

## **Article 10 - Performance Evaluations**

Not later than two (2) weeks following the ratification of this Agreement, the District and Association shall create a joint Performance Evaluation Task Force, made up of an equal number of representatives appointed by the parties to create a new performance evaluation system. Such system shall be created and ratified by the members of the Association not later than one (1) year following the first meeting of the Performance Evaluation Task Force. If no evaluation system is ratified by the members of the Association within the timeline outlined above, the District shall implement the state standard performance evaluation system.

The new evaluation system shall be memorialized in place of current contract language in this Article and shall be subject to the grievance procedure.

~~Performance Evaluations are used to:~~

- ~~1. — Improve quality of instruction, achievement and services~~
- ~~2. — Communicate the District's objectives and direct its work force~~
- ~~3. — Measure professional growth and development of licensed personnel~~
- ~~4. — Measure the implementation of program curriculum~~
- ~~5. — Implement District and school goals in the classroom~~
- ~~6. — Determine and document satisfactory or unsatisfactory performance~~
- ~~7. — Measure the level of performance of all personnel covered by this Agreement~~
- ~~8. — Provide the measurement of satisfactory performance for licensed personnel and serves to document an unsatisfactory performance.~~

~~10-1 — Definition of Terms — as used only in this evaluation process, unless the context otherwise requires:~~

~~10-1-1 — “Action Plan” is a component of the Comprehensive Performance Evaluation. The teacher completes the plan by specifying desired performance improvements and shares proposed activities for achieving those goals.~~

~~10-1-2 — “Comprehensive Performance Rating” means the summative rating of the teacher's performance.~~

~~10-1-3 — “Data Sources” means the evaluation data, documented on the summary of evidence form that the evaluator considers when writing the final evaluation report. There are four types of data sources: interview (i), records of teaching (r), observation (o), and written documentation (w).~~

~~10-1-4 — “Days” means working school days.~~

- ~~10-1-5 — Teacher means all personnel covered by the DCTA agreement.~~
- ~~10-1-6 — “Evaluator” means school principal or administrative supervisor who is responsible for the evaluation. Principals are responsible for all evaluations in their building, but may designate other qualified administrators to assume evaluation responsibilities. Student Services Managers are responsible for evaluations of their personnel as determined by the District.~~
- ~~10-1-7 — “Evaluation Data Review Conference” means a meeting between the teacher and the evaluator to discuss records of teaching or service and other data sources, Article 10-6-6.~~
- ~~10-1-8 — “Notification” means the evaluator informs the teacher of being on evaluation that year, Article 10-6-1.~~
- ~~10-1-9 — “Observation” is a work setting observation of a teacher’s performance, Article 10-5-3.~~
- ~~10-1-10 — “Orientation or pre-evaluation conference” means an individual or group meeting to explain the evaluation process to the teacher(s), Article 10-6-2.~~
- ~~10-1-11 — “Peer Assistant” is a teacher selected from a pool of qualified teachers who are trained to assist a teacher during a remediation plan, Article 10-7-2-1.~~
- ~~10-1-12 — “Consultant” is a peer teacher (non-probationary), specialist, or supervisor who collaborates during the evaluation process to create a record of teaching or service, Article 10-5-2-1. Data gathered by consultant for the record of teaching or service shall not be or become part of the evaluation. Only what is submitted in the Consultation Request Documentation form will become a part of the evaluation.~~
- ~~10-1-13 — “Consultation” is a record of teaching or service that is a teacher’s written reflections on the feedback provided by the consultant after an interview or observation, Article 10-5-2-1.~~
- ~~10-1-14 — “Performance Criteria” are benchmarks on which performance standards are evaluated.~~
- ~~10-1-15 — “Performance Indicators” are descriptions of performance for a criterion.~~
- ~~10-1-16 — “Performance Standards” are those major concepts that define the areas to be evaluated.~~

~~10-1-17 — “Pre-observation conference” means a conference between the teacher and evaluator held prior to a formal observation, Article 10-6-3.~~

~~10-1-18 — “Post-evaluation conference” means a conference between the teacher and evaluator in which the final documented evaluation is discussed and presented to the teacher for signature. This may be combined with a post-observation conference.~~

~~10-1-19 — “Post-observation conference” means the conference required between the teacher and evaluator following each formal observation to discuss what was observed and to make recommendations for improved performance, if appropriate. Article 10-6-5.~~

