Evaluation in 3.0 above. (NOTE: This is distinct from the purpose of the evaluation form, which focuses on all six standards)
- 4.2.5 The Evaluation Plan may be revised during the course of the year by the evaluator in consultation with the evaluatee.

5.0 Classroom Observation Procedures and Timelines:

- 5.1 An observation shall include one or more of the following components: District goals and objectives; individual school/department goals and objectives; and/or individual employee goals and objectives; and shall be based on performance assessment criteria, including, but not limited to, multi-faceted evidence of teaching practices, student learning and teacher effectiveness with respect to measuring and optimizing the progress of students towards established standards of expected pupil achievement.
- 5.2 An observation shall include information from at least one full teacher lesson presentation and shall be followed by a conference within five (5) school days of the observation during which the evaluator and the unit member shall review the Lesson Observation Form and the evaluator's assessment of evaluatee's performance, as well as the evaluatee's progress in achieving the goals, objectives and standards identified in the evaluatee's Evaluation Plan.
- 5.3 At least one (1) observation shall occur prior to the end of each November.
 - 5.3.1 No observation shall occur within fifteen (15) work days of any prior observation, unless there is an instructionally related reason.
- 5.4 The unit member's evaluator shall make constructive suggestions for correction of any cited areas rated as "not meeting standards," and provide reasonable assistance and support as determined appropriate by the evaluator. Such assistance and support may include one or more of the following:

- 5.4.1 Joint development of an improvement plan with objective criteria to measure progress towards stated goals and timelines for achieving these goals.
- 5.4.2 Release time to observe best practices and/or attending professional development aligned to the CSTP elements in which improvement is needed.
- 5.4.3 Release time for peer coaching related to the CSTP elements in which improvement is needed.
- 5.5 If the evaluator determines that the cited areas which do not meet standards have reached proficient levels of practice, this will be noted in the employee's subsequent observation.
- 5.6 A panel shall be established by the District and the Association to monitor and review the overall effectiveness of the assistance and support options identified in section 6.4 5.4 above. To ensure confidentiality, the panel shall conduct its review on a system-wide basis and without reference to any individual unit member's performance.
- 5.7 The finalized formal observation form and any attachments shall be signed by the unit member and primary evaluator, with copies provided to the unit member.
- 5.8 At least 4 formal observations shall take place prior to a "Does Not Meet Standards" rating in any area of the 6 CSTP's on the summative evaluation.

6.0 Formative and Summative Evaluation Procedures and Timelines

- 6.1 A formative preliminary-evaluation shall be completed prior to the end of the first semester. If the formative preliminary-evaluation rating for a permanent unit member indicates that the member is "not meeting standards," he/she shall choose one of the following options:
 - 6.1.1 continue through the evaluation process with no intervention or structured assistance; or
 - 6.1.2 request structured administrative intervention and support which shall include identification of the specific professional practices and/or growth in student learning that do not meet standards, the specific support the administration will offer to the teacher towards achieving a proficient level of practice and/or growth in student learning, and the timeline for the teacher to accomplish the improvement; and/or
 - 6.1.3 request referral for peer support and assistance designed to improve professional practices and achieve proficiency.
- 6.2 The summative final-evaluation shall be submitted to the unit member at least thirty (30) calendar days prior to the end of the unit member's school year. Prior

to the end of the unit member's school year, a meeting shall be scheduled by the evaluator with the unit member to discuss the evaluation, unless the unit member is unable to attend due to a leave of absence.

- 6.3 Whenever a permanent unit member receives a rating on his/her summative evaluation of "not meeting" or "growth expected" in any of the six (6) CSTP's because of deficits in his/her professional practices and/or in the extent of growth in student learning, the District shall provide the unit member with a Teacher Development Plan to support and assist the unit member during the ensuing school year in improving his/her performance. The Teacher Development Plan shall include goals for improving professional practices and student learning, together with objective criteria to measure progress towards stated performance and student learning goals.
- 6.4 The evaluator and the unit member shall sign the summative evaluation, and a copy shall be given to the unit member. The unit member's signature merely signifies acknowledgement of receipt. If the unit member refuses to sign the evaluation, it will be noted by the evaluator on the form, along with the date on which the document was provided to the unit member.
- 7.0 The District and the Association, as needed, shall jointly develop evaluation forms which conform to the provisions of this Article.
- 8.0 The dates listed herein are benchmark dates. These dates do not negate the right to evaluate or conference as needs arise, consistent with the provisions of this Article.
- 9.0 The evaluation procedures delineated in this Article do not apply to Nurses, Speech/Language Pathologists, and Librarians.

SECTION 2 – Peer Assistance and Review

Omitted.

Side Letter of Agreement

The District agrees to enter into a Side Letter of Agreement with the Association for the purpose of establishing:

1. A joint committee tasked with the development of evaluation forms and support procedures for Nurses, Speech/Language Pathologists, and Librarians. The joint committee's recommendations for evaluation forms and support procedures will be submitted to the District and the Association within 90 work days of the initial meeting of the joint committee, unless the timelines for submission are extended by mutual agreement of the joint committee.

2. A Continuum of Practice Committee comprised of equal members from both the District and the Association will review the District CSTP Continuum and make recommendations consistent with 2.1 and 2.2 below that will be presented to the Professional Learning and Curriculum and Instruction Departments for agreement prior

to implementation. The CSTP Indicators and Self-Assessment as agreed to by the District and Association in negotiating their 2013-2016 Collective Bargaining Agreement shall remain intact without any revisions or modifications.

2.1 The Committee will review the District CSTP Continuum, update the elements in order to assure alignment with the CCSS and develop strategies for engaging in conversations concerning student criterion reference test results.

2.2 The Committee will develop a library of evidence/documentation to demonstrate mastery of the District CSTP Continuum.