

AAALA/Teamsters – Unit M
ARTICLE VII

EVALUATION AND DUE PROCESS

1.0 – 1.2 – No Changes

1.3 Frequency of Evaluation: Employees shall be evaluated at least once during each of the first two school years of service within the classification to which assigned, and except as provided below, at least every other school year thereafter. An employee may be evaluated any school year if deemed appropriate by the immediate administrator. Upon request, an employee to be re-evaluated in successive years shall be given a written explanation as to the reason(s) for such action. An employee shall be evaluated in a given year if for the prior year the employee received an “Ineffective” rating in any area or element of the evaluation. In the case of permanent employees who have been employed by the District for at least 10 years, and who have continuing status in the class, the period between evaluations may, in the joint discretion of the evaluator and the employee, be extended beyond the two-year period so that the evaluation may be made once in a three, four, or five-year period, subject to the following limitations:

a. The term of the extension shall be provided in writing to the employee by the evaluator.

b. Such arrangement for an evaluation beyond the two-year cycle requires the joint consent of the evaluator and employee; such consent is entirely discretionary and individualized, and may be withdrawn by either party at any time in writing no later than the end of the 5th week of the employee’s assignment. *PLS*

~~c. However, (i) the withdrawing party shall provide written notice to the other party to that effect, identifying the reason(s) or cause(s) for the withdrawal, and (ii) the notice of withdrawal should be given before the end of the school year preceding the next intended evaluation, and shall not be given later than the date that the newly reinstated evaluation procedures are to begin.~~

dc. Because the Education Code (Section 44664) makes these evaluation frequency decisions entirely discretionary and individualized, any decision to grant, deny or withdraw consent shall not be subject to the grievance procedures of this agreement.

1.4 Areas of Evaluation for certificated management/supervisory personnel are specific performance standards found in the School Leadership Framework, Principal Supervisor Leadership Framework, and the School Support Administrator Framework. The Standards, Components, and Elements of effective practice have been identified by Human Resources and include: Leadership and Professional Growth; Change Management and Vision; Professional Development, Leadership Capacity, and Instruction; Culture of Learning; Advocacy, Collaboration, and Community Engagement; and Accountability, Systems and Operations. The focus elements shall include: three

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unified focus elements to be identified by the District on a District-wide basis; and one or two cooperatively established elements. An employee's final evaluation shall include an overall evaluation rating, including but not limited to progress towards the District Unified Focus Elements, selected Growth Elements, punctuality, and attendance.

1.5 Measures of Evaluation: Each elements and the overall evaluation shall be rated. Measures of evaluation shall be "Highly Effective", "Effective", "Developing", and "Ineffective".

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1.6 – 4.3 – No Changes

4.4 Grievances: Evaluation matters are not grievable under Article VII except when the final overall evaluation is ranked "Ineffective". However, if an overall evaluation of "Effective" or "Highly Effective" is issued, but there is a significant disparity between such rating and the composite of negative individual ratings or comments on the form, the evaluation shall be subject to grievance on the same basis as an overall "Ineffective" evaluation.

CCL

It is acknowledged that many of the above evaluation rules are intended solely as procedural guidelines. In grievances under this Section, it is therefore intended that there be a distinction between harmless procedural errors as compared to violations which materially prejudice the substantive validity and reliability of the evaluation.

5.0 – No Changes

6.0 Notice of Unsatisfactory Service or Act, and Suspension:

a. A Notice of Unsatisfactory Service/Act(s), and/or Suspension from normal duties for up to 15 working days without pay, may be given for cause at any time. Except in emergencies, the imposition of any such action must be preceded by a conference between an appropriate administrator and the employee if the employee is available. The employee in such circumstances shall be notified of the right to be accompanied and represented at the conference by an AALA representative or any other person of the employee's choice so long as that person is not a representative of another employee organization. Non-availability of the employee or representative for more than a reasonable time shall not delay the conference.

CCL

b. When an administrator has a conference with an employee where it is evident at the time the meeting is scheduled that the employee is the focus of possible disciplinary action, the employee shall be notified of the purpose of the meeting before the meeting takes place, and that it is the employee's right to be accompanied and represented by an AALA representative or any other person so long as that person is not a representative of another employee organization.

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Non-availability of the representative for more than a reasonable time shall not delay the conference. However, the right shall not extend to routine conferences or to any conference conducted under the evaluation procedures except for a final conference involving an “Ineffective” rating. ~~The concept of~~ “Progressive discipline” is to be generally applicable, but with the understanding that circumstances may make progressive discipline inappropriate. The prohibition of disparate treatment is also generally applicable but with the understanding that reasonable diversity and local practice are to be expected. Following the issuance of a Notice of Unsatisfactory Service/Act(s) and/or Suspension, the employee shall be provided with assistance and guidance.

Agreed

6.0 c – 12.0 – No Changes

