

ARTICLE XIII -- EVALUATION

INTRODUCTION

Evaluation is a decision made by comparing observation data to an established standard. This comparison reflects the extent to which employees meet performance expectations and is used to make employment decisions. Each year, the principal or supervising administrator designated by the principal must observe all teachers regardless of their contract status. The purpose of these observations is to formulate an annual evaluation decision that is recorded on the annual evaluation form. Evaluation is a statutory responsibility of the principal.

- A. Employees are entitled to an evaluation which is fair, equitable, and impartial. The parties agree to the continuation of a developmental approach to improving teaching and learning, using the PACES. In accordance with Florida Statutes, no disciplinary action shall be taken based on incompetence in the absence of documentation and procedures required by the PACES.
- B. All documents and procedures pertaining to observation/evaluation are hereby incorporated and made a part of this Contract, and there shall be no unilateral changes. Required procedures and standards for observation/evaluation are specified in the current edition of the *Procedures for Observation, Assessment, and Evaluation of Instructional Personnel and School Support/Resource Personnel*.
- C. The parties agree that the Joint Committee on Standards for Educational Evaluation will serve to monitor all aspects of the PACES including the oversight of implementation and the current edition of the *Procedures for Observation, Assessment, and Evaluation of Instructional Personnel and School Support/Resource Personnel* as well as all other documents pertaining to the PACES which are hereby referenced and made a part of this Contract. The Joint Committee on Standards for Educational Evaluation will also conduct reviews of the PACES as necessary to ensure compliance with current statutes and State Board Rules. Implementation of the PACES for teachers began on September 12, 2001.

Section 1. Fundamental Competencies

All teachers shall demonstrate, through the performance of their professional responsibilities, a mastery of basic skills (i.e., reading, writing, speech, computation, spelling) fundamental (generic) teaching competencies, and subject matter skills in areas of certification. The assessment of basic skills and fundamental teaching competency is a management function. It is understood and agreed that M-DCPS has the right to develop and utilize handbooks, guidelines, diagnostic tests and assessment techniques, or other aids to assist administrators in implementing this Article. Such diagnostic tests and assessment techniques will be used, as deemed appropriate by M-DCPS, to fulfill the obligations of the school system (as stipulated in this Article) to identify professional growth needs of teachers.

The Board agrees that there shall be no mass testing of teachers. Further, it is the intent of the Board that individual testing shall be for the sole purpose of requiring additional

professional growth practices and improving the teaching/learning process. Results of such tests shall be confidential and shall not be used, by either party, as evidence for a change in contractual status or for dismissal.

Section 2. General Procedures/Accountability

All requirements and timelines for observations/evaluations using the PACES are outlined in the most current edition of the *Procedures for Observation, Assessment, and Evaluation of Instructional Personnel and School Support/Resource Personnel*. Evaluations for each employee shall be conducted in accordance with mutually agreed upon observation/evaluation procedures and in accordance with applicable Florida Statutes. Appropriate implementation of M-DCPS' required observation/evaluation procedures is a priority responsibility of the supervising administrator. Observations/evaluations shall not be scheduled to occur during program reviews/ audits by district or ACCESS office personnel. No formal observation/evaluation shall be conducted during an employee's first 10 days and last 10 days with student contact.

When standards are not met after observation(s) conducted by the principal or supervising administrator at the school site in accordance with the most current edition of the *Procedures for Observation, Assessment, and Evaluation of Instructional Personnel and School Support/Resource Personnel*, the teacher shall be entitled to receive Professional Improvement Plan (PIP) which shall include reasonable timeframes for implementation. The PACES shall be used for identification of standards and the formulation of the PIP. Teachers for whom a PIP is required may present alternative plans for the principal's consideration. The function of the PIP is to assist the teacher in professional growth. A PIP may include, but is not limited to, in-school assistance, Teacher Education Center offerings, and professional development activities. Teachers shall follow the PIP requirement(s). Failure to implement the PIP or to meet standards on an annual evaluation shall constitute just cause for disciplinary action in accordance with the due process provisions in this Contract.

A major responsibility of the department head/grade-level chairperson is to assist teachers in developing and maintaining quality teaching and learning programs. The principal may rely upon the advice of department heads/grade-level chairpersons in making program improvements. The department head/grade-level chairperson shall not, however, use or prepare the official PACES Observation Form for Annual Evaluation form(s) or the Annual Evaluation form.

The Office of Professional Standards will provide to the Union the names of teachers recommended for disciplinary action up to and including dismissal. The Union will have the option of reviewing the basis for any potential disciplinary action with the Office of Professional Standards.

Recommended disciplinary actions based on performance observations/evaluation, which involve alleged misapplication/misinterpretation of required contractual provisions/procedures, will be subject to review and appropriate action on a case-by-case basis. Disciplinary action(s) against affected employees will be recommended only in cases in which observation/evaluation procedures have been adhered to.

