



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Performance Evaluation for UTLA Bargaining Unit Personnel

NUMBER: BUL-5335.1

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POLICY: This Policy Bulletin delineates process changes for evaluating certificated bargaining unit personnel and replaces Bulletin 5335.0.

MAJOR

CHANGES: This bulletin replaces Human Resources Division Bulletin BUL-5335.0 dated December 3, 2010 and guidance on changes in procedures to School-Based Instructional Personnel performance evaluations. Policy Guide P2 has not been updated to reflect these changes.

GUIDELINES: The following guidelines apply.

I. NEW ADDITIONAL EVALUATION GUIDELINES RELATED TO DOE V. DEASY

The Los Angeles Unified School District (LAUSD) and United Teachers Los Angeles (UTLA) 2012 Evaluation Procedures Supplement to Article X (the “Supplemental Agreement”) is an important addition to Article X of the LAUSD-UTLA Collective Bargaining Agreement (the “CBA”). The new Supplemental Agreement was ratified by UTLA members on January 19, 2013 and adopted by the Board of Education on February 12, 2013. The Supplemental Agreement was reached in response to the *Doe v. Deasy* Court Order enforcing the requirements of the Stull Act, which compel the District to evaluate teacher performance as it reasonably relates to student growth and progress toward District standards and State standards for pupil achievement, as measured by State-adopted criterion-referenced student testing results under the California State Testing program (the “CSTs”).

ROUTING

All Schools and
Offices



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Under the Court Order, implementation of the statutory requirements (under the conditions detailed in the Supplemental Agreement) must begin immediately. The previous Article X of the CBA also remains in full force and effect, together with the additional terms set forth in the Supplemental Agreement. Under the recent UTLA agreement, the assessment of pupil progress will not be the “sole, primary or controlling” factor in the final rating determination, but is to be considered “an important, but clearly limited part of the overall evaluation of the employee’s performance.” Observed classroom performance and other similar factors will remain the primary and controlling factors.

This bulletin will review:

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II. IMPLEMENTATION TIMELINE

The District will immediately begin implementation of a revised Stull process for the current School Year 2012-13, even as the District and UTLA “continue discussions and negotiations concerning the broader package of reforms and improvement of the evaluation procedures for 2013-14 and beyond” as provided in the Supplemental Agreement.

III. PERSONNEL IMPACTED/NOT IMPACTED BY THE NEW EVALUATION PROVISIONS

A. School-Based Instructional and Service Personnel Impacted: Permanent School-based instructional employees (e.g. teachers) and employees in non-classroom assignments such as counselors, deans and academic coaches are impacted in varying ways by the terms of the Supplemental Agreement.

For purposes of the above inclusions, the following employees shall be considered **Instructional Personnel**: All permanent classroom teachers including K-12, Adult and Career Education teachers, Early Education teachers. This also includes site-based personnel such as deans, counselors, and coordinators.

For purposes of the above inclusions, employees assigned in classes paid on the Special Services Salary (D) Table (except those with “teacher” or “instructor” in the title) shall be considered **Service Personnel**, including Health and Human Services (e.g. School Psychologists and Pupil Services and Attendance (PSA) Counselors).



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B. Personnel Not Impacted: Non-instructional, non-school based employees, such as Health and Human Services employees who report centrally or to Education Service Centers (ESCs), are not covered by the Supplemental Agreement, and will continue to be evaluated solely under Article X of the CBA until further notice.

C. Summary Chart

	Category	Personnel	New Evaluation Provisions Impact
School-Based Personnel	Instructional Personnel	All permanent classroom teachers including K-12, Adult and Career Education teachers, Early Education teachers. This also includes site- based personnel such as teacher advisors, deans, counselors, and coordinators.	Initial Implementation 2012-13
	Support Services Personnel	Permanent Health and Human Services Personnel (e.g. School Psychologists, PSA Counselors)	Initial Implementation 2012-13
Non-School Based, Non-Instructional Personnel		Such as Health and Human Services Personnel who report centrally or to Education Service Centers (ESCs)	No changes until further notice

IV. INITIAL 2012-13 IMPLEMENTATION OF NEW EVALUATION PROVISIONS

In order to implement the requirements of Article X of the LAUSD-UTLA CBA, including the new Supplemental Agreement, initial implementation of the new evaluation provisions begin immediately. The following information provides instructions on how to implement changes to the 2012-13 evaluation cycle. Please refer to *Personnel Impacted by the New Evaluation Provisions* (page 2) for information about which employees are affected by the new implementation.

Initial Implementation	Employee Responsible and Actions	Deadline
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Deliverable		
1. Voluntary Opportunity to Defer 2012-13 Evaluation	Administrator: Offer extension to volunteering permanent employees who meet the standards of Section 1 below. Any deferment should be recorded in the Performance Evaluation System (stulls.lausd.net) by March 1, 2013. Administrators can change the “Option” status for the teacher being deferred to a future year (e.g., “Ext. to 2014-15”).	March 1, 2013
2. Adjustment to initial planning sheet	Teacher: Include one of the available sources of data in an IPS objective and strategy statement	March 22, 2013
3. Finalizing initial planning sheet	Administrator/Teacher: Meet to review the additional data-driven objective and strategy, and sign-off on IPS	March 29, 2013
4. Final Evaluation Form Revisions and Final Summative Evaluation Conference	Administrator: Must comment on the applicable CST results from the previous year (2011-12), and the employee’s progress toward meeting the data-driven IPS objective/strategies on the Final Evaluation Form under the “Support for Student Learning” Area of Evaluation (unless they clearly fall within a different area); and may also comment in the “Overall Evaluations” comments section.	At least thirty (30) calendar days before the last regularly scheduled school day of the employee’s scheduled work year

1. VOLUNTARY OPPORTUNITY TO DEFER 2012-13 EVALUATION AND EXTEND TIME BETWEEN EVALUATIONS

In recognition of the increased time and effort needed for both the site administrator and teacher in implementing the 2012-13 Supplemental Agreement provisions, the District is authorizing deferral of the current 2012-13 evaluation year activities for approved eligible employees with ten (10) or more years of satisfactory service. This would be done by extending the period of time between the last previous evaluation and the next scheduled evaluation from the current pattern of every two years to as many as five years.



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In order to facilitate this option immediately given the late time of year, the principal should announce this potential option/opportunity for those current permanent employees being evaluated in the 2012-13 school year with ten (10) or more years of satisfactory service, and then consider only those who have responded with an expression of possible interest in deferral. Any such deferral/extension requires discretionary written agreement between the principal and the employee, and any such agreement is revocable at any time at the discretion of either the principal or the employee. In particular, any such deferral may be revoked and an evaluation scheduled if at any time in the future the principal concludes that an earlier evaluation is advisable. Employees requesting deferral, who meet **all** of the following descriptions, are candidates for discretionary approval (if records are not readily available contact your Instructional Director for guidance):

- a. Employee has 10 or more years of experience, has been evaluated at least once in the past four years, and each of the three most recent evaluations resulted in overall MEETS STANDARDS ratings, and no significant NEEDS TO IMPROVE ratings;
- b. Employee has no outstanding warnings regarding performance or conduct issues, and has not in the most recent four years received a NOTICE OF UNSATISFACTORY ACT OR SERVICE;
- c. Employee has fewer than 13 unprotected absences in the past year; and
- d. The principal has full confidence in the ability and performance of the employee and is satisfied that there is no evidence for denial and no reason to follow-up with another evaluation during the extension period being considered.

Any deferment should be recorded in the Performance Evaluation System (stulls.lausd.net) by March 1, 2013. Administrators can change the "Option" status for the teacher being deferred to a future year (e.g., "Ext. to 2014-15"). Later in the 2012-13 school year, principals will be trained regarding future implementation of an overall school evaluation schedule to use the deferral guidelines to reduce the annual volume of evaluations and accommodate the improved evaluation system.

2. ADJUSTMENT TO INITIAL PLANNING SHEET

Employees whose evaluation is not deferred for the current 2012-13 school year are required to make adjustments to their initial planning sheet (IPS) – Form 1024 (www.teachinla.com) to include **one** of the available sources of data in an IPS objective and strategy statement by March 22, 2013. Any data or data reports referred to in the initial planning sheet should be copied and attached to the planning sheet.



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According to the new Supplemental Agreement, “the student-progress data outlined in subparts a, b, c, and d below, together with such objectives and strategies as may be driven by or influenced by such data, shall be treated as part of the evaluation process for all employees for whom such data is available, and included in the initial planning sheets as appropriate. In addition, other data measurements of student progress will also be considered for inclusion in the objectives and related strategies of employees for whom CST-based data is available, and shall serve as a substitute for CST-related goals and objectives in the case of employees for whom CST data is not available, both as outlined in subparts d, f, and g below.”

The **available data sources** as it relates to an employee’s performance are as follows:

- a. The Teacher’s CST Results (Instructional Personnel with CST Results):** The results of the teacher’s previously-assigned students on CST from recent years as available, and especially as indicated by those students’ year-to-year CST results and the content strand from the previous year, are to be reviewed and considered in the formulation of objectives and related strategies to be reflected in the initial planning sheets.
- b. Group CST Results:** In order to include the context in which individual teacher CST results may occur in any individual situation, CST results are also to be reviewed and considered at the school for the applicable subject matter/grade levels/departments/school-level as part of the initial planning process.
- c. Currently-Assigned Students’ Previous CST Results:** The CST results of the teacher’s currently assigned students in the classrooms of their previous teachers, especially as indicated by those students’ year-to-year CST results and content strand data from the preceding year, shall also be reviewed and considered in the formulation of the teacher’s performance objectives and related strategies to be reflected in the initial planning sheets.
- d. School-Level Results:** School-level CST (see paragraph b above) and school-level AGT data/reports (and other school-level data such as API) relating to the performance of all teachers at the school whose assigned students participate in the same CST subject matter tests as the individual teacher, shall also be reviewed and considered in the establishment of the individual teacher’s performance objectives and related strategies, as reflected in the initial planning sheets. School-level AGT data and reports may also influence, or be adapted into the objectives of employees for whom there are no CST results but whose services still contribute to improved progress of students as measured by school-level reports such as those mentioned above.
- e. Individual AGT Results:** Individual AGT scores (as distinguished from the school-level AGT results) are to be used solely to give perspective and to assist in reviewing



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the past CST results of the teacher, and shall neither form the basis for any performance objectives/strategies nor be used in the final evaluation. As such, these results should not be attached to the planning sheets.

f. Non-CST/non-AGT Data (Instructional Personnel without CST Results): Such data will be used as supplemental measurements of student progress for employees for whom direct CST-based data is also being utilized and will be the primary student progress assessment data point for employees as to whom direct CST-based data is not available. Examples of such supplemental/alternative data sources may include the following:

- i. Periodic/benchmark assessment data, where available and appropriate to the students and curriculum, such as Periodic Assessments and DIBELS, and other standards-based assessment data/student work samples, projects, portfolios;
- ii. Assessment data that documents pupil performance, such as an Independent Reading Level assessment, Developmental Reading Assessment, Qualitative Reading Inventory, and the like;
- iii. Pre- and post-assessment data, such as the start and culmination of a semester of other unit of study;
- iv. Curriculum-based examinations and similar culminating activities; and
- v. For IEP students, various diagnostic assessments to measure progress toward previously-identified goals.

g. School-Level Non-CST Based Goals for Pupil Progress and Achievement: Performance objectives and strategies may be developed to reflect individual and group roles in District and School-wide priorities and areas of focus, and methods of measuring such efforts. Examples of such matters, all of which represent data-measurable indicators of student progress and achievement, include:

- i. Attendance rates;
- ii. Suspension rates;
- iii. English Language Learner (ELL) progress and reclassification rates;
- iv. Standard English Learner (SEL) progress;
- v. Class grades and percentages of passing students;
- vi. A-G course enrollment and passage rates;
- vii. Graduation/Drop-out rates;
- viii. Advanced Placement course enrollment and passage rates;
- ix. International Baccalaureate exam passage rates; and
- x. Other school-wide data, such as CAHSEE results and API scores.

3. FINALIZING INITIAL IMPLEMENTATION PLANNING SHEETS

By March 29, 2013, administrators shall meet with each employee being evaluated to review the additional data-driven objective and strategy. If there is disagreement



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concerning the objective/strategies or any subsequent modifications to the objective/strategies that may be suggested by either party, the employee may note on the form that objectives were not the product of mutual agreement, and also may appeal the matter to the next higher administrative level in accordance with the CBA, Article X, Sections 4.2 and 4.3. In such cases, the employee's required signature indicates only receipt and acknowledgement of the stated objectives.

4. FINAL EVALUATION FORM REVISIONS RESULTING FROM SUPPLEMENTAL AGREEMENT

- a. On the Final Evaluation Form for 2012-13, the evaluator will:
 - i. comment on the applicable CST results from the previous year (2011-12), and the employee's progress toward meeting the data-driven IPS objective/strategies on the Final Evaluation Form, in both cases under the "Support for Student Learning" Area of Evaluation (unless they clearly fall within a different area). These matters may also be noted/discussed in the Comments area of the "Overall Evaluations" section; and
 - ii. attach the initial planning sheet to the Final Evaluation Form, together with any data reports referenced in the planning sheet and data objectives, and store them in hard copy at school site.
- b. Please note that all required forms for the evaluation process are available online at www.teachinla.com.

V. PERFORMANCE APPRAISAL SYSTEM (PAS) STEERING COMMITTEE

In accordance with the Supplemental Agreement, Section 5.0 Evaluation Oversight and Mediation, the District and UTLA shall each appoint three members to serve on a six-member PAS (Performance Appraisal System) Steering Committee. This Committee is a mediatory body, rather than a decision-making body, although it also retains the ability to make confidential recommendations to disputants, to District management, to their appointing entities (District and UTLA), and also may contract with respected neutral experts to make recommendations. The Committee is not intended to replace or replicate the work of the PAR Panel. The Committee's primary roles will be:

1. to observe the operations of the performance evaluation systems, and to advise their appointing entities as to recommended improvements;
2. to participate in the development and review of training programs related to the design, adoption, implementation and operation of the performance evaluation systems; and



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3. to assist schools in resolving issues, conflicts, and disputes relating to the design, adoption, implementation and operation of the evaluation systems.

VI. GENERAL PROVISIONS APPLICABLE TO ALL PERFORMANCE EVALUATIONS

A. OBSERVATIONS, RECORDS AND ASSISTANCE

1. Employee performance problems may be identified at any time during the year, in any number of contexts, such as formal or informal classroom observations/visits within or outside of the evaluation procedures, observations outside of the classroom, departures from performance objectives/strategies, or departures from any other rules, standards or expectations for effective performance such as those referred to in Article X, Section 4.1. When such situations arise, the administrator must under Article X, Section 5.0 of the CBA:
 - a. hold a conference with the employee to identify and discuss the problem(s);
 - b. make specific written recommendations for improvement;
 - c. offer appropriate counseling, assistance and guidance; and
 - d. provide the employee with a written summary within four (4) working days of the conference documenting the observations, incident reports, advisory conferences, and assistance offered or provided. Such written disclosure is to be provided to the employee for his or her information, guidance and as a warning to improve performance.
2. If an administrator/evaluator anticipates that an employee may receive a "Below Standard Performance" rating on the Final Evaluation Report, the evaluator should do the following:
 - a. contact your Field Director in the Office of Employee Performance and Accountability on or before **November 1** if you have any concerns related to Probationary II employees;
 - b. for those certificated employees on Track D on a 4-Track Calendar or Track C on a Concept 6 calendar, please contact your Employee Performance Accountability Unit Field Director on or before **December 1**;
 - c. for all other certificated employees, please contact your Employee Accountability Unit Field Director and ESC administrator by **January 15**;