~~10-1-20 — “Professional Development Plan” means a year-long plan for continued and sustained growth of a teacher who has successfully completed a remediation plan.~~

~~10-1-21 — “Records of Teaching or Service” are data sources provided by the teacher to the evaluator. Article 10-5-2.~~

~~10-1-22 — “Remediation Plan” is a plan jointly developed by the teacher and evaluator to correct deficiencies when the comprehensive performance evaluation is unsatisfactory, Article 10-7.~~

~~10-1-23 — “Rubric” defines levels of performance for each standard and provides a tool for assessing the quality of performance. There are four levels that define the level of performance on the performance standards: “Exceeding,” “Meeting,” “Developing,” “Not meeting”~~

~~10-1-24 — “Satisfactory Performance” means that a teacher has received a satisfactory comprehensive performance rating. Article 10-6-7.~~

~~10-1-25 — “Summary of Evidence” means the documentation by the evaluator of each data source used in the evaluation.~~

~~10-1-26 — “Unsatisfactory performance” means that a teacher has received an unsatisfactory comprehensive performance rating. Upon receiving an Unsatisfactory performance rating a teacher is on a remediation plan. Article 10-6-7.~~

~~10-1-27 — “Year” means the school year.~~

~~10-2 — Types of Evaluations. The school district has 3 (three) types of evaluation:~~

~~10-2-1 Probationary Evaluation. Probationary evaluations are conducted on an annual basis during the teacher’s probationary employment. Probationary teachers are~~

~~those contract teachers who hold a valid Colorado teacher license and are in the first three years of teaching or service with the district. Teachers with authorizations or emergency licenses shall follow the probationary evaluation process and shall not be considered probationary until such time as they hold a Colorado professional teaching license. Probationary teachers receive a minimum of two documented observations. At least one of the observations is formal.~~

~~10-2-2 Non-Probationary Evaluation. Non-probationary evaluations are conducted once every three years for teachers who have successfully completed their probationary period. Non-probationary teachers receive a minimum of one documented observation. At least one of the observations is formal.~~

~~10-2-3 Special Evaluation. Special evaluations are conducted when a supervisor determines that a teacher requires assistance in a non-evaluation year. Managers can recommend to an evaluator that a Student Services Professional be put on special evaluation.~~

~~10-3 Timeline for conducting professional evaluation. Probationary teachers are evaluated yearly while designated as probationary and in the first year of non-probationary status. Thereafter, evaluations are to be conducted every three years. The exception to this is special evaluation, see article 10-8.~~

~~10-3-1 Compensation as it relates to evaluation, Article 31-11 and ProComp Agreement, Articles 7.4.3 and 7.4.4~~

~~10-4 Evaluators. The school principal is responsible for all evaluations in the school building and to use of the appropriate standards/criteria/rubric and form. When a teacher is assigned to more than one building, the home school principal must coordinate the evaluation with the appropriate principals or qualified managers. As necessary, the principal will identify a designated evaluator for each teacher, as well as other administrators who may be asked to conduct classroom observations. Designated evaluators work at the direction of the principal and they are responsible to the principal. Student Services Personnel are responsible for evaluations of their personnel as determined by the district, using the appropriate evaluation tool.~~

~~10-4-1 To the extent required by state law, evaluators must hold a state principal/administrator license, be trained in evaluation skills that will enable him or her to make a fair, professional, and credible evaluation of the personnel whom he or she is responsible for evaluating.~~

~~10-5 Types of Data Sources~~

~~10-5-1 Documentation. Collection of data through a variety of sources is an important part of the evaluation process. The data below can be used for evaluation if it is stated in writing and shared with the teacher during the process. All data used for the evaluation is to be listed on Summary of Evidence Journal and should include~~

~~the type of data, date, time, place/class, subject and performance standard. The evaluator may conduct as many data collection activities as are necessary to ensure appropriate instructional supervision. The legal rights of the teacher shall be preserved. The evaluation and all documentation used in the evaluation shall be confidential and available only to the teacher, evaluator, and other persons identified by statute. No evaluation information shall be gathered by electronic devices without the consent of the teacher. No informality in any evaluation or in the manner of making or documenting any evaluation shall invalidate such evaluation.~~

