



Teacher Evaluation Rights Toolkit

Dear UTLA Chapter Chair:

John Deasy has announced that he is “advising” principals to give student test data a weight of up to 30% in teacher evaluations. Under the recently ratified Evaluation Agreement, any pre-set percentage level, no matter how high or low, is prohibited. He’s trying to sneak it in by “advising” principals to do it, rather than explicitly ordering it. (The District’s own Policy Bulletin 5335.1 to Principals on Teacher Evaluation acknowledges this --by entirely omitting any mention of percentages.) The negotiated contract is clear: fixed percentages are not allowed. We need to hold him to the terms of the contract.

Attached is the “Teacher Evaluation Rights Toolkit”, developed by UTLA’s staff and attorneys. It contains the advice and documents your members will need to effectively assert their evaluation rights, and to defeat Deasy’s attempted end-run around the contract.

We can defeat this new attack on our rights if we respond in unison, at every school site. You, as Chapter Chair, are the key to making this Districtwide response a success.

Please find enclosed the following items:

Timeline and Guidance (ALL MEMBERS)

PAGE 2

This information applies to members being evaluated this school year, but please give a copy to every member.

Letter From Each Member to Principal (ALL MEMBERS)

PAGE 4

Please give a copy to every member and ask them to show solidarity by signing and submitting it to the principal, retaining a copy for themselves. This letter is intended for use by ALL members— even those not being Stulled this year.

Letter of Appeal/Objection to the Principal (ONLY FOR MEMBERS BEING STULLED THIS YEAR)

PAGE 5

This template is to be used for those members being evaluated who have had the principal revise their Initial Planning Sheet so as to include a data objective that goes beyond what is allowed in the contract (see page 5 for more info). Please make sure that each member keeps a copy of this letter for his or her file. In addition, please forward a copy to your site’s ESC Instructional Director and a copy to your site’s assigned UTLA Area Representative.

Sample Objectives (ONLY FOR MEMBERS BEING STULLED THIS YEAR)

PAGE 6

For members to use as a reference prior to the conference with the principal in which the Initial Planning Sheet is revised.

Request for Deferral (ONLY FOR MEMBERS BEING STULLED THIS YEAR)

PAGE 7

Copy of guidance on request for evaluation deferrals that was originally sent to schools on 2/22/13.

If you have questions, please contact your Area Representative.

Sincerely,

Warren Fletcher

Warren Fletcher
UTLA President

Teacher Evaluation Rights Toolkit

Timeline and Guidance for New Evaluation Procedures

This information applies to UTLA members being evaluated this year, but all members should be familiar with it.

Superintendent Deasy has published and distributed *Policy Bulletin 5335.1, Performance Evaluation for UTLA Bargaining Unit Personnel* to all schools and offices. Although the *LAUSD-UTLA 2012 Evaluation Procedures Supplement to Article X Agreement* has been signed, ratified by UTLA membership and approved by the Board of Education, there has been no structural agreement to implementation procedures. On Page 4 of the *Policy Bulletin* is a timeline in which all UTLA members need to be aware. UTLA is offering information that is essential in protecting your rights as Mr. Deasy continues to unilaterally implement the procedures as he sees fit. We urge you to take advantage of the information and apply the suggestions to maximize a collective effort to protect members' rights in the evaluation process.

The suggestions stated with the timeline are consistent with the language and intent of Article X, Sections 1.0 through 6.3 and the *LAUSD-UTLA 2012 Evaluation Supplement to Article X Agreement*. Any questions and areas of concern should be directly communicated to your assigned UTLA Area Representative.

BY MARCH 1, 2013

Voluntary Opportunity to Defer 2012-13 Evaluation

- Read the UTLA fax blast titled, *Eligible Members Should Request Stull Deferrals ASAP*.
- If eligible (10 years of satisfactory service and evaluated this year, *Article X, 3.0(a-c) State Ed Code 44664*), request in writing of your administrator to defer being evaluated for 3-5 years.
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BY MARCH 22, 2013

Adjustment to Initial Planning Sheet (only those Stulled this year)

- Prior to meeting with your administrator, review your initial planning sheet.
- Review student data to date (2012 CST, Group CST results, currently-assigned Students' previous CST results, school-level CST results).
- Select **one data set** that contains an area of need in which to focus instruction.
- Review the attached examples of objectives and/or strategies.
- Do not attach the data reports to the initial planning sheet.
- For non-CST/non-AGT data personnel refer to Section 1.3 f and g on Pages 3 and 4 of the MOU.

BY MARCH 29, 2013

Finalizing Initial Planning Sheet

- Meet with your evaluator to review the additional objective and/or strategy. Bring your data reports with you.
- Discuss the purpose of the use of the data set as it relates to the focus of instruction.

- Do not discuss any percentage or range of increase for improvement. The focus of the discussion is what strategies you will implement to support improvement in student achievement.
- Avoid using statements, objectives, strategies or uniform goals provided by the administrator or Educational Service Center, unless you have been consulted and you fully agree.
- At the conclusion of the discussion, sign the initial planning sheet.
- If there is disagreement to the data set you selected and/or objectives and strategies, write a disclaimer directly on the initial planning sheet. *“The contents of the objectives were not listed through mutual consent.”*
- If you do not agree, appeal to the next higher administrative level for resolution. Contact your Area Representative for assistance.

Final Evaluation Conference -At least thirty (30) calendar days before the last regularly scheduled school day of the employee’s scheduled work year

- If multiple measures of student progress and implemented strategies that supported student progress as it relates to the objectives on the initial planning sheet are discussed, Periodic Assessment data should not be included in this discussion or referred to on the final evaluation form (*Refer to LAUSD Bulletin 2554*).
- The discussion of objectives should be related only to the objectives under “Support for Student Learning” (unless they clearly fall within a different area).
- At this point, **ensure that no data reports are attached to the Final Evaluation Form**. If any data report is attached, write a disclaimer or response. Contact your assigned Area Representative to discuss filing a grievance.
- If a statement in the comment section of the final evaluation is written that relates to your progress in meeting the objective to support student achievement, the statement should not specify a percent or range of percent of student progress data.
- Sign the Final Evaluation form. This signifies your receipt, not your agreement.
- You have 10 days to write a response to the final evaluation.
- If issued a below standard evaluation, immediately contact your Area Representative to file a grievance.
- If issued an “overall meets” evaluation, but there are discrepancies and disagreement as to the comments related to performance, immediately contact your Area Representative for guidance in attaching a response and/or filing a grievance.

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Letter from Each Member to Principal

UTLA members: Even if you are not being evaluated this year, please show solidarity by signing and submitting this letter to your principal (and please retain a copy for yourself).

Date:

Dear Principal _____,

We, the staff of _____ School ratified an agreement that allows both UTLA and the District to comply with a judge's order regarding the Stull Act. In that agreement, we negotiated a process that includes a deferral under the terms of existing Education Code regarding the frequency of evaluations. In addition, it provides for a one-time revision of existing Initial Planning Sheets where **appropriate and not previously done**. Therefore, if you've already discussed student progress with those being evaluated this year, there is no need to add this additional objective or strategy.

In the binding ratified LAUSD-UTLA Agreement, when determining the evaluation of a given teacher, neither individual AGT results nor any specific percentage of weight should apply to a final evaluation. In submitting this letter, I am aware that you have received other information and directives from the District and therefore we the staff are writing to you for purposes of solidarity and compliance.

In regard to deferrals, I am respectfully urging you to assist the District in finally adhering to the statutory deferral of evaluation frequency by granting those of us on site who are eligible with either 3-, 4- or 5-year intervals between evaluations. As you know from the Superintendent's Policy Bulletin 5335.1, this is a District priority and is compliant with the ratified Agreement.

