



Article X: Evaluation

07.16.2024



Article X: Evaluation

Below are some examples of contractual rights that the district wants to eliminate:

- A teacher shall be employed for at least fifteen (15) duty days before any formal or informal observation is conducted.
- Informal observations may be conducted but shall not be counted on the student contact day immediately before Thanksgiving Break, as well as the student contact days immediately before and after Winter Break and Spring Break.
- Category 2A teachers shall have at least one observation (Formal or Informal) documented by November 15 and a second observation (Formal or Informal) documented by March 1
- If more than two observers are conducting an observation of a teacher, there must be mutual agreement as to whether that observation is to count towards a teacher's Status Score.
- For rating(s) lower than Applying, administrators must provide comments to describe such ratings. Teachers have the right to request a conference to discuss these rating(s).
- Evaluation categories and number of observations for each category.

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- The evaluating administrator shall indicate to the teacher when s/he is performing an Informal observation prior to beginning the observation.
- An additional Informal observation may be conducted each semester upon mutual agreement between the teacher and the evaluating administrator. The teacher must request the additional Informal observation for the first semester by December 1 and for the second semester by April 1.
- If a teacher exceeds the required number of Informal observations, the lowest observation shall be dropped.
- Teachers may request an additional informal observation to be completed by another trained administrator.
- Administrators are encouraged to provide coverage for teachers who may choose to observe fellow teachers.
- The Instructional Practice Score of a teacher's performance is the responsibility of the administrator.
- The evaluator shall follow the observation procedures as outlined in the current instructional personnel evaluation manual.

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- Evaluation Due dates: When the actual day of the due dates listed within this article fall on a weekend or non-duty day, the due date shall be the next scheduled duty day.
- An Informal observation may be rescheduled upon a teacher's request. No reasonable request shall be denied.
- Provisions for Deliberate Practice including the scoring system.
- Domain 4: The evaluative observation for the second semester shall be completed no later than April 15.
- The planning conference shall occur one to five duty days prior to the formal observation and the reflection conference shall occur one to five days after the formal observation except by written mutual agreement.
- A teacher shall receive a change in the date or time of a Formal observation upon request.
- Each conference shall provide privacy between the teacher and the administrator
- If a Formal observation is interrupted by unforeseen circumstances, and the observation is unable to resume within that lesson, a new pre-conference may be scheduled to discuss the new lesson.

How did we get here?

OCCTA filed an unfair labor practice charge challenging the unilateral change in evaluation system .

November 20, 2018

The district appealed the PERC Order to the 5th DCA

October 22, 2021

The Superintendent presented a proposal attempting to gut nearly the entire Evaluations article in our contract.

June 13, 2024

May 23, 2018

OCPS wanted to implement a non-negotiated evaluation system written under the direction of then Deputy Supt. Dr. Vazquez and Supt. Dr. Jenkins.

While the new system would have less elements, it had more requirements for teachers that would impact their workload, score and possibly future salary increases.

September 24, 2021

PERC concluded that the district committed an unfair labor practice by unilaterally imposing the 2018 Evaluation system.

May / June 2022

The appellate court affirmed PERC's Order.

At the request of the district, section 1012.34 was amended to read: "The procedures established by the district school superintendent set the standards of service to be offered to the public within the meaning of s. 447.209 and are not subject to collective bargaining."

From: Palmerini, John C.

Sent: Monday, October 11, 2021 8:48 AM

To: Howat, Scott D. <scott.howat@ocps.net>

Subject: Proposed statutory changes

“These changes are needed to legislatively overrule Orange County Classroom Teachers Association v. School District of Orange County, Case No. CA-2018-050. In that case, the Public Employee Relations Commission ruled evaluation, including the criteria that school districts determine indicates good teaching and the scoring [sic] scales for how those teachers earn their evaluation scores, is a mandatory subject of bargaining. This means before any changes are made to the evaluation system, the Union has to agree or the District has to impose such standards after a six month impasse process.”

