

ARTICLE 7: **EVALUATION PROCEDURES/PERSONNEL FILES/PUBLIC COMPLAINTS**

7.100 All unit members shall be evaluated by a principal, assistant principal, immediate supervisor, or a person with line responsibility who is assigned by the Superintendent or designee to conduct an evaluation. In cases where a unit member is assigned more than one work site, an official evaluator shall be designated by the Superintendent or designee prior to the first day of student attendance.

7.120 No member of the bargaining unit shall effectively evaluate another unit member, except as appropriate in extracurricular activities.

7.200 Frequency

The evaluation and assessment of the performance of unit members shall be made on a continuing basis. Each school year one half of the tenured unit members chosen initially by lot shall be subject to the formal evaluation procedures set forth in this article. The remaining tenured employees may be informally observed in the non-evaluation year and will be formally evaluated in the subsequent year. Notwithstanding the above, any unit member receiving any “unsatisfactory” or “needs improvement” subcategory rating may be required to be formally evaluated each year. In addition, any unit member new to the school or work site due to voluntary transfer, return from any leave of absence will be evaluated their first year at that school or work site. In addition, any unit member new to the school or work site due to involuntary or administrative transfer, or return from leave of absence will be evaluated their first year at that school or work site at the discretion of the administration. Nothing in Article 7 shall be construed to limit the provisions set forth in Article 8 or the right of principals to document performance concerns observed during a non-formal evaluation year.

Evaluations shall be at least every five years for personnel who qualify based on all of the following requirements:

1. Personnel with permanent status;
2. Who have been employed at least 10 years with the District;
3. Are highly qualified, if those personnel occupy positions that are required to be filled by a highly qualified professional by the Federal No Child Left Behind Act of 2001 (or its replacement regulations as applicable);
4. Whose previous evaluation rated the employee as meeting or exceeding standards;
5. The evaluator agrees;
6. The certificated employee being evaluated agrees.

The certificated employee or the evaluator may withdraw consent at any time.

Any employee may, upon receipt of their evaluation, note in writing any circumstances that may have adversely affected the outcome of his/her evaluation which shall be attached to the formal evaluation.

The sequence of evaluation shall be set forth in the schedule below:

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| A. | Group and/or individual orientation (Appendix E) given and explained to those | Twenty (20) working days following employment. |
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scheduled for evaluation.

- B. Formal observation By April 30
- C. Evaluation Conference By May 10
- D. Subsequent Evaluation Conference (if required) By June 10

7.300 The final evaluation summary for regular classroom teachers shall be completed on the evaluation form which is attached as Appendix E and incorporated herein by reference.

7.310 An evaluation committee, composed of up to six members, with three members appointed by the District and three members appointed by the Association, may be established to meet periodically to review and revise the current certificated evaluation instruments to comply with the State of California’s professional standards. It shall be the task of the committee to report its recommendations, including the format of the observation/evaluation instruments, to the District and to OUEA for final approval and signatures by the Assistant Superintendent, Human Resources for the District and the President of OUEA by May 15 of a school year so that the recommendations may be considered for implementation in the following year.

7.400 Except for counselors, psychologists, media specialists, speech and language specialists, and nurses, there shall be at least one formal observation meeting scheduled by the evaluator and the unit member being evaluated. All formal observations shall be at least thirty (30) minutes duration. Observations of less than thirty (30) minutes shall be considered informal observations. A conference will be conducted by the evaluator with the unit member within a reasonable period of time following the formal observation. As soon as possible the unit member will be given a written summary of the conference and/or observation. The unit member may request an Association representative to be present at any evaluation conference likely to affect his/her job status.

7.500 Except in cases of emergency, failure on the part of the evaluator to comply with the evaluation time limits specified will result in the elimination of the final evaluation form from placement in the personnel file.

7.600 Unit members with permanent status shall not receive an overall needs improvement or unsatisfactory rating unless prior written notification of a need for improvement has been given to the unit member. Once written notification of a need for improvement has been given, unit members with permanent status shall have a period of thirty (30) calendar days to remediate the area(s) of concern. Only formal evaluations conducted according to this Agreement may be kept in the personnel file.

7.700 Personnel Files

7.710 Materials in the personnel files of unit members, which may serve as a basis for affecting the status of their employment, shall be made available for the inspection of the person involved. Upon request, unit members shall have the right to obtain a copy

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of said personnel file materials to be provided within a reasonable period of time. The District may charge the employee for the cost of copying in excess of ten pages per year.

7.711 Unit members shall have the right to inspect such materials upon request, provided that the request is made at a time when such unit member is not actually required to render services to the District.

7.712 A unit member may have an Association representative present when inspecting the personnel file or may authorize in writing an Association representative to review the file.

7.713 Information of a derogatory nature shall not be entered or filed unless and until the unit member is given notice and an opportunity to review and comment thereon. A unit member shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review shall take place during normal business hours and the unit member shall be released from duty for this purpose without salary reduction.

7.714 Inappropriate Materials

If the employee believes that material to be placed in his/her file is inappropriate or in error, the employee may receive adjustment, provided cause is shown by mutual agreement with the principal/supervisor or through the grievance procedure, whereupon, the material will be corrected or expunged from the file.

7.715 Unit members may request that material(s), other than confidential placement information, which are four (4) years old or more, be removed from the personnel file. Said request shall be granted to the extent that the request is compatible with the existing State Law.

Unit members wishing such documents removed shall submit a written request to the Superintendent or designee identifying the documents by including:

- 1) Type of document; e.g., memo, letter, evaluation, etc.
- 2) Date of origination
- 3) Name of originator
- 4) Any other identifying information not later than the day following receipt of the request, the documents will be removed and forwarded to the unit member.

7.716 The District shall keep a log in the personnel file indicating administrators, except for Superintendents and administrators in the Human Resources Office, who have requested to examine a personnel file as well as the dates the requests were made. The log shall be available for review by the unit member or authorized Association representative.

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7.800 Public Complaints Regarding Performance

- 7.810 Investigation of official complaints of unsatisfactory performance pursuant to Education Code section 44932(a)(5) which could reasonably affect the evaluation of unit members shall be conducted only if complaints are submitted in writing. Such complaints shall be directed initially to the unit member's immediate supervisor with a copy to the Superintendent or designee.
- 7.820 A meeting of all concerned parties shall be scheduled at the request of the administrator, unit member or complainant to review a complaint made pursuant to Article 7.810 above. If the complainant refuses to attend the scheduled meeting, the complaint shall not thereafter be used to affect the evaluation of a unit member.
- 7.830 The unit member may make a written response to be attached to the written complaint.