~~There are four categories, or “types” of data: Interview (I), Records of Teaching or Service (R), Observation (O), and Written Communication (W).~~

~~10-5-2 Records of Teaching or Service (R). Five records of teaching or service are submitted by the teacher and discussed at the Evaluation Data Review conference. For each of the five performance standards a Record of Teaching coversheet is to be attached to a record and a brief description of the record is given in the teacher’s own words. A single Record of Teaching may document performance for no more than two of the performance standards.~~

~~10-5-2-1 Consultation may be used as a record of teaching/service.~~

~~10-5-2-2 Student Growth Objectives. The evaluator shall not use the outcome of a teacher’s student growth objectives as a data source.~~

~~10-5-3 Observations (O). Observations of the teacher shall be conducted openly and with full knowledge of the teacher. Documentation of an observation shall include date, time, and notes made during the observation and shall be shared with the teacher. The district has two types of observations:~~

~~10-5-3-1 A formal observation is scheduled in advance, is recommended to be at least twenty (20) minutes in length and includes a pre-observation conference and a post-observation conference. One formal observation is required for a teacher on evaluation.~~

~~10-5-3-2 Informal observation does not include the requirements of the formal observation and may occur at any time.~~

~~10-5-3-3 Observation Guidelines~~

- ~~a. An evaluator may choose to conduct more observations to gather sufficient data for final evaluation for any teacher.~~
- ~~b. Informal observations are conducted yearly in non-evaluation years for non-probationary teachers by state statute.~~

- ~~c. — When a teacher is on an evaluation, the evaluator documents the dates of all observations on the Summary of Evidence Journal.~~
- ~~d. — Probationary teachers must have two observations annually by state statute and one of these may be informal.~~
- ~~e. — Learning Walks are not a type of observation to be used for teacher evaluations.~~

~~10-5-4 Interview data (I) are notes from a formal evaluation meeting or conference between the teacher and evaluator that could be used as a data source.~~

~~10-5-5 Written Communication (W) is data submitted and signed. Examples of this type of data could be letters from parents, a completed professional evaluation organizer form from teacher, or a letter of distinction. The evaluation of a teacher may also include any peer, parent, or student input obtained from standardized surveys.~~

~~10-6 — Sequence of the evaluation.~~

~~10-6-1 Notification. A teacher shall be informed that he/she is on evaluation.~~

~~10-6-2 Orientation. A teacher shall be informed in advance about the purpose and nature of the evaluation process, the elements of the evaluation, the procedure for conducting the evaluation and the responsibilities of the individuals involved. An individual or group meeting should be devoted to explaining the evaluation process. A teacher who is not assigned to a home school will attend a departmental meeting devoted to explaining the evaluation process. This meeting should be held within the first 60 days of the teachers' school year. The evaluator will review the evaluation process, with the teacher(s) and will provide a copy of the Comprehensive Professional Evaluation form and the standards, criteria and the rubrics to be used. If teachers are hired after the evaluation orientation, the evaluator shall provide them with a similar introduction regarding the process. The evaluator will document the date of the orientation meeting on the Summary of Evidence portion of the Comprehensive Professional Evaluation form.~~

~~10-6-3 Pre-Observation Conference is the conference between the teacher and the evaluator or designee held prior to a formal observation. If the teacher or evaluator would like consultation as a record of teaching/service, it should be agreed upon at this meeting. The teacher and evaluator will discuss which performance standards and criteria will be evident during the lesson(s) or activities to be observed. The date of the pre-observation conference is to be documented on the Summary of Evidence portion of the Comprehensive Professional Evaluation form.~~

~~10-6-4 Observations: Refer to 10-5-3 for observation guidelines and definitions. All observations shall be documented on the Summary of Evidence Journal.~~

~~10-6-5 Post Observation Conference is a meeting where the teacher and evaluator review and discuss the evaluator's observation data. The evaluator's notes are shared with the teacher, who may request copies of these notes. The evaluator may make suggestions for growth and may choose to make more observations, although a second observation is only required for probationary teachers. The date of the post-observation conference is to be documented on the Summary of Evidence Journal.~~

~~10-6-6 Evaluation Data Review Conference is the conference, prior to the completion of the evaluation, between the teacher and evaluator to discuss observation(s), records of teaching and other data sources.~~

~~10-6-6-1 Outcomes of the Evaluation Data Review Conference. Possible outcomes:~~

