

LAUSD-UTLA DECEMBER 2012 EVALUATION PROCEDURES SUPPLEMENT TO ARTICLE X

Introduction and Background:

The previous intentions of the District and UTLA to use 2012-13 as a time for negotiating a comprehensive reform of the Evaluation Procedures of Article X have been altered by the mandates of the *Doe v. Deasy* Court Order and the underlying requirements of the Stull Act as reflected in that ruling. The Court Order requires the District to evaluate teacher performance as it reasonably relates to student progress toward District standards and State standards for pupil achievement, as measured by State-adopted criterion-referenced student testing results. Under the Court Order, full implementation of the statutory requirements identified by the Court must be implemented as soon as possible for 2012-13, with a compliance report to the Court required by December 4, 2012. These time constraints have caused the parties to determine that they must address the procedures and methods for complying with the Court Order, and in the meantime defer their broader mutual efforts toward other important reforms and improvements to the evaluation procedures.

Therefore, the District and UTLA have agreed to proceed at this time with a limited agreement relating to the above-described requirements of the Court Order, even as they continue discussions and negotiations concerning the broader package of reforms and improvements of the evaluation procedures for 2013-14 and beyond. To that end, the parties have agreed upon the following for immediate implementation as a supplement to the current Article X.

Provisions of the Agreement:

1.0 Student Achievement/Progress Data Use in Initial Planning: The initial planning sheets and initial planning conferences to establish employee performance objectives and strategies for the year shall, in addition to the usual content under Section 4.1 of Article X, include a review, discussion, and incorporation of multiple measures of student achievement and progress toward District-adopted and State-adopted standards, including most significantly the State-mandated California Standards Test "CST" program and its annual reported test results. As used throughout this Agreement, the term "CST" refers to the current CST program, and also to any future criterion-referenced State-mandated replacements or additions thereto. Academic Growth Over Time ("AGT") is a CST-related data source, intended by the District to assist in the interpretation of CST test results by measuring individual or school performance by comparing student CST results to the results that normally would be statistically predicted for similarly-situated students (based on the students' past CST performance and a variety of demographic characteristics).

1.1 Transitional Steps: Initial implementation of such measures midway through the 2012-13 school year is not intended to nullify (or cause a wholesale revision of) completed planning sheets for the affected employees, or immediate completion of the significant re-orientation of the evaluation system and employee performance expectations. This Agreement will cause an

additional or supplemental objective/strategy to be added to planning sheets (through close consultation between the administrator and teacher) to reflect the required consideration (where appropriate and not previously done) of measured student progress as reflected by past CST results. This will also require some additional attention to those same considerations as evaluations continue through the balance of the year, including the final evaluation. The initial implementation methods will be the subject of training for site administrators, as will the more comprehensive implementation as described below that will commence with the 2013-14 school year.

1.2 Extending Duration of Time Between Evaluations: In recognition of the increased time and effort that these and other anticipated improvements to the evaluation system will entail for both site administrators and teachers, the District immediately will be authorizing extensions of the period of time between evaluations for most employees with ten or more years of experience, from every second year to every third, fourth or possibly fifth year (details under continuing discussion and planning between the District and UTLA). This will immediately cause a significant number of those currently under evaluation to be granted the opportunity to defer their evaluation year from this year or next year to a future year, pursuant to agreement between the administrator and employee, as provided in Article X, Section 3.0 and Education Code Section 44664.

1.3 Data and Measurements of Student Progress: The student-progress data outlined in subparts a, b, c and d below, together with such objectives and strategies as may be driven by or influenced by such data, shall be treated as part of the evaluation process for all employees for whom such data is available, and included in the initial planning sheets as appropriate. Such data-based objectives, strategies and measurements are required (1) to be consistent with the California Standards for the Teaching Profession; (2) to be in compliance with all District-adopted standards, policies and guidelines; and also (3) to be specific, measurable, attainable, relevant to the task, and time-bound. In addition to such measurements as may be identified and included by the principal/evaluator, the teacher may identify, and have included, one or two such measurements of student progress that meet the above standards. In addition, other data measurements of student progress will also be considered for inclusion in the objectives and related strategies of employees for whom CST-based data is available, and shall also serve as a substitute for CST-related goals and objectives in the case of employees for whom CST data is not available, both as outlined in subparts d, f and g below. Such data will be reviewed and used in the formative planning process to:

- (i) inform and shape adjustments to the instructional strategies, methods and emphases;
- (ii) influence and guide the establishment of each teacher's performance objectives and strategies for the current year; and

- (iii) influence the upcoming classroom observations and other traditionally-utilized assessment tools regarding classroom methods, skill levels and effectiveness.