Another important part of the District's bulletin that I want to be sure to emphasize relates to the revision of the Initial Planning Sheet. The one additional objective or strategy relating to data is to be done **through close consultation between the administrator and the teacher** to reflect the consideration of measured student progress.

During the consultation/conference, **both** the teacher and the administrator can bring data to be used in their consultation relating to the additional objective or strategy. Examples of these are delineated in the Agreement as well. Furthermore, **the intent of the Agreement is that data informs the objective while the objective is free of data**. Through close consultation, neither the teacher nor the administrator should be the sole determiner of the additional objective or strategy. It should be mutually agreed to, pursuant to existing provisions of Article X in the UTLA-LAUSD Contract, and it can and will be appealed when mutual agreement is not reached.

Finally, it is important that the District and UTLA follow both the letter and the spirit of the agreement, and we wish it to be implemented on site with the least amount of friction and the maximum amount of cooperation.

Sincerely,

Teacher Evaluation Rights Toolkit

Letter of Appeal/Objection to the Principal

UTLA members: This template is for those members being evaluated who have had the principal revise their Initial Planning Sheet so as to include a data objective that goes beyond what is allowed in the contract. An example of objectives to avoid:

Example of CST Covered: *“Last year’s Algebra I students across our school scored 12% below what was needed to be proficient in Quadratics & Polynomials substrand. I will focus on the substrand this year and achieve 90% proficiency on teacher-made tests.” (This example is unacceptable because it contains specific percentages.)*

Example of Non-CST Covered: *“By the end of the first semester, 80% of the student projects will demonstrate mastery per teacher-developed rubric of the content standards.” (This example is unacceptable because it contains specific percentages.)*



Please keep a copy of this letter for your files. In addition, please forward a copy to your site’s ESC Instructional Director and a copy to your site’s assigned UTLA Area Representative.

Date:

Dear Principal _____,

This is written as a formal response to your revision of my Initial Planning Sheet for the 2012-2013 school year. Specifically, the District, through your actions as principal, has violated Section 1.3 (e) of the negotiated agreement recently ratified by both the UTLA bargaining unit members and the elected Board of Education, by and through your inclusion of an additional objective/strategy that is in keeping with the violation.

Although the ratified agreement provides for an individual teacher’s CST results for previously assigned students to be “reviewed and considered in the formulation of objectives and related strategies ...” it also expressly prohibits those same individualized CST results from being “... the basis for any objectives/strategies”

Therefore, I do not agree with the addition of your objective/strategy as described on my Initial Planning Sheet. Thus, pursuant to the provisions of Article X, Section 4.2 of the UTLA-LAUSD Contract, I do hereby appeal your action to the ESC Instructional Director responsible for oversight of this school site. In like manner, this is also to inform you that I reserve the right to formally grieve any resulting Final Performance Evaluation that contains an overall rating of Below Standard, as provided in Section 1.3 (e) of the ratified agreement supplementing Article X.