- ~~a. The required documentation for the evaluation is gathered. If the teacher is non-probationary and the documentation has been gathered and entered on the Summary of Evidence Journal this conference may be combined with the Post Evaluation Conference.~~
- ~~b. There is a need for more data collection and the evaluation process continues. (Required for all probationary teachers.)~~
- ~~c. The documentation shows performance deficiencies leading to an unsatisfactory comprehensive performance rating. The evaluator informs the teacher of the possibility of a remediation plan to correct said deficiencies, Article 10-7.~~

~~10-6-7 Comprehensive Performance Rating. All evaluations shall be conducted in compliance with state statute, state regulations and this agreement. Evaluations shall be completed by the date set annually by the District. The Comprehensive Performance Rating occurs when the evaluator completes the Comprehensive Professional Evaluation form including documented data sources used to render summary ratings in each performance standard and hence a Comprehensive Performance Rating of "Satisfactory" or "Unsatisfactory." A teacher receives an "Unsatisfactory" comprehensive performance rating when one or more of the standards are rated "not meeting" or a total of five or more criteria (across all the standards) are rated "not meeting". All other combinations result in a teacher receiving a "Satisfactory" comprehensive performance rating. At this time, the evaluator completes and presents the following forms to the teacher.~~

~~10-6-7-1 Summary of Evidence Journal The teacher and evaluator provide the data sources, including Records of Teaching or Service, documented by the evaluator on the Summary of Evidence Journal, contained in the Comprehensive Professional Evaluation form. At~~

~~a minimum, each will provide data sources that address all 5 (five) standards. The teacher provides 5 (five) records of teaching, Article 10-5-2. The evaluator provides additional data sources that address all 5 (five) standards. A single data source may be used to document the performance for more than one standard.~~

~~10-6-7-2 Comprehensive Professional Evaluation form is completed by the evaluator using the Standards/Criteria/Rubrics/Indicators document. The identification of strengths and weakness are required by state statute.~~

~~10-6-8 Completion of the Comprehensive Professional Evaluation. The evaluator provides the teacher a minimum of 24 hours to review the Comprehensive Professional Evaluation form before the meeting to complete the evaluation takes place.~~

~~10-6-8-1 The teacher must provide~~

- ~~a. Strengths and areas for improvement.~~
- ~~b. An Action Plan developed by the teacher that includes the learning opportunities that the teacher will undertake following his/her professional evaluation.~~

~~10-6-8-2 The evaluator will complete the Summary of Evidence Journal, Article 10-6-7-1. The evaluator shall sign the written evaluation and discuss it with the teacher during the post-evaluation conference. The teacher shall sign the completed form and will receive a copy of it. Such signature will not be construed to indicate agreement with the information or the conclusions in the final written evaluation. The teacher shall be given an opportunity to attach any written explanation or other relevant documentation that the teacher deems necessary. The final written report will be sent to the appropriate instructional superintendent for review and signature.~~

## ~~10-7 Remediation~~

~~10-7-1 Preparing for Remediation. A teacher whose comprehensive performance rating is unsatisfactory shall be given a copy of the Comprehensive Professional Evaluation form that includes the deficiencies that led to the unsatisfactory performance rating. When the teacher is under the supervision of a manager and/or other principals, the evaluator will work collaboratively with them to develop the remediation plan. A remediation plan to correct said deficiencies shall be jointly developed by the primary evaluator and the teacher. The Remediation Plan shall:~~

- ~~a. Address no more than three identified criteria as deficiencies.~~
- ~~b. Include indicators with measurable outcomes.~~
- ~~c. Include a reasonable period of time of not less than thirty (30) school days and no more than ninety (90) school days will be given to remedy the deficiencies. The Remediation Plan begins when the peer assistant(s) have the first meeting with the teacher or when the teacher signs the form to deny peer assistance.~~
- ~~d. Identify the resources and assistance that are available to remedy the deficiency.~~
- ~~e. Be sent to the appropriate Instructional Superintendent and Human Resource personnel who may recommend changes to the teacher and the evaluator.~~