All administratively-initiated data to be utilized in this process shall be provided to the teacher by the evaluating administrator. Teacher-initiated data, such as that indicated in paragraph f below, shall be provided to the evaluating administrator by the teacher. The following describes the inclusion of student performance data in the evaluation process:

- a. The Teacher's CST Results:** The results of the teacher's previously-assigned students on CST (California Standards Tests) from recent years as available, and especially as indicated by those students' year-to-year CST results and the content strand data from the previous year, are to be reviewed and considered in the formulation of objectives and related strategies to be reflected in the initial planning sheets.
- b. Group CST Results:** In order to include the context in which individual teacher CST results may occur in any individual situation, CST results are also to be reviewed and considered at the school for the applicable subject matter/grade levels/ departments/school-level as part of the initial planning process.
- c. Currently-Assigned Students' Previous CST Results:** The CST results of the teacher's currently-assigned students in the classrooms of their previous teachers, especially as indicated by those students' year-to-year CST results and content strand data from the preceding year, shall also be reviewed and considered in the formulation of the teacher's performance objectives and related strategies to be reflected in the initial planning sheets. Applicable reports indicating such results include the "Elementary/Secondary Roster: My Students, Prior Year Data."
- d. School-Level Results:** School-level CST (see paragraph b above) and school-level AGT data/reports (and other school-level data such as API) relating to the performance of all teachers at the school whose assigned students participate in the same CST subject matter tests as the individual teacher, shall also be reviewed and considered in the establishment of the individual teacher's performance objectives and related strategies, as reflected in the initial planning sheets. School-level AGT data and reports may also influence, or be adapted into the objectives of employees for whom there are no CST results but whose services still contribute to improved progress of students as measured by school-level reports such as those mentioned above.
- e. Individual AGT Results:** Individual AGT scores (as distinguished from the school-level AGT results) are to be used solely to give perspective and to assist in reviewing the past CST results of the teacher, and shall neither form the basis for any performance objectives/strategies nor be used in the final evaluation.

f. Non-CST/non-AGT Data: Such data will be used as supplemental measurements of student progress for employees as to whom direct CST-based data is also being utilized, and will be the primary student progress assessment data point for employees as to whom direct CST-based data is not available. Examples of such supplemental/alternative data sources may include the following:

- (i) Periodic/benchmark assessment data, where available and appropriate to the students and curriculum, such as Periodic Assessments and DIBELS, and other standards-based assessment data/student work samples, projects, portfolios;
- (ii) Assessment data that documents pupil performance, such as an Independent Reading Level assessment, Developmental Reading Assessment, Qualitative Reading Inventory, and the like;
- (iii) Pre- and post-assessment data, such as at the start and culmination of a semester or other unit of study;
- (iv) Curriculum-based examinations and similar culminating activities; and
- (v) For IEP students, various diagnostic assessments to measure progress toward previously-identified goals.

g. School-Level Non-CST-Based Goals for Pupil Progress and Achievement:

Performance objectives and strategies may be developed to reflect individual and group roles in District and School-wide priorities and areas of focus, and methods of measuring such efforts. Examples of such matters, all of which represent data-measurable indicators of student progress and achievement, include:

- (i) Attendance rates;
- (ii) Suspension rates;
- (iii) English Language Learner (ELL) progress and reclassification rates;
- (iv) Standard English Learner (SEL) progress;
- (v) Class grades and percentages of passing students;
- (vi) A-G course enrollment and passage rates;
- (vii) Graduation/Drop-out rates;
- (viii) Advanced Placement course enrollment and passage rates;

- (ix) International Baccalaureate exam passage rates; and
- (x) Other school-wide data, such as CAHSEE results and API scores.