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- d. notify the employee in writing of the possibility of issuing such a rating; and
- e. continue, and document, all assistance and guidance provided to the employee.

B. ISSUANCE OF NOTICE OF UNSATISFACTORY SERVICE OR ACT AND ITS POTENTIAL RELATIONSHIP WITH THE EVALUATION PROCESS

1. Administrators must review and consider whether the issuance of a Notice of Unsatisfactory Service or Act is appropriate for employees who receive an overall Below Standard evaluation rating. If an employee is not performing his or her duties in a satisfactory manner, the Education Code and Article X of the CBA require the District to notify the employee in writing of that fact and describe the unsatisfactory performance or act. The written notice must specify the nature of unsatisfactory performance or act with such specific instances and with such particularity as to furnish the employee with notice and an opportunity to correct their deficiencies. See also item A2 above.
2. Conversely, if an employee has been issued a Notice of Unsatisfactory Service/Act, the administrator should consider if and how such Unsatisfactory Service/Act should be reflected as part of the performance evaluation.
3. See Article X, Section 11.0 of the CBA for the numerous requirements applicable to Notices of Unsatisfactory Service or Act, including in cases of incompetence, for example, the requirement of compliance with the observation, records and assistance provisions of Article X, Section 5.0, and the requirements for notice as to the right to Union representation at the issuing conference or any final evaluation conference involving an overall “Below Standard” rating.
4. For assistance in preparing the Notice of Unsatisfactory Service or Act, Administrators should contact the Office of Employee Performance Accountability of the Human Resources Division, (213) 241-6056.

C. FINAL SUMMATIVE EVALUATION CONFERENCE

1. The evaluator shall prepare and issue the Final Evaluation Report not less than thirty (30) calendar days before the last regularly scheduled school day of the employee’s scheduled work year in which the evaluation takes place. Refer to the appropriate payroll calendar for ending dates of tracks so that the forms are completed within the required time frames.
2. If there is more than one evaluator responsible for the evaluation, both evaluators must sign the form.



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3. At least thirty (30) calendar days before the last regularly scheduled school day of the employee's scheduled work year in which the evaluation takes place, the evaluator also shall hold a conference with the employee to discuss contents of the Final Evaluation Report. When a Final Evaluation Report is marked "Below Standard Performance," the evaluator shall specifically describe, in writing, the area of Below Standard Performance and include recommendations for improvement, the assistance given, and the assistance to be given. A copy of the report shall be given to the employee at this conference. **Evaluations shall be treated as a confidential personnel record.**

D. FILING AND RETENTION OF FINAL EVALUATION REPORT

1. Final Evaluation Reports

- a. Print one copy of the final evaluation document for use during the final conference with the employee;
- b. At the conclusion of the final evaluation conference the original document is to be signed by both the evaluator and employee. The initial planning sheet and any data referenced are to be attached to the Final Evaluation Form and stored in hard copy at school site. The employee is to be issued the original and a copy of the signed final document is to be retained at the work site; and
- c. **The Final Evaluation Report must be filed electronically through the online process at least thirty (30) calendar days before the last regularly scheduled day of the employee's scheduled work year.**

2. "Below Standard Performance" Rating

In the event that the overall evaluation is marked "Below Standard Performance," the signed final document must be sent by the evaluator to the Human Resources Division, Office of Employee Relations, Beaudry Building, 14th floor, for inclusion in the personnel service folder of the employee. A copy of the signed final document is to be retained at the work site.