From: [Howat, Scott D.](mailto:Howat_Scott.D)
To: elizabeth.fetterhoff@myfloridahouse.gov
Cc: [LaGosh, Jason D.](mailto:LaGosh_Jason.D)
Subject: Proposed statutory changes
Date: Thursday, October 28, 2021 2:18:36 PM
Attachments: [Final PERC Order.pdf](#)

Dear Representative Fetterhoff,

We believe the proposed changes to the statute below will cure the issue regarding requiring the collective bargaining of the instructional personnel evaluation. Attached is the PERC order and below the language is the rationale and background. Thank you for your assistance and consideration.

Regards,
Scott

Scott D. Howat
Chief Communications Officer
President of the Foundation for OCPS
Orange County Public Schools
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1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

- (a) For the purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. **The district school superintendent is not required to collectively bargain evaluation criteria, evaluation protocols or evaluation scoring scales with any employee organization** The district school superintendent shall provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes. The district school superintendent shall report accurate class rosters for the purpose of calculating district and statewide student performance and annually report the evaluation results of instructional personnel and school administrators to the Department of Education in addition to the information required under subsection (5).
- (b) The department must approve each school district's instructional personnel and school administrator evaluation systems. The department shall monitor each district's implementation of its instructional personnel and school administrator evaluation systems for compliance with the requirements of this section.
- (c) Annually, by February 1, the Commissioner of Education shall publish on the department's

From: [Howat, Scott D.](mailto:Howat_Scott.D)
To: Valerie.Clark@myfloridahouse.gov
Cc: elizabeth.fetterhoff@myfloridahouse.gov
Subject: Fwd: Language re: PERC Fix
Date: Monday, November 15, 2021 4:04:12 PM

Valerie,
I spoke to Ron LaFace and Megan Fay. We are in agreement with the language in red below. Would you please update the language submitted to drafting? I appreciate it.
Regards,
Scott

Sent from my iPhone

Begin forwarded message:

From: Megan Fay <megan@cccfla.com>
Date: November 15, 2021 at 3:13:13 PM EST
To: "Howat, Scott D." <scott.howat@ocps.net>
Subject: Language re: PERC Fix

CAUTION: This email originated from outside of Orange County Public Schools. Do not click links or open attachments unless you know the content is safe.

Hi Scott – please let me know if this is the same language you are using for the PERC ruling fix. I'll work on getting into drafting once I hear back from you.

1012.34 - Personnel evaluation procedures and criteria.

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

- (a) For the purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. **The procedures established by the school superintendent measure the standard of services offered to the public within the meaning of s. 447.209 and are not subject to the bargaining process.** The district school superintendent shall provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes. The district school superintendent shall report accurate class rosters for the purpose of calculating district and statewide student performance and annually report

The Superintendent is now attempting to gut nearly the entire Evaluations article, beyond what was even at issue in the ULP.

District Proposal:

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ARTICLE X
EVALUATION

A. The purpose of evaluation shall be to improve the quality of instruction in compliance with the mandates of Florida Statue and State Board Rule regarding the evaluation of the performance of instructional personnel. The District and the Association will meet and confer prior to implementation of any changes to the Instructional Evaluation System. Evaluations shall be based on a combination of the Instructional Practice Score (observable) and Student Growth to create a Summative Rating (final outcome).