2.0 Final Evaluations: The year-end Final Evaluation Report indicating the employee’s “overall performance” and “progress toward objectives,” will consider and be guided in part by the above-described elements, as well as the other factors such as classroom observation results. The initial planning sheets will be attached to the Final Evaluation Report for ease of reference.

- a. The areas of evaluation and assessment tools indicated in Section 4.1 of Article X shall continue to be used in determining each individual’s overall multi-measured performance evaluation. In addition, the applicable record of student progress and achievement, comprised of individual CST, school-level AGT and the various non-CST-based multi-measure data sources described in Section 1.3 above, are to be considered an important but clearly limited part of the overall performance evaluation process. They are not to be treated by the District or evaluators as the sole, primary or controlling factors in determining the final overall evaluation of the employee’s performance. The areas of evaluation indicated in Section 4.1 of Article X will remain the primary factors for evaluation.
- b. The applicable record of student progress and achievement, as referred to in the preceding paragraph a, shall be considered and commented upon in the Final Evaluation Form under the “Support for Student Learning” Area of Evaluation, (unless they clearly fall within a different Area of Evaluation), and may also be noted/discussed in the Comments area of the “Overall Evaluations” section of the Final Evaluation Form.
- c. For school-based employees in non-CST/non-AGT assignments, or who for any other reason do not have CST/AGT data results from prior years, or for those employees in non-classroom assignments such as counselors, deans and academic coaches, their student progress/achievement evaluation factor will consist of other locally developed/approved assessments and measures of student progress (such as those examples listed in section 1.3 d, f and g above).
- d. Non-instructional, non-school-based employees, such as Health and Human Services employees, shall continue to be evaluated under Article X and are not covered by this supplemental Agreement.

3.0 Confidentiality of Individualized CST/AGT Test Results: CST/AGT scoring reports that are linked to names of individual employees shall be treated as a confidential personnel record,

due in part to their use in the employee performance evaluation system. The District will defend that principle in court as the occasion arises.

4.0 Relationship to Article X: Article X is to be retained in its entirety, along with the additions set forth herein.

5.0 Evaluation Oversight and Mediation:

- a. The District and UTLA shall each appoint three members to serve on a six-member PAR/PAS (Performance Appraisal System) Steering Committee, chosen based on their broad experience with the District's academic programs, school operations, the operations/functions of the performance evaluation system and initiatives, the applicable labor Agreements, and sound principles of dispute resolution, consensus-building, cooperative labor relations, and mediation. These committee members are to serve at the pleasure of their appointing entity, and are to be compensated on District-paid released time, as needed to perform Steering Committee duties, at their regular rate.
- b. This Committee is a mediatory body rather than a decision-making body, though it also retains the ability to make confidential recommendations to disputants, to District management and to their appointing entities, and also may contract with a respected neutral to make recommendations. The Committee is not intended to replace or replicate the work of the PAR Panel. The Committee's primary roles will be:
 - (i) to observe the operations of the performance evaluation systems, and to advise their appointing entities as to recommended improvements;
 - (ii) to participate in the development and review of training programs related to the design, adoption, implementation and operation of the performance evaluation systems; and
 - (iii) to assist schools in resolving issues, conflicts, and disputes relating to the design, adoption, implementation and operation of the evaluation systems.

6.0 Term of Agreement: The District and UTLA have agreed to proceed at this time with the above-limited tentative Agreement, effective upon member ratification and Board of Education adoption hereof. However, the parties shall continue their negotiations concerning

the broader package of reforms and improvements of the evaluation procedures. This Agreement is to be implemented as a supplement to the current Article X to serve, along with the current Article X, in the interim between the date of this initial Agreement and the conclusion of the continued negotiations concerning evaluation-related matters.

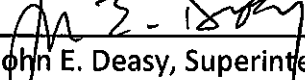
DATED: As of November 30, 2012

Los Angeles Unified School District

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