Sincerely,

_____, Teacher

cc: ESC Instructional Director
UTLA Area Representative

Teacher Evaluation Rights Toolkit

Examples of Appropriate Objectives That Are CST Data Driven

Definition	Example				
<p>Statement/Objective referencing CST data for the Initial Planning Sheet</p> <p>A summary or narrative statement that references the data point used to focus the attention of instruction in order to improve an area of student need. The narrative describes student achievement as it relates to CST data, but is absent of any reference of expected percentage increase.</p>	<p><u>CST Covered Class</u> A review of CST Data showed many students scored below proficient and advanced in operations and factoring. The pre-test for the first unit test on operations showed students continue to be weak in this strand. I will focus instruction in this area in collaboration with grade level formative and summative assessments to measure student progress.</p> <p><u>Non-CST Covered Class</u> Based on the school's CST/CMA ELA results of which the majority of 7th grade students achieved less than average proficiency, collection and review of student projects and portfolios, the ELD re-designation rates of the grade level which is less than 1/3 of the grade level, and review of student surveys, the following objectives are selected to support student achievement in ELA at the 8th grade level:</p>				
<p>What It Does NOT Look Like</p> <p><u>CST Covered Class</u> My current students' performance on their 2012 CST strand was 11 points below what is needed to reach proficiency. I will target instruction of this strand in my language arts curriculum this year with an increase in achievement by 20%. Progress will be measured by Periodic Assessments.</p> <p><u>Non-CST Covered Class</u> On our department-created Mock AP French exam 70% of the students wrote essays that were scored overall rubric score of 4. I will increase the number of student scoring on a 4 on the next administration of the Mock AP French Exam by 40%.</p>	<p>Illustration</p> <p>INITIAL PLANNING SHEET</p> <table border="1"> <thead> <tr> <th data-bbox="824 1312 1128 1350">Objectives</th> <th data-bbox="1128 1312 1424 1350">Strategies to Meet ...</th> </tr> </thead> <tbody> <tr> <td data-bbox="824 1350 1128 1898"> <p>1. SUPPORT FOR STUDENT LEARNING</p> <p>A review of CST Data showed many students scored below proficient and advanced in operations and factoring. The pre-test for the first unit test on operations showed students continue to be weak in this strand. I will focus instruction in this area in collaboration with grade level formative and summative assessments to measure student progress.</p> </td> <td data-bbox="1128 1350 1424 1898"> <p>I. Achievement of Instructional Objectives: Small group instruction, use of manipulatives to differentiate at the concrete level. Content specific ELD to have students gain fluency explaining their thinking using discipline specific vocabulary. Use of universal access strategies including self-monitoring formative assessments.</p> </td> </tr> </tbody> </table>	Objectives	Strategies to Meet ...	<p>1. SUPPORT FOR STUDENT LEARNING</p> <p>A review of CST Data showed many students scored below proficient and advanced in operations and factoring. The pre-test for the first unit test on operations showed students continue to be weak in this strand. I will focus instruction in this area in collaboration with grade level formative and summative assessments to measure student progress.</p>	<p>I. Achievement of Instructional Objectives: Small group instruction, use of manipulatives to differentiate at the concrete level. Content specific ELD to have students gain fluency explaining their thinking using discipline specific vocabulary. Use of universal access strategies including self-monitoring formative assessments.</p>
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PLEASE DELIVER PROMPTLY.

ONE-PAGE FAX TO UTLA CHAPTER/CO-CHAIR.

February 22, 2013

Eligible members should request Stull deferrals ASAP

Dear Chapter Chair:

Next week, UTLA will be providing you with an Evaluations Tool Kit to offer guidance and advice in response to Deasy's attempt to get around the protections in the recently negotiated Evaluations Agreement. Initially, however, we want to remind you of one key component of the agreement (Section 1.2) that you and the teachers at your school should respond to immediately.

This provision allows employees with ten or more years of experience to formally request an extension between evaluations. It says that "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." Thanks to this agreement, employees can now finally take advantage of these extensions, which have long been authorized by the Stull Act.

In Bulletin 5335.1 the District unilaterally set a deadline of March 1, 2013, for such extensions/deferrals. UTLA will be formally objecting to this unreasonably short deadline in our meeting with District staff on February 25. **In the meantime, we urge you to remind your more experienced colleagues who are being Stulled this year to immediately request the extension.**

See below for sample text for the request. We'll be providing you with additional information next week.

In unity,
Warren Fletcher, UTLA President

SAMPLE REQUEST FOR DEFERRAL



Date:

To: _____, Principal
From: _____, Teacher
RE: Request for Evaluation Extension

As a "highly qualified" teacher under 20 U.S.C. Section 7801, and employed by LAUSD for at least 10 years with satisfactory service, I am requesting an extension of the period between evaluations beyond the two-year period. I am formally requesting a deferment of from three to five years in accordance to Article X, Section 3.0 and the Education Code (Section 44664).

In addition, I qualify for the deferment in accordance with LAUSD-UTLA 2012 Evaluation Procedures Supplement to Article X, Section 1.2.