

GUIDANCE: SAMPLE TEACHER DEVELOPMENT AND EVALUATION JOINT AGREEMENT



The union of 70,000 educators

This guidance document accompanies the sample joint agreement recommended by Education Minnesota for creating a teacher development and evaluation (TDE) plan that meets the criteria in state statute. Creation of this final joint agreement makes the provisions of the TDE plan legally binding on both parties: the exclusive representative of the teachers and the employing school district.

Instructions: Language for recommended items is provided by numeric sections.

Some sections have multiple options. Where options are provided, a local joint TDE team can pick Option 1 or Option 2 and delete the unused option. For any item, the joint TDE team may create original language or delete entirely.

I. PURPOSE.

This Agreement is entered into between [local name] (“Union”) and Independent School District No. [Dist. No.] (“District”). The Union and the District are parties to a collective bargaining agreement governing the terms and conditions of employment for teachers employed by the District, pursuant to the Public Employment Labor Relations Act (“PELRA”), Minn. Stat. §179A.01 *et. seq.*

Through joint agreement, the parties have developed a teacher development and evaluation plan and implementation process pursuant to the requirements of Minn. Stat. §122A.40, Subd. 8 (“TDE Plan”).

The details of your TDE plan should be spelled out in a separate document, containing the details of your entire evaluation system. This agreement simply memorializes those provisions.

The TDE Plan created by a joint Union-District committee and ratified by the Union’s general membership and adopted by the District School Board is detailed in the TDE Plan document, [local plan document name], dated [executed date] and as attached and incorporated.

II. TERM

State statute requires that a plan be in place by the start of the 2014-15 school year.

Option 1

The TDE Plan will take effect on [_____]. This Agreement will remain in effect until the parties agree to modifications or until one party notifies the other party of its intent to withdraw from the Agreement at the beginning of the next school year. Such notice must be given prior to March 1 of the school year prior to withdrawal. The Agreement will end on June 29th following the notification of withdrawal. Both parties understand that the state plan created and published by the Minnesota Department of Education (“MDE”) pursuant to Minn. Stat. §122A.40, Subd. 8(c) (“State Plan”) will be implemented at that time unless the parties agree on a successor process.

Option 2

The TDE plan will take effect on [_____]. This Agreement will remain in effect through [*day/month/year*]. Prior to the expiration of this Agreement or at any point before the beginning of the [_____] school year the parties may renew this Agreement for a period of up to [_____] years. In the event the Agreement expires, the TDE Plan in effect at the time of expiration will remain in effect, without unilateral modification by either party, until a successor agreement is reached.

Consider what makes sense for your local. You could align the agreement with the three-year observation cycle or mimic your contract with a 2-year agreement. In all cases, the agreement would remain in effect until a successor agreement is reached.

III. TEACHER

Remember that the law does not require that your plan cover ALL members of your bargaining unit. Further guidance can be found in Appendix A.

Option 1

The TDE Plan is applicable to all members of the teacher bargaining unit represented by the exclusive representative.

Option 2

The TDE plan is applicable to all teachers as “teacher” is defined in Minn. Stat. §122A.40.

IV. TDE OVERSIGHT COMMITTEE.

A joint Union and District TDE Oversight Committee (“TDE Oversight Committee” or “Committee”) shall be responsible for overseeing implementation of the TDE Plan including the process to move from the current teacher development, evaluation, or peer review process used in the District.

Including a joint oversight team is critical to ensuring the integrity of the TDE plan, monitoring implementation, determining the effectiveness of plan components, and ensuring fair application of the overall system.

- A. Members. The Committee will consist of a total of [] representatives. [] representatives of the Union are appointed by the Union President. [] representatives of the District are appointed by the School Board or its designee.
- B. Meetings. The Committee must meet at least [] times during each school year. Summer meetings may be scheduled if necessary. If a meeting is scheduled during a school day, the District shall pay the cost of any necessary substitutes.
- C. Additional Duties.
 1. The Committee will advise on the budget related to TDE expenditures. Financial reports will be available to the Committee at the request of a member.
 2. The Committee will work to ensure that communications about the TDE Plan to teachers and administrators occurs in a timely and consistent manner.
 3. The Committee will make recommendations to the District and Union on modifications to the TDE Plan.

Consider monthly meetings during the first year of implementation.

A legislative change during the 2013 session makes it allowable for districts to use the 2% staff development set-aside for TDE activities. Decisions about the use of the 2% staff development set-aside must go through the district staff development committee.

4. The Committee will review any statutory changes to the requirements in Minn. Stat. §122A.40, Subd. 8 and any changes to the State Plan, if applicable, and make recommendations to the District and Union on modifications to the TDE Plan.
5. The Committee will discuss and address any inquiries regarding the TDE Plan by the MDE.

V. PLAN MODIFICATIONS.

Option 1

The parties agree any suggested modifications to the TDE Plan will be discussed at a TDE Oversight Committee meeting. Any modifications to the TDE Plan will be made by mutual agreement. Neither party may unilaterally modify the TDE Plan. The TDE Plan in effect will remain in effect until proposed modifications have been adopted through the ratification and adoption process.

Locals should decide if their oversight body has the authority to make tweaks to the plan during the term of the agreement or if all changes are subject to the ratification and approval process.

Option 2

The parties agree any suggested modifications to the TDE Plan will be discussed at a TDE Oversight Committee meeting. Any modifications to the TDE Plan will be made by mutual agreement. Neither party may unilaterally modify the TDE Plan. The TDE Plan in effect will remain in effect until proposed modifications have been adopted by the TDE Oversight Committee or the parties through the ratification and adoption process.

VI. POSTING REQUIREMENTS.

The Committee will determine the appropriate electronic venue to post copies of the TDE Plan so that it is always available. In addition, electronic copies will be sent to all staff at the commencement of the TDE Plan, to new staff at the start of each subsequent school year, and to any staff upon request. Notice to all teachers and administrators must be provided electronically within ten (10) days of any changes to the TDE Plan.

VII. COMPENSATION.

You may wish to reference the section of the master agreement governing compensation for additional duties.

Compensation for duties or positions associated with the TDE Plan and the TDE Oversight Committee will be paid in accordance with the collective bargaining agreement between the parties.

VIII. GRIEVABILITY [or APPEALS PROCESS]

Option 1

VIII. GRIEVABILITY. The parties agree that this Agreement and items incorporated herein will be processed in accordance with the grievance process of the collective bargaining agreement between the parties.

Education Minnesota recommends that the parties refer claims or disputes to the grievance process in the master agreement.

Option 2

VIII. APPEALS PROCESS. A claim or dispute as to the interpretation or application of any provision of this Agreement or items incorporated herein will be resolved through an appeals process adopted in the TDE Plan.

Appendix A

Guide for determining which positions to include in local TDE plans

Because various Minnesota statutes address teachers differently, it is necessary to clarify which positions are included in the teacher development and evaluation (TDE) law. The requirements for TDE are found in Minn. Stat. §122A.40. This statute includes some but not all of the positions included in the bargaining unit as defined by Minnesota’s Public Employment Labor Relations Act (PELRA), which can be found in Minn. Stat. §179A. Also, for districts that participate in Minnesota’s Alternative Teacher Professional Pay System (ATPPS, also known as QComp), it is helpful to know which positions are covered under that program.

All positions included in the TDE requirements under Minn. Stat. §122A.40 must be included in a local TDE plan. It is up to local district and union teams to determine which if any of the other bargaining unit positions are to be included in the local plan. The chart below summarizes the requirements for various positions. The same information is presented by position on the next page.

Position	Covered under TDE requirements – <i>MUST</i> be included in TDE plan.	In bargaining unit – Local team <i>may</i> elect to include TDE plan.	Covered by ATPPS (for districts in ATPPS program) – Local team <i>may</i> elect to include in TDE plan.
Teachers	Must be included	Yes	Yes
School counselors *	Must be included	Yes	Yes
Licensed school nurses *	Must be included	Yes	Yes
Licensed school social workers *	Must be included	Yes	Yes
School psychologists *	Must be included	Yes	Yes
Speech and language pathologists *	Must be included	Yes	Yes
Career and technical education teachers *	Must be included	Yes	Yes
Occupational therapists	Optional	Yes	Yes
Physical therapists	Optional	Yes	Yes
Early childhood/Family education teachers	Optional	Yes	Yes
Adult basic education teachers	Optional	Yes	Yes
Long-term substitutes	Optional	Yes	Yes
Community experts	Optional	No	No

* Because it is not the professional responsibility of individuals in these positions to diagnose student needs, design and implement instruction, assess learning, and plan curriculum, meeting the MN Standards of Effective Practice for Teachers (MNSEPTs) is not required for licensure. To be licensed for these positions, individuals must meet standards that are unique to their professional role. Since Minn. Stat. §122A.40 requires that the evaluation system be based on the MNSEPTs, local districts are encouraged to consider carefully how to evaluate individuals for whom mastery of the MNSEPTs is not required.

Teachers – Included in TDE requirements and in the bargaining unit. Required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

School counselors – Included in TDE requirements and in the bargaining unit. Not required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

Licensed school nurses – Included in TDE requirements and in the bargaining unit. Not required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

Licensed school social workers – Included in TDE requirements and in the bargaining unit. Not required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

School psychologists – Included in TDE requirements and in the bargaining unit. Not required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

Speech and language pathologists – Included in TDE requirements and in the bargaining unit. Not required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

Career and technical education teachers – Included in TDE requirements and in the bargaining unit. Not required to meet MNSEPTs. Included in ATPPS plans (in participating districts). Must be included in TDE plan.

Occupational therapists – Not included in TDE requirements. Included in the bargaining unit. Included in ATPPS plans (in participating districts). The local team may or may not elect to include in TDE plan.

Physical therapists – Not included in TDE requirements. Included in the bargaining unit. Included in ATPPS plans (in participating districts). The local team may or may not elect to include in TDE plan.

Early childhood/family education teachers – Not included in TDE requirements. Included in the bargaining unit. Included in ATPPS plans (in participating districts). The local team may or may not elect to include in TDE plan.

Adult basic education teachers – Not included in TDE requirements. Included in the bargaining unit. Included in ATPPS plans (in participating districts). The local team may or may not elect to include in TDE plan.

Long-term substitutes – Not included in TDE requirements. Included in the bargaining unit. Included in ATPPS plans (in participating districts). The local team may or may not elect to include in TDE plan.

Community experts – Because these individuals are not licensed teachers, they are not included in the TDE requirements; nor are they included in the bargaining unit or in ATPPS plans. The local team may or may not elect to include in TDE plan.