#### ~~10-7-2 Conducting a Remediation Plan~~

~~10-7-2-1 Peer Assistance. Peer assistance will be part of the remediation plan unless the teacher declines in writing to the evaluator. The principal must file a peer assistance request/denial form with the Department of Human Resources. Not more than three teachers who are specifically trained to provide assistance shall provide peer assistance. Data gathered by the peer assistant(s) shall not be or become part of the evaluation. Peer assistant(s) will provide progress reports and recommendations to the teacher within ten (10) days of the initial meeting and will share recommended strategies with the evaluator(s). Stipend amounts for peer assistants are found in Article 32-2~~

~~10-7-2-2 Data Collection. During the implementation of the plan, the evaluator shall continue to conduct observation(s) and conference(s). If the remediation plan was successfully completed, a revised comprehensive performance rating will be given to the teacher. The evaluator will revise the comprehensive performance rating by:~~

- ~~a. Completing a new Summary of Evidence Journal with at least two data sources for each criterion identified in the remediation plan.~~
- ~~b. Updating the final performance rating of the identified criterion(ia). New ratings for the performance standards and rubrics will need to be completed for the standards affected by the deficiencies.~~

~~10-7-3 Outcomes of a Remediation Plan. The evaluator will sign the comprehensive performance rating at the end of the remediation period.~~

~~Possible outcomes:~~

~~10-7-3-1~~ The teacher is no longer rated unsatisfactory on the Comprehensive Performance Rating. The evaluator(s) will write a development plan for the teacher. Article 10-7-6.

~~10-7-3-2~~ Progress has been made but the evaluator still rates the teacher's performance as unsatisfactory but the evaluator may continue remediation plan for an additional specified period, not to exceed a total of 90 school days for the remediation plan. After the additional time, it will be determined whether the remediation was successfully completed, or not, and the teacher will be told of the outcome of the remediation as identified in 10-7-4 or 10-7-5. If successful, a new updated comprehensive performance will be completed.

~~10-7-3-3~~ The teacher has made insufficient progress and is rated unsatisfactory. In this case, the procedures referred to in Articles 10-7-4 or 10-7-5 will be followed.

~~10-7-3-4~~ Transfers. Once a remediation plan is implemented, the teacher may be transferred only with the written consent of the evaluator, the teacher, the principal of the school to which transfer is sought, and the appropriate instructional superintendent(s).

~~10-7-3-5~~ Extended Leave. If the teacher goes on an extended leave during the remediation period, the remediation days completed prior to leave will be counted, and the plan will continue upon the return of the teacher to active service.

~~10-7-4~~ Non Probationary Teacher. If the final documented evaluation report indicates that the teacher is still performing unsatisfactorily, the principal shall make a recommendation of dismissal for unsatisfactory performance to the appropriate Instructional Superintendent.

~~10-7-5~~ Probationary Teachers. This performance evaluation process is not intended to limit the authority of the Board to non-renew the contract of any probationary teacher. A Remediation Plan shall not be a prerequisite for non-renewal. Following the completion of the final written evaluation report, a recommendation by the principal for the renewal or non-renewal of the contract of a probationary teacher shall be made to the appropriate Instructional Superintendent. The Instructional Superintendent will review the recommendation and notify the teacher in writing denying or confirming the recommendation and stating that it will be sent to the Board for action.

~~10-7-6~~ Professional Development Plan. The plan provides a design for continued and sustained growth of a teacher who has successfully completed a remediation plan. It is to occur over the course of one calendar year and will begin immediately

~~upon completion of the remediation. The performance standard and criterion from the remediation plan to be addressed in the professional development plan is assigned by the evaluator/manager and the principal, if not one and the same. The plan is to be written collaboratively with the teacher and requires the teacher to complete the study, demonstration, and reflection portions of a professional development unit (PDU). The evaluator/manager and the principal will also gather and document artifacts and data sources, including observed demonstration and conferences.~~

~~During the year of the professional development plan the teacher who is enrolled in ProComp may submit a PDU for salary increment. Once the plan is completed, the teacher may submit completed PDUs and may use the professional development plan to fulfill some of the requirements of a PDU.~~

~~10-8 Special Evaluation. When an evaluator determines, based on evidence from multiple classroom observations that assistance is needed during a non-evaluation year, a special evaluation shall be initiated. At this time the Human Resources Department should be notified by the evaluator.~~

~~10-8-1 Initiate Special Evaluation. To initiate a special evaluation, the evaluator shall conduct a formal observation with pre and post-observation conference; the evaluator shall indