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**ARTICLE XII**

**Evaluation Procedure**

**A. FREQUENCY.** Evaluation and assessment of the performance of employees shall be made on a continuing basis at least once each school year for temporary and probationary personnel and at least once every other year for employees with permanent status. Employees may elect to complete their evaluation forms either manually or online. The district and TALB will assess the online evaluation usage and select the best option for future years based on the evaluation usage, security, and effectiveness.

Effective with the 2008-09 school year, unit members with permanent status shall be evaluated at least every five (5) years if they have been employed by the district for ten (10) years or more and if the evaluator and the unit member consent to such time line. In order to be eligible for the five year cycle a unit member must be deemed to be “highly qualified” as defined in the No Child Left Behind Act (20 U.S.C. 7801) and his/her most recent evaluation must contain an overall rating of at least Satisfactory or Effective. For eligible unit members who do not teach in “core academic” subjects, qualification requirements shall be the same as for teachers of “core academic” subjects. For eligible unit members who are not classroom teachers the District and Association shall review and agree on appropriate comparable criteria.

Either the evaluator or the unit member may withdraw from this cycle at any time and such withdrawal shall not be subject to the grievance procedure. Upon request the evaluator will meet with the unit member to explain the reasons for withdrawal.

**B. EVALUATOR.** The evaluator shall be the employee's immediate manager and/or another administrator designated by the manager, by the Superintendent, or by his designee.

**C. DEADLINES.** It is agreed that deadlines specified in this Article, except for the date of the final evaluation, may be extended by the number of days the evaluatee or the evaluator is absent from the work site during the identified time periods. Any change in specified deadlines will be noted in writing by the evaluator along with reasons for the change in deadline.

**D. NOTIFICATION OF EMPLOYEES.** Employees to be evaluated shall receive a copy of the evaluation procedures within four (4) weeks after the beginning of their school session work year, traditional or year-round calendar. Those employees will be advised of the evaluation policy, procedures, standards, and expectations by their evaluator no later than the end of the fifth school week.

Standardized test norms shall not be used for teacher evaluation. Personnel shall be judged on the District-adopted evaluation objectives and performance standards. Such objectives and standards shall be in writing and made available to the evaluatee prior to any period in which he/she is evaluated.

1 E. **SETTING OF OBJECTIVES/ACTION PLAN.** By the end of the sixth school week each  
2 evaluatee shall be responsible for proposing in writing to the evaluator specific action plans  
3 and standards to be achieved within areas of performance. The evaluator may propose and/or  
4 require additional components in the action plan and standards for each evaluatee in  
5 accordance with the position and assignment. Employees will be advised if there is to be a  
6 specific area(s) of concentration.  
7

8 Within the maximum of seven (7) weeks of the first working day of an assignment all action  
9 plans and performance standards shall be finalized, reduced to writing, and signed by the  
10 evaluator and evaluatee.  
11

12 F. **CONSTRAINTS.** When the total length of teaching experience, the length of duty at one  
13 site, the length of time in the assignment, or other factor is considered to be a constraint by  
14 the evaluator or the evaluatee, it may be so noted on the appropriate form. Employees, who  
15 due to the room utilization patterns on a year-round school schedule are limited in their ability  
16 to prepare the classroom prior to the arrival of students, are deemed to be working within  
17 constraints related to room environment and classroom management for a brief period of  
18 time at the beginning of each on-track assignment.  
19

20 G. **OBSERVATIONS.** Observations shall be both formal and informal. The number of formal  
21 observations shall routinely be three (3). With agreement of both evaluatee and evaluator  
22 the number may be reduced to two (2) or one (1) in cases of obviously satisfactory  
23 performance by permanent employees. Additional observations shall be conducted when  
24 deemed necessary by either the evaluatee or evaluator.  
25

26 1. An observation shall be based upon one (1) or more of the following components:  
27 District goals and objectives, individual school/office goals and action plans,  
28 individual employee goals and action plans and performance assessment criteria.  
29

30 2. Each formal observation will be followed by a conference which will take place  
31 within five (5) working days.  
32

33 3. Formal observations will be summarized on an observation form with a copy given  
34 to the evaluatee within ten (10) working days after the observation.  
35

36 4. Except by mutual agreement, formal observations shall not begin until after goals  
37 and action plans have been agreed upon. In the event that goals and action plans have  
38 not been agreed to, formal observations may begin following the seventh week of the  
39 school year.  
40

41 5. In the event of an unsatisfactory observation lesson analysis, the evaluatee may  
42 request an additional formal observation conducted jointly by the evaluator and  
43 another manager selected by the evaluatee from a list of up to five (5) managers  
44 selected by the District. The second manager will be credentialed/certified in the  
45 credential/subject/special services area of the evaluatee's assignment. In the event  
46 there are no managers with a similar credential available, the evaluatee shall select

1 from a list of Long Beach Unified School District administrators who currently  
2 supervise teachers with the same credential or teaching assignment. The subsequent  
3 conference and lesson analysis shall be conducted/developed by both managers.  
4

5 **H. EVALUATION.** An evaluation shall be reduced to writing and transmitted to the employee  
6 no later than thirty (30) calendar days prior to the last school day for K-12 students as  
7 identified on the appropriate traditional or year-round school calendar. The evaluator will  
8 hold a conference to review the written evaluation with the employee at the time of the  
9 transmittal of the written evaluation. The evaluatee shall sign the evaluation form signifying  
10 that he/she has read the form and shall be provided the opportunity to prepare a written  
11 response which shall become a part of the employee's permanent record. There shall be only  
12 one (1) final evaluation form per year which shall become part of an employee's permanent  
13 file. This form may be supported by documentation deemed appropriate by the site manager.  
14

15 A joint committee consisting of five (5) unit members appointed by TALB and five (5)  
16 administrators shall be convened to develop revisions to evaluation forms for non-classroom  
17 based unit members (e.g. nurses, teacher librarians, teachers on Special Assignment), review  
18 and revise final evaluation forms to consider an overall rating, use of electronic  
19 forms/system, use of resource material, and develop an evaluation rating rubric. The forms,  
20 if amended, shall be submitted to the bargaining teams for final negotiation. If meetings are  
21 scheduled during the work day the unit members shall be provided released time; if the  
22 meetings are scheduled for times after the work day the unit members shall be paid their  
23 regular hourly rate.  
24

25 **I. IMPROVEMENT OF LESS THAN EFFECTIVE PERFORMANCE.** No assessment  
26 of "unsatisfactory" or "developing" shall be introduced on an evaluatee's evaluation form  
27 which has not been first formally called to his/her attention in a written report. Time shall  
28 be allowed, when practicable, from the date of the written report where the deficiency is first  
29 noted and the date of the next evaluation when the deficiency is formally cited to allow for  
30 correction of said deficiencies. Upon formally citing a condition(s) of less-than-effective  
31 performance, the evaluator shall thereafter confer with the evaluatee and during the  
32 conference make specific recommendations as to areas of improvement in the evaluatee's  
33 performance. In the case of instructional deficiencies, the evaluator will offer direct  
34 assistance and/or additional resources as the evaluator deems appropriate to implement the  
35 specific recommendations.  
36

37 Nothing in this Section shall be interpreted as limiting the ability of the District to take  
38 immediate action in the case of an extremely serious or egregious circumstance as identified  
39 in Education Code, Section 44932.  
40

41 **J. PERSONNEL FILE.** Each employee shall have the right, by appointment, to review the  
42 contents of his/her personnel file. Such appointment will normally be scheduled within five  
43 (5) working days of the request, except that during unusually concentrated work periods, it  
44 may be postponed with the approval of the Assistant Superintendent, Human Resource  
45 Services. Unit members may obtain copies of materials in their personnel files and be  
46 charged the same rate per page as the District charges the general public.<sup>1</sup> Such materials

1 shall not include those excluded from disclosure under Education Code Section 44031;  
2 normally such materials will be provided within ten (10) working days of the request. A  
3 representative of the Association at the teacher's request may accompany the teacher in this  
4 review. Such review by the employee shall be permitted twice per year before or at the end  
5 of the duty day when instructional duties have been completed.  
6

7 Negative or derogatory materials will be processed in accordance with Education Code,  
8 Section 44031, which states that information of a derogatory nature shall not be entered or  
9 filed unless and until the employee is given notice and an opportunity to review and comment  
10 thereon. An employee shall have the right to enter, and have attached to any such derogatory  
11 statement, his own comments thereon.  
12

13 K. **GRIEVABILITY.** Any grievance arising out of the foregoing procedures shall be limited  
14 to a claim that the procedure has been violated.  
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16 L. **PARENT/GUARDIAN COMPLAINT.** When a parent or guardian complaint regarding  
17 an employee filed pursuant to Education Code, Section 35160.5 is terminated at any level or  
18 is not sustained by the Board of Education, the Board shall direct that all written  
19 documentation relating to the complaint be destroyed pursuant to procedures provided for in  
20 Title V of the California Administrative Code.  
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