1. ~~The Deliberate Practice Score component shall be used to meet the multi-metric measurement as required by current state statute. The Status Score plus the Deliberate Practice Score equals the Instructional Practice Score. Teachers on temporary contract are not required but may opt to complete Deliberate Practice.~~

2. ~~Procedures for evaluation shall be as set forth in this Article. The Instructional Personnel Evaluation System Procedures Manual (Evaluation Manual) shall reflect and explain the procedures and accompanying forms which shall be used for all observations and evaluations and Deliberate Practice. The manual shall be incorporated into and made part of this contract. This manual shall be available on line to all teachers.~~

3. ~~The District shall provide professional development for all aspects of the evaluation process.~~

4. ~~Evaluation Due dates: When the actual day of the due dates listed within this article fall on a weekend or non-duty day, the due date shall be the next scheduled duty day.~~

B. A teacher shall be placed in one of the following categories.

1. ~~Category 1: Teachers who are in their first, second or third year of teaching and are new to the profession.~~

2. ~~Category 2A: Teachers who are in at least their fourth year of teaching.~~

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3. ~~Category 2B: Teachers who are in at least their fourth year of teaching and may be new to the District, assigned to teach a new subject area or grade level that is different from their previous assignment or assigned to teach at a school with a different population of students from their previous assignment.~~

a. ~~If the teacher meets one of the requirements for Category 2B, the teacher may request that the school principal move him/her to Category 2B. This request must be made in writing during the first twenty (20) student contact days of the new assignment. Upon receipt of this request the principal shall move the teacher to category 2B. The change in category shall be in effect for one (1) school year. Principals may also assign teachers to Category 2B by the twentieth (20) student contact day if the teacher meets one of the requirements of this category.~~

b. ~~This change must be communicated in writing to the teacher and be made during the first twenty (20) student contact days of the new assignment.~~

c. ~~Teachers who have an instructional Practice score of 1.5 to 2.3 shall be placed in Category 2B for the subsequent school year.~~

4. ~~Category 3: Teachers who have been determined to be less than Effective in the classroom as documented through the current evaluation system that may result in an unsatisfactory rating or who fail to achieve gains based upon the state's Student Growth model. These teachers shall be placed on a Professional Improvement Plan (PIP). Procedures for the Professional Improvement Plan are explained further in the Evaluation Manual and its glossary of terms.~~

a. ~~The evaluator, with input from the teacher, shall develop a plan which includes additional observations and resources in an effort to improve teacher performance.~~

b. ~~The number of required observations for a Professional Improvement Plan (PIP) is three (3) formal observations and seven (7) informal observations.~~

c. ~~Upon successful completion of the Professional Improvement Plan (PIP), the teacher shall be reassigned to his/her original category.~~

d. ~~Informal observations of teachers on a PIP may begin after the first fifteen (15) duty days.~~

e. ~~The time lines for completing or responding to a PIP may be extended by mutual agreement.~~

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- ~~f. The required observations for a PIP may extend past the May 1 evaluation deadline.~~
- ~~5. Teachers who taught eighty (80) student days or less between the first student day and May 1 will be assigned Category 4. Teachers in this category shall not be required to complete the Deliberate Practice.~~
- ~~C. Observations of a teacher's performance shall be made in accordance with the following provisions:~~
- ~~1. General Provisions:~~
- ~~a. There shall be two types of evaluative observations: informal and formal. The number of observations each teacher shall receive is determined by the category in which they are placed. The evaluator shall follow the observation procedures as outlined in the current instructional personnel evaluation manual. A teacher shall be employed for at least fifteen (15) duty days before any formal or informal observation is conducted.~~
- ~~b. Informal observations may be conducted but shall not be counted on the student contact day immediately before Thanksgiving Break, as well as the student contact days immediately before and after Winter Break and Spring Break. These informal observations may be counted toward evaluation with mutual written agreement.~~
- ~~c. Any Informal or Formal observation or evaluation of a teacher shall be recorded on the observation form(s) specific to the design question(s) and annual evaluation report per category or by other measures as set forth in the evaluation manual.~~
- ~~d. Category 2A teachers shall have at least one observation (Formal or Informal) documented by November 15 and a second observation (Formal or Informal) documented by March 1.~~
- ~~e. A list of trained teacher observers shall be made available on line, https://ocps.net/departments/professional_learning_department/evaluation_systems/district_trained_observers_list~~
- ~~f. Observations made after May 1 to the end of the school year shall be documented but not used to calculate the Instructional Practice Score.~~