3. Written Responses

Written employee responses to the evaluation should be attached to a copy of the Final Evaluation Report and forwarded by the evaluator to the Human Resources Division, Office of Employee Relations, Beaudry Building, 14th floor, for inclusion in the personnel service folder of the employee.



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E. DISTRIBUTION OF FORMS: All required forms for the evaluation process are available online at www.teachinla.com.

F. REGULAR FREQUENCY OF EVALUATIONS, APART FROM THE SUPPLEMENTAL AGREEMENT IMPLEMENTATION (IV-1 ABOVE)

1. District policy provides that permanent personnel shall be evaluated at least every other year. However, eligible permanent employees who have been employed by the District as a full-time teacher for at least ten (10) years may, in the joint discretion of the evaluator and the employee, extend the frequency of evaluation beyond the two-year period for up to a total of five (5) years since the last evaluation. Any arrangement to extend the evaluation cycle is entirely discretionary and individualized and may be withdrawn by either party at any time, provided:
 - a. Written notice is provided by the withdrawing party identifying the cause or reason; and
 - b. Such notice is given before the end of the school year or no later than the beginning of the evaluation process for the new school year.
2. Non-permanent and qualifying personnel shall be evaluated at least once each school year, including the following:
 - a. Probationary (B1,B2)
 - b. District Intern (G1,G2); University Intern (F1,F2); and Temporary Contract (K1) personnel
 - c. Qualifying personnel (Q1,Q2)
 - d. Provisional (V1)
3. Personnel who receive a “Below Standard Performance” rating in any given year must be evaluated the following year, and other personnel who have received “Needs to Improve” ratings or other good cause may, in the discretion of the evaluator, also be scheduled to be evaluated the following year.

G. ADMINISTRATORS RESPONSIBLE FOR EVALUATIONS

Principals are responsible for ensuring that teachers serving at school sites are evaluated. For administrative units at non-school sites, the immediate administrator is responsible for ensuring that instructional personnel serving at or assigned to that site are evaluated.

Teachers who are scheduled to be evaluated and who then transfer or go on a leave of absence after the first semester or equivalent number of weeks (approximately 17) shall be evaluated by the site administrator or designee who supervised the teacher prior to the transfer or commencement of the leave of absence.



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For service personnel such as School Nurses, School Psychologists, Pupil Service and Attendance Counselors, and other non-school based service personnel, the immediate administrator or designee is responsible for their evaluation. Evaluation of school-based service personnel, excluding Library Media teachers, shall be done by consultation between the school administrator and the technical supervisor of the employee, if any, prior to either one issuing the final evaluation.

Library Media teachers are to be evaluated by the administrator of the site to which they are assigned.

The administrator may delegate portions of the evaluation process to, but retains the overall responsibility and personally must submit the final evaluation report through the online process.

VII. RESOURCES:

- For guidelines for the evaluation of extended day-to-day substitutes and contract employees assigned March 1 or thereafter, refer to Personnel Policy Guide P3.
- For guidelines for the evaluation of day-to-day substitute teachers, refer to Personnel Policy Guide P4 (www.teachinla.com).
- For additional details, refer to 2008-2011 Agreement LAUSD – UTLA and LAUSD - UTLA December 2012 Evaluation Procedures Supplement to Article X.
- For additional information, refer to Supplemental Agreement on Employee Evaluation Procedures Frequently Asked Questions attached to this Bulletin.

VIII. ASSISTANCE:

- For further assistance or questions about objective setting, initial planning sheet, deferral guidelines and other general questions, administrators should contact their ESC Instructional Director or Talent Management Division at (213) 241-3444.
- For application of Article X and the Supplemental Agreement, administrators should contact the appropriate Office of Employee Performance and Accountability Field Director at (213) 241-6056.
- For questions about interpretation of the Supplemental Agreement, administrators should contact the Office of Labor Relations at (213) 241-6601.