Section 3. PACES Procedures - Full Requirements and Procedures are specified in the current edition of the *Procedures for Observation, Assessment, and Evaluation of Instructional Personnel and School Support/Resource Personnel*

All personnel shall be fully informed of the criteria and procedures associated with the evaluation process before the evaluation takes place.

Section 4. The PACES Domains

- A. Domains - The PACES consists of seven domains which are identified in the system by Roman numerals. Written plans are evaluated independently from an observation using required teaching and learning components in the PACES Domain I. The PACES Domains II - VI are evaluated by information collected during classroom observation(s). The PACES Domain VII is evaluated on an ongoing-basis and is only used to make an annual evaluation decision. An observation/annual evaluation that results in a below standards rating must be substantiated with the appropriate documentation.

Domain I - Planning for Teaching and Learning

Domain II - Managing the Learning Environment

Domain III - Teacher/Learner Relationships

Domain IV - Enhancing and Enabling Learning

Domain V - Enabling Thinking

Domain VI - Classroom Based Assessment of Learning

Domain VII - Professional Responsibilities

- B. Length of Observation

1. Beginning and ending times must be recorded by the observer on the PACES Observation Form for Annual Evaluation.
2. An official observation for evaluation of instruction personnel must start at the beginning of the scheduled class/subject and last a minimum of 20 minutes. Any follow-up observation must start at the beginning of the class and last for the complete lesson. However, for classes extending beyond the standard elementary/secondary scheduled class/subject (e.g., two (2) hour block schedule, three (3) hour auto mechanics, etc.), the administrator must have observed a lesson from the beginning of the class and remain for a minimum of one hour.

An official observation for evaluation of school support/resource personnel must start at the beginning of the scheduled activity and last a minimum of 20 minutes. Any follow-up observation must start at the beginning of the activity and last for the duration of the activity. However, for activities that extend beyond one hour, the administrator must have observed the activity from the beginning of the activity and remain for a minimum of one hour.

C. Professional Improvement Plan

For information regarding the implementation of Professional Improvement Plans, refer to the current edition of the *Procedures for Observation, Assessment, and Evaluation of Instructional Personnel and School Support/Resource Personnel*.

Observation findings and/or evaluation decisions shall be made in compliance with all required procedures. Decisions made, in violation of procedures shall be rendered null and void, when identified by the Union in compliance with procedures established by the parties.

Section 5. Monitoring of the PACES Implementation

- A. To assure quality teaching and learning and fair, equitable, and impartial evaluation of teacher performance, the parties agree that the Joint Committee on Standards for Educational Evaluation shall monitor the implementation of PACES.
- B. Appointments to the Joint Committee shall be made by the Superintendent and the UTD President or Designee and shall reflect equal representation of M-DCPS and the Union.
- C. It is the intent of the parties that the procedures specified below shall serve as the alternative to Levels I and II of the Grievance Procedure.

If the employee desires, he/she has the right to request representation by the exclusive bargaining agent or to represent himself/herself in a PACES Appeal. An employee may not be represented by a minority/rival Union or by an attorney in a PACES Appeal Level I and II.

1. The PACES - Appeal Level I:

Within 30 days of an alleged violation(s) of the PACES procedures the Union, the principal or supervising administrator, and then the appropriate ACCESS Center Director as needed, shall make every effort to obtain informal resolution of these issues and refer unresolved issues to the PACES - Appeal Level II.

2. The PACES - Appeal Level II

- a. Issues appealed to Level II shall be addressed by representatives appointed by the Joint Committee, with equal membership from the District and the Union. The appointed representatives shall be mindful of the statutory timeframes and shall meet and render decisions expeditiously. Following a confirmatory observation all pending and/or new issues shall be addressed within 14 calendar days. The representatives shall communicate their findings to the Joint Committee as well as the affected employee(s) and work location/ACCESS Center administrator(s).

- b. Disputes not resolved at the PACES - Appeal Level II shall be subject to the Grievance Procedure, beginning at Level III; and,
- c. The Joint Committee shall review the issue(s) referred to it and shall
- d. revise procedures where warranted.
- e. The timeline for filing a grievance shall commence with the signature date reflected on the finding, which shall be the date upon which copies of the finding are transmitted to the affected parties.
- f. The Joint Committee shall also be authorized to conduct visits to jointly-selected school sites for the purpose of resolving disputes and monitoring and enhancing the PACES implementation.

Section 6. Observation/Evaluation of Itinerant Personnel

Itinerant teachers shall be treated the same as other teachers of like contractual status with regard to the number of required evaluations. The principal at the home-base school, for payroll purposes, shall be responsible for observations and the preparation of the annual evaluation report.

Section 7. Professional Service Contract Personnel

The performance assessment rights of professional service contract employees, per Florida Statutes, are summarized in Article XXI, Section 1(B)(4).