

ARTICLE 19
EVALUATION PROCEDURES

19.1 Evaluations are conducted to maintain and improve the quality of education in the District.

19.2 In the evaluation process, 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 the evaluatee.

19.3 Evaluation Procedure

19.3.1 Every probationary employee shall be evaluated by the immediate supervisor and/or designee in writing at least once each school year.

19.3.2 Permanent Unit Members

A. Evaluation Every Other Year: Every permanent bargaining unit member shall be evaluated by their immediate supervisor and/or designee in writing every other year, except for those who qualify under Section 19.3.2.B. An evaluatee with permanent status in the District or the evaluator may initiate an annual evaluation if deemed necessary.

B. Evaluation Every Five (5) Years: By mutual agreement of the evaluator and the unit member to be evaluated, the unit member shall be evaluated at least once every five (5) years providing all of the following conditions apply.

1. The unit member has achieved permanent status.
2. The unit member has been employed by the District for ten (10) years. For the purposes of this section, a year of employment shall count if the unit member was employed at least fifty (50%) percent of the days required in the work year.
3. The unit member's immediate prior evaluation was deemed satisfactory as defined elsewhere in this Article.
4. In addition, if a unit member occupies a position required to be filled by a highly qualified professional by the Federal No Child Left Behind Act of 2001 as defined in 20 U.S.C. Section 7801, the unit member must be highly qualified to be eligible for an every five (5) year evaluation under this Section.
5. Mutual agreement may be withdrawn by either the evaluator or the unit member.

19.3.3 The elements used for evaluation of performance will be in accordance with the criteria mutually agreed upon by the evaluator and the evaluatee at the initial conference as outlined in Appendices of this Agreement. The elements for evaluation found in Appendix D applies to bargaining unit members teaching at Prospects Independent Study Program. The elements for evaluation found in Appendix E apply to all other bargaining unit members.

Observations and Goals & Objectives are part of the Evaluation process. YOU CAN NOT have formal observations used for evaluation BEFORE you have MUTUALLY agreed upon the criteria! Also the criteria is MUTUALLY agreed upon, NOT assigned by the administartor.

- 19.3.4 Failure to reach agreement on the elements of evaluation shall necessitate the utilization of the following procedure:
- A. Evaluator and evaluatee are to resolve their differences within three (3) working days of the initial conference.
 - B. If the differences are not resolved, each party to the disagreement shall appoint a representative to the mediation panel within three (3) working days.
 - C. The representatives of the evaluator and evaluatee shall have three (3) working days to agree on a third member for the panel.
 - D. If such agreement is not possible, the California State Mediation and Conciliation Service shall be contacted to provide a conciliator to serve as the third panel member.
 - E. A final, binding and non-appealable decision will be rendered by the mediation panel no later than the fifth working day in November.
- 19.3.5 During the course of the evaluation period, mitigating circumstances may arise which require modification of the evaluation parameters. If the evaluatee requests that his/her evaluation parameters be modified due to mitigating circumstances, such request must be made no later than fifteen (15) working days prior to the mid-year evaluation conference and no later than fifteen (15) working days prior to the final evaluation conference. The necessity for review of the evaluation criteria shall be determined by the employee being evaluated and the determination of new evaluation elements shall be arrived at in accordance with Section 19.3.4. It shall be the responsibility of the evaluatee to invoke the provisions of Section 19.3.4 no later than five (5) working days subsequent to the conference at which s/he requests modification of evaluation parameters due to mitigating circumstances.
- 19.3.6 Final evaluation shall be based upon at least one (1) formal observation, which is at least a twenty (20) minute observation of the unit member's ordinary job functions. Two (2) such observations on different days shall precede negative judgments on a final evaluation. Each shall be followed by a conference including comments on the evaluator's judgments and a discussion of the observation. This procedure does not limit or preclude the use of informal observations by an administrator which may take place on a casual basis. Negative informal observations of classroom and non-classroom activities will be brought to the unit member's attention prior to use in any evaluation.
- 19.3.7 Any employee who receives a negative evaluation shall, upon request, be entitled to a subsequent observation, conference, and written evaluation as prescribed above. Such entitlement shall continue after each written evaluation until the problems cited in the evaluation are rectified or other action is taken.
- 19.3.8 The employee's evaluator shall take positive action to correct any cited deficiencies. Such action shall include specific recommendations and, if possible, released time for the employee to visit and observe other similar classes in other schools.
- 19.3.9 If subsequent remedial action eliminates the negative evaluation and/or the identified deficiencies, the evaluation(s) citing such deficiencies shall be removed from the

evaluatee's personnel file after a period of thirty-six (36) months upon the request of the employee.

- 19.3.10 No employee shall be held accountable for any aspect of the educational program over which s/he has no authority or means to correct deficiencies.
- 19.3.11 Non-administrative personnel shall not be required to participate in the evaluation and/or observation of other non-administrative certificated personnel.
- 19.3.12 Grievance procedures may be utilized in cases of alleged violation of procedural matters. In the event that a grievance arises and such grievance is resolved in favor of the evaluatee, the arbitrator shall determine what language in the evaluation document shall be stricken and what shall remain based on the issues raised in the grievance.
- 19.3.13 The District shall release employees who are chosen to serve on the Commission on Professional Competence in accordance with Education Code Section 44994. Such service shall be considered a professional responsibility and the rights and duties of the employee in rendering such service shall be those contained in Education Code Sections 44944 and 45047.
- 19.3.14 Hearsay statements shall be excluded from written evaluations.
- 19.3.15 Where the District seeks to revise forms relating to evaluation, it shall be free to do so, after presenting such changes to the leadership of the Association for consensus.

19.4 Dates for Evaluations

19.4.1 Prior to October 1, every school year:

A. Employees to be evaluated in a given year will be so informed in writing by the evaluators.

B. Employees to be evaluated shall also be informed as to:

1. Who the evaluator(s) will be;
2. The criteria to be used in the evaluation process;
3. The steps to be included in the evaluation process;
4. The provisions for support services and follow-up counseling; and
5. The provision for evaluatee to append his/her statement to evaluation report if desired;

The elements used for evaluation of performance will be in accordance with the criteria MUTUALLY agreed upon by the evaluator and the evaluatee AT THE INTIAL CONFERENCE!

19.4.2 Prior to October 15 every school year: An initial conference between evaluator and evaluatee will be held.

19.4.3 Prior to February 1 every school year:

A. For non-tenured teachers the mid-year evaluation conference and mid- year evaluation form are to be completed by February 1.

- B. If, at the option of either the permanent teacher or the evaluator, a mid-year evaluation is to be made, a mid-year conference and a mid-year evaluation form are to be completed no later than February 1.

19.4.4 Prior to May 1 every school year:

- A. All certificated employees being evaluated and not covered by Section 19.3.2 must receive final evaluations.
- B. Each final evaluation summary will be a summary of the observation(s) made by the evaluator(s) and will be a composite made by those evaluator(s) who have observed the employee.

19.5 Documentation

- 19.5.1 Dated written reports shall be made of all conferences dealing with evaluation. After the conference the evaluator will give the evaluatee a duplicate copy of the summary or written report signed by the evaluator and evaluatee. The signature of the evaluatee shall not imply either agreement or disagreement with the evaluation report. If the evaluatee is in disagreement with the content of the report, s/he will so state in writing and this statement will become a permanent part of the evaluation summary.
- 19.5.2 Evaluation reports or summaries filed in the District Office will contain no statement which has not been made available to the certificated employee evaluated prior to its being placed in his/her file.
- 19.5.3 Any adverse report which might appear on an evaluation summary will be immediately brought to the employee's attention and supported by written reports of observed deficiency. In addition, the evaluator will confer with the evaluatee and make specific recommendations in writing relative to techniques and procedures for improving noted deficiencies.