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- ~~g. Teachers shall be provided a signed copy of their Survey 2 and 3 class roster within ten (10) duty days of signing.~~
- ~~h. Each teacher shall be notified by email regarding which assessment(s) will be used to measure their student data portion of their Summative Evaluation prior to the end of pre-planning each school year. Cut scores will be bargained for teacher evaluations.~~
- ~~i. If more than two observers are conducting an observation of a teacher, there must be mutual agreement as to whether that observation is to count towards a teacher's Status Score.~~
- ~~j. For rating(s) lower than Applying, administrators must provide comments to describe such ratings. Teachers have the right to request a conference to discuss these rating(s).~~
- ~~2. Non-Evaluative Coaching Observations~~
- ~~Non-evaluative coaching observations are unscheduled observations which will only be available for viewing to the teacher and the teacher's observer. It is not a part of the evaluation scoring process. There shall be no maximum number of coaching observations throughout the school year. A coaching observation shall be conducted prior to the first observation (formal or informal) and shall serve as the Practice Observation. The purpose of a coaching observation is to look for evidence of implementation of professional development, provide actionable feedback while identifying predominant practices for effective instruction.~~
- ~~3. Provisions for Informal Observations:~~
- ~~a. The evaluating administrator shall indicate to the teacher when s/he is performing an Informal observation prior to beginning the observation.~~
- ~~b. The number of Informal observations required for each category is:~~
- ~~o Category 1 and 2B: Four observations, two in the first semester and two in the second semester~~
 - ~~* If a Category 1 or Category 2B teacher is hired as a temporary contract teacher only two observations are required.~~
 - ~~o Category 2A: Two observations~~
 - ~~o An additional Informal observation may be conducted each semester upon mutual agreement between the teacher and the evaluating administrator.~~

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- The teacher must request the additional informal observation for the first semester by December 1 and for the second semester by April 1.
- ~~○ If a teacher exceeds the required number of informal observations, the lowest observation shall be dropped.~~
 - ~~c. A new Domain 1 observation cannot be performed and scored until feedback has been posted for the prior Domain 1 observation, unless the parties agree otherwise.~~
 - ~~d. Teachers may request an additional informal observation to be completed by another trained administrator. This additional observation shall be calculated in the Instructional Practice Score and/or Deliberate Practice Score as provided elsewhere in this contract.~~
 - ~~e. Audio-visual monitoring for the purpose of evaluation shall not be permitted. However, electronic observations for informal observations shall be permitted upon a signed mutual agreement.~~
 - ~~f. An informal observation may be rescheduled upon a teacher's request. No reasonable request shall be denied.~~
4. ~~Provisions for Formal Observations~~
- ~~a. The number of formal observations required for each category is:
 - ~~○ Category 1 and 2B: 2 observations, one in the first semester and one in the second semester~~
 - ~~▪ If a Category 1 or Category 2B teacher is hired as a temporary contract teacher only one observation is required.~~
 - ~~○ Category 2A: 1 observation~~~~
 - ~~b. Each teacher shall be advised as to who will observe him/her prior to any formal observation. Formal observations shall be completed by administrators only. Each formal observation shall have a planning conference prior to and a reflection conference after the observation. Each conference shall provide privacy between the teacher and the administrator. The planning conference shall occur one to five duty days prior to the formal observation and the reflection conference shall occur one to five days after the formal observation except by written mutual agreement.~~
 - ~~c. A teacher shall receive a change in the date or time of a formal observation upon request.~~

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- ~~d. If a formal observation is interrupted by unforeseen circumstances, and the observation is unable to resume within that lesson, a new pre-conference may be scheduled to discuss the new lesson. The formal observation shall be rescheduled at a mutually agreeable time.~~
 - ~~e. In unusual circumstances such as the extended illness of a teacher or administrator, the time limits for completing or responding to the formal observation may be extended. This shall not extend the time for notice of non-reappointment.~~
5. ~~Domain 4: All Category 2A teachers will receive one non-evaluative observation and one evaluative observation for Domain 4. The non-evaluative observation will be conducted by the end of the first semester. Category 2B and Category 1 teachers will receive two evaluative observations for Domain 4.~~
- ~~a. The evaluative observation for the second semester shall be completed no later than April 15.~~
- D. ~~Provisions for Deliberate Practice~~
- ~~1. The Deliberate Practice Score component shall be used to meet the multi-metric measurement as required by current state statute.~~
 - ~~2. The Status Score plus the Deliberate Practice Score equals the Instructional Practice Score.~~
 - ~~3. The highest Deliberate Practice rating for the targeted element from any observation will be averaged with ratings for elements "Developing a Written Growth and Development Plan" and "Monitoring a Written Growth and Development Plan" of Domain 3 to determine the overall Deliberate Practice score.~~
 - ~~4. The following scoring method shall be used to determine the Deliberate Practice Score:
 - ~~● Innovating = 4,4~~
 - ~~● Applying = 4,3~~
 - ~~● Developing = 4,2~~
 - ~~● Beginning = 4,1~~
 - ~~● Not Using = 4,1~~~~

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~~The scores above shall be used in the Deliberate Practice formula referenced in Section D.2. Prior to receiving the overall Deliberate Practice score, instructional personnel must complete the Deliberate Practice Plan with three pieces of evidence documented. The deadline for completing the Deliberate Practice Plan is April 1. An overall 'Not Using' score will only be given to teachers who do not complete all three components of the Deliberate Practice Plan. Deliberate Practice observations may be conducted until the May 1 deadline.~~

- ~~5. The orientation for Deliberate Practice shall be provided by Professional Development Services~~
- ~~6. The teacher shall complete a self-evaluation in iObservation in order to choose the element of focus for their Deliberate Practice plan. The self-evaluation shall remain private.~~
- ~~7. The teacher shall submit a plan within the teacher's first forty-five (45) duty days.~~
- ~~8. The administrator shall provide feedback to the plan within ten (10) duty days of submission. The teacher shall have ten (10) duty days to resubmit the plan if needed. The element "Developing a Written Growth and Development Plan of Domain 3 shall be rated by the administrator at that time.~~
- ~~9. Teachers shall receive support and actionable feedback from their evaluating administrator throughout the Deliberate Practice process.~~
- ~~10. Administrators are encouraged to provide coverage for teachers who may choose to observe fellow teachers.~~
- ~~11. The selected element may be scored more than once by an evaluating administrator during an Informal or Formal observation, however, only the highest rating shall be counted towards the overall Deliberate Practice score.~~
- ~~12. When teachers have received all required observations and have requested the optional additional observations, a specific observation shall be conducted for the express purpose of scoring the selected Deliberate Practice element. The evaluating administrator shall only score the selected Deliberate Practice element. No other elements will be scored during this additional observation.~~

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- ~~13. Teachers shall be able to request one additional observation to score their selected Deliberate Practice element. No other elements are to be scored. Teachers must request this additional Deliberate Practice observation by April 1.~~
 - ~~14. Administrators shall score the Monitoring Progress Relative to the Professional Growth and Development Plan element of Domain 3 by April 15.~~
 - ~~15. Teachers on temporary contract are not required but may opt to complete the Deliberate Practice.~~
 - ~~16. Deliberate Practice provisions may be reopened by either party each year.~~
- ~~E. The Instructional Practice Score of a teacher's performance shall be made in accordance with the following provisions:~~
- ~~1. The Instructional Practice Score of a teacher's performance is the responsibility of the administrator.~~
 - ~~2. The Instructional Practice report shall be finalized by May 1 of each year.~~
 - ~~3. If due to procedural violations, the teacher fails to receive the minimum number of observations for their Instructional Practice Score report by the May 1st deadline, then their Instructional Practice score rating shall be reported as a minimum of "Effective."~~
 - ~~4. Teachers shall receive an email notification of their Instructional Practice Score report no later than May 1. The teacher shall have until June 1 to respond in writing in the comment section on their summary page in iObservation. The report must be electronically signed or signed in writing by the teacher; however, signature does not necessarily imply agreement with the evaluation.~~
 - ~~5. A copy of each teacher's Instructional Practice Score report shall be maintained in his/her personnel file and shall be confidential for the period of time specified in Florida Statutes.~~
 - ~~6. The principal shall recommend for reappointment annual contract teachers who achieve a 3.0 or higher on their Instructional Practice Score. All appointments are subject to available budget allocations at the school. These teachers who are not recommended for reappointment for budget allocations shall have the opportunity~~

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~~to interview for vacant positions at the same time as PSC/CC, Annual and Probationary Contract teachers recommended for reappointment.~~

F. Student Learning Growth Cut Scores

- ~~The student learning growth portion of the evaluation will be one-third of the final summative evaluation for all instructional employees. The instructional practices portion of the evaluation to include the deliberate practice element will constitute the other two-thirds of the final summative evaluation.~~
- ~~All instructional personnel will receive student learning growth scores through local student learning growth models. For these student learning growth scores, standard errors will be used along with the value-added score to ensure a higher degree of confidence in assigning rating categories. This method will be used for each assessment to determine course, school, district or any other growth scores. The rating categories will be collaboratively agreed upon and are set as follows:~~
 - ~~Highly Effective: A highly effective rating is demonstrated by a value-added score of greater than zero (0), where all of the scores contained within the associated 99-percent confidence interval also lie above zero (0).~~
 - ~~Effective: An effective rating is demonstrated by a value-added score of zero (0) or a value-added score of greater than zero (0), where some portion of the range of scores associated with a 99-percent confidence interval lies at or below zero (0) or a value-added score of less than zero (0), where some portion of the range of scores associated with both the 95-percent and the 99-percent confidence interval lies at or above zero (0).~~
 - ~~Needs Improvement or Developing if the teacher has been teaching for fewer than three (3) years: A needs improvement or developing rating is demonstrated by a value-added score that is less than zero (0), where the entire 95-percent confidence interval falls below zero (0), but where a portion of the 99-percent confidence interval lies above zero (0).~~
 - ~~Unsatisfactory: An unsatisfactory rating is demonstrated by a value-added score of less than zero (0), where all of the scores contained within the 99-percent confidence interval also lie below zero (0).~~
- ~~When a particular assessment does not meet requirements for the calculation of a local student learning growth score, the results for the assessment shall be combined into the overall student learning growth score as "Effective." Multiple~~

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~~pieces of student learning growth will be weighted based on the number of students included.~~

G. Evaluation Rating Ranges

- ~~Instructional Practice and Final Summative Ratings – The ranges for the four evaluation ratings are specified as follows.~~

Highly Effective:	3.3 to 4.0
Effective:	2.4 to 3.2
Needs Improvement/Developing:	1.5 to 2.3
Unsatisfactory:	1.0 to 1.4

~~If the Status Score and the Deliberate Practice score exceeds a 4.0 rating, the teacher shall receive full value.~~

- ~~Student Learning Growth Score – The four evaluation ratings are specified as follows:~~

Highly Effective:	4.00
Effective:	3.29
Needs Improvement/Developing:	2.39
Unsatisfactory:	1.49

H. Summative Evaluation Rating

- ~~If the Student Growth Score causes the Summative Evaluation rating to drop below the Instructional Practice rating or the Summative Evaluation rating remains less than an Effective rating, the administrator shall meet with the instructor within (10) duty days of completing and publishing the Summative Evaluation report. The conference may be waived and/or the time may be extended by mutual agreement. The report must be signed (electronically or by hand) by the teacher; however, signature does not necessarily imply agreement with the evaluation.~~
- ~~In unusual circumstances such as the extended illness of a teacher, a copy of the Summative Evaluation report shall be sent by certified mail to the teacher's last known address with a notation on the report indicating the reason that no conference was held. Verification of such shall serve in lieu of the teacher's signature.~~

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- ~~3. A PSC/CC teacher receiving a Summative Evaluation rating of Unsatisfactory shall be placed on a 90-day performance probation as outlined in Florida Statutes.~~
- ~~4. Other than procedural error the evaluation process or non-renewal of a teacher for competency shall not be subject to the grievance or arbitration process.~~
- ~~I. The evaluation procedures as set forth above, where applicable, shall apply to registered nurses.~~
- ~~J. The Evaluation Committee:~~
- ~~1. Substantive changes to the Instructional Personnel Evaluation Manual shall reflect new contractual language agreements in this article. The Evaluation Committee is charged with aligning those contractual language changes to the Instructional Personnel Evaluation Manual.~~
- ~~2. The Evaluation Committee shall also provide oversight of all planning development and implementation of the Evaluation Process creating and overseeing a system to ensure reliability and validity of observations and evaluations conducted by trained personnel.~~
- ~~3. The Classroom Teachers Association Evaluation Committee members, the CTA President, and OCCTA staff members shall have the opportunity to attend the Instructional Framework Observer Training or Instructional Framework Observer Recertification Training professional development delivered by a member of the Professional Learning Department staff.~~
- K. Appeals
1. An employee may elect to appeal a procedural concern to the supervising administrator. If the issue is unresolved, the employee may elect to appeal any unresolved procedural issue(s) through either the Appeals Committee or the grievance/arbitration procedure – but not both. Instructional Practice appeals shall be submitted by an instructional employee by June 15, Student Learning Growth appeals shall be submitted by an instructional employee within thirty (30) duty days of receiving the Student Learning Growth score.

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2. If it has been determined that there was a procedural error in an instructional employee's status score, then the following formula shall be used to report the revised score:
 - If the Status Score is between 1.0 and 2.9, and there is a procedural error, the Status Score shall be a 3.0 Effective
 - If the Status Score is 3.0 or higher ~~than a 3.0~~, and there is a procedural error, the Status Score shall be a 3.3 Highly Effective
 - If it has been determined that there was a procedural error in an instructional employee's Deliberate Practice Score, then the revised score shall be .3 Applying and shall be added to the Status Score.
3. If it has been determined that there was a procedural error in an instructional employee's Student Learning Growth Score the following formula shall be used to report the revised score:
 - If the Student Learning Growth Score is a 1.49 or a 2.39, and there is a procedural error, the Student Learning Growth Score shall be a 3.29 Effective
 - If the Student Learning Growth Score is a 3.29, and there is a procedural error, the Student Learning Growth Score shall be a 4.0 Highly Effective.
4. In the event the Appeals Committee decision results in a tie, the parties agree that the CTA President or designee and the Senior Executive Director of Human Resources or designee will meet to investigate, review and, if necessary, conduct a discussion with all parties involved, with the intent to resolve the appeal. This will occur no later than thirty (30) days from the notification of the Appeals Committee decision. Decisions of the CTA President and Senior Executive Director will be final and binding for all parties.
5. In the event the CTA President and Senior Executive Director of Human Resources are unable to resolve the matter, the appeal may be filed directly to Step 3 as defined in Article III, Grievance Procedures, including mediation and arbitration, if necessary.

If Article X is Gutted as Proposed:

How many evaluations could be required?

Determined by the Superintendent

What will be the cut scores to determine pay?

Determined by the Superintendent

When could evaluations be conducted?

Determined by the Superintendent

What will the criteria be for evaluations?

Determined by the Superintendent

What will be the percentage of Highly Effective teachers?

Determined by the Superintendent

Our contract remains after current leadership and board members have moved on. The current language protects teacher rights into the future.