

ARTICLE IV: EVALUATIONS

- A. 1. It is understood by the parties that unit members are continuously evaluated by their supervisors and superiors and that this formal evaluation procedure in no way limits such continuous evaluation. A permanent unit member who receives an annual rating of unsatisfactory shall have the opportunity to have the evaluation reviewed by the Superintendent. It is the unit member's responsibility to request the review. The method of review shall be determined by the Superintendent and unit members.
2. The District shall endorse a continuous process of observation and evaluation of unit members of the District. The objective of the process is to improve the quality of service in the District. Unit members will be evaluated consistent with the procedures for evaluation contained in Senate Bill 813.

B. Evaluation Timeline

August	Staff meeting on evaluation process and its components
September	On or before September 15th: <ul style="list-style-type: none">● Initial evaluation conference with all teachers who are being formally evaluated● The <u>Employee Final Evaluation form</u> will be discussed including assessment tool to be used● <u>Final Evaluation Action Plan</u> from the previous year will also be reviewed and implemented, if applicable● <u>Long Range Plans</u> filed with evaluator by teachers not being formally evaluated
October	On or before October 30th <ul style="list-style-type: none">● Follow-up on <u>Final Evaluation Action Plans</u> with individual teachers
December	On or before December 15th:

- At least one written observation shall occur before December 15.

March

On or before March 15th:

- A second pre-conferenced lesson observation must have been completed for teachers being evaluated
- Final evaluations and conferences must be completed for all probationary teachers
- First and second year probationary teachers will be notified of non-reelection by Board action if necessary

May

On or before May 1st:

- Final evaluations and conferences must be completed for all tenured teachers
- First year probationary teachers may be notified of non-reelection by Board action as allowed by education code

June

By June 30th:

- All teacher evaluations submitted to Human Resources Department

B. Frequency

1. Each permanent unit member will be evaluated at least every other school year.
 - a. The evaluation shall be completed no later than thirty days before the end of the school year. **(May 1)**
 - b. At least one written observation shall occur before December 15.
2. Each probationary unit member will be evaluated at least once per school year.
 - a. The evaluation shall be completed by March 15.
 - b. At least one written observation shall occur before December 15.
3. Notwithstanding section B.1 and B.2 above, unit members who meet each of the following conditions shall be evaluated every five years:
 1. The employee has achieved permanent status;

2. The employee has been employed by the District continuously as a certificated employee for at least ten (10) years;
3. The employee is “highly qualified” as defined by 20 U.S.C. section 7801;
4. The employee was rated as meeting or exceeding standards in his or her previous evaluation;
5. Both the employee and the evaluator consent; and
6. Neither the employee nor the employee’s current evaluator has withdrawn consent.

For the purposes of determining whether a bargaining unit member has been “employed by the District continuously as a certificated employee for at least ten (10) years,” a bargaining unit member shall qualify if he/she has actually worked as a certificated employee in the District for fifty (50) percent or more of the number of days in the work year in each of the ten (10) years, whether or not such years are consecutive. For job share teachers, the percentage is fifty (50) percent of their job share agreement.

If consent is withdrawn at any time prior to December 1st then the employee shall be placed in the current year’s evaluation cycle. If it happens after December 1st then the employee shall be placed in the evaluation cycle the following year.

An evaluator’s decision to withhold or withdraw consent shall not be subject to the grievance procedure set out in Article V.

C. Initial Stage

1. Before the formal evaluation commences, the unit member and the evaluator shall meet to discuss the evaluation guidelines, objectives and procedures as contained in the Whittier City School District Teacher Evaluation Handbook. In the conference, factors such as students’ particular problems, applicability of test results and adequacy of supplies and other support materials may be discussed. In areas where

differences exist the evaluator's judgment shall prevail. However, the unit member shall have the prerogative of adding comments to the guidelines, objectives and procedures. **(September 15)**

2. During the evaluation process the evaluator and the unit member may meet again to re-assess evaluation objectives.

D. Observations

1. Each evaluation shall be based upon at least two observations of at least twenty (20) minutes. **(Observation 1: December 15. Observation 2: March 15)**
2. Individual observations or groups of observations will normally be followed by a conference between the evaluator and unit member to discuss the observations. The discussion will normally include strengths, weaknesses and recommendations for improvement, if any.

E. Final Stage

1. When the final written evaluation is completed, the unit member shall meet with the evaluator to discuss the evaluation. **(March 15)**
2. No evaluation or evaluation observation report with derogatory material about the unit member shall be placed in the unit member's personnel file unless the unit member has had an opportunity to see the material, receive a copy, and make a written comment. If the unit member makes a written comment, the comment shall be included with the evaluation or evaluation observation report in the personnel file.

- F. The evaluation shall be based upon direct observation of the unit member and other reliable information. Reliable information means information upon which a person can reasonably depend.

G. Personnel Files

1. There shall be a single personnel file for each unit member. The personnel file shall be kept in the central administrative office of the District.
2. All material placed in a bargaining unit member's personnel file shall be dated and signed by the person who caused the material to be prepared.
3. Materials in the personnel file of a unit member, except as noted below, shall be made available for inspection to the unit member involved. Unit members shall have the right to inspect and obtain a copy of personnel file materials, upon request. Upon authorization by the unit member, an Association representative may review the unit member's file or accompany the unit member in his/her review of the file. Material which may be excluded from inspection shall be limited to ratings, reports, or records which:
 - a. Were obtained prior to the employment of the unit member involved.
 - b. Were prepared by identifiable examination committee members.
 - c. Were obtained in connection with a promotional examination.
4. Information of a derogatory nature, except material excluded in accordance with Section G.3 above, shall not be entered or filed unless and until the unit member is given notice and an opportunity to review and comment thereon.

A unit member shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review, and any preparation of comments in response to the material and/or statement, shall take place during normal business hours and the unit member shall be released from duty for this purpose without salary reduction.
5. Derogatory material shall be placed in the employee's file within a reasonable period after the event(s) giving rise to the preparation of the materials but in no event more than sixty (60) calendar days after the event. Documents created within the sixty (60) calendar day timeline shall

not include any reference to other events outside the sixty (60) calendar day limit unless the unit member was verbally warned not to engage in similar conduct in the future or the District was unaware that the unit member had engaged in the conduct until after the timeline had passed.

6. A unit member may request that derogatory material placed in his or her personnel file be sealed in a separate envelope if four years have passed since the event or situation occurred resulting in the preparation of the document. The sealed envelope cannot be opened unless by court order or by written permission given by the unit member.
7. Materials that have not been placed in the personnel file as described herein may not be used for the purpose of any proposed suspension or dismissal of a unit member.
8. Access to a unit member's personnel file shall be limited to a "need to know" basis. Access authorization must be obtained from either the Superintendent or the Superintendent's designee. The contents of all personnel files shall be kept in strictest confidence. The District shall keep a log indicating the persons who have requested to examine a personnel file, the reason for the examination, as well as the dates such requests were made. Such log shall be available for examination by the unit member or her/his authorized Association representative.

H. Instructional Aides Evaluations

1. No unit member shall be requested to sign an evaluation on an instructional aide but may be asked to provide input.

I. Public Charges/Complaints

Citizen complaints shall be processed as follows:

1. Informal

Complainants should first attempt to resolve a complaint informally with the involved unit member. If the involved unit member believes the allegations in the complaint warrant a meeting, the administrator receiving

the complaint shall, within three (3) days of receiving the unit member's request, attempt to schedule a meeting between the unit member and the complainant. At the request of the unit member, an Association representative may be present at the meeting. If the complainant fails or elects not to attend the meeting, the complaint must be placed in writing within three (3) days after the date proposed for the meeting or the matter will be considered resolved/withdrawn.

2. Formal

In the absence of informal resolution of a public complaint, the complainant shall direct a written complaint to the unit member's immediate supervisor, who shall process the complaint as follows:

- a. After the receipt of a written public complaint, the immediate supervisor shall notify the involved unit member within three (3) days.
- b. The immediate supervisor shall investigate the complaint, providing both parties every opportunity for explanation, comment and presentation of the facts as a basis for assessment and possible resolution within seven (7) days.
- c. If deemed necessary by any of the parties, the immediate supervisor will attempt to schedule a meeting within the seven day timeline (Ref. 2.b) between the complainant, unit member and him or herself.

3. The complainant or the involved unit member may request within three (3) days a review by the Superintendent of the immediate supervisor's assessment and possible resolutions of the complaint. The Superintendent may respond based on a review of the existing record or, at his/her discretion, request additional evidence. Such additional evidence may include scheduling a meeting with both the complainant and the involved unit member for the purpose of obtaining supplemental facts and clarifying issues. The Superintendent's decision shall be issued within

fourteen (14) days and shall be final, unless the complainant or involved unit member requests a review by the Board.

4. Request for review of the Superintendent's decision shall be in writing and shall be sent to the Secretary of the Board within three (3) days of receipt of the decision. The Secretary shall place on the agenda the request for review for the next Board meeting as a closed session item. The unit member shall have the right to be present at the closed session and have a representative present. The decision of the Board, upon review of the complaint, shall be final and issued at that meeting. Notification of the decision of the Board shall be made to the complainant and the unit member in writing.
5. Complaints which are withdrawn, shown to be false, or are not sustained by the public charges procedure shall neither be placed in the unit member's personnel file nor utilized in any evaluation or disciplinary action against the unit member.
6. All information or proceedings regarding any complaint shall be kept confidential by the District. However, the District shall not be responsible for disclosures made by either the employee or the complainant.
7. No document of a derogatory or critical nature shall be prepared and/or placed in the personnel file of a unit member based on complaints received from students, parents, or citizens, unless the procedure contained in this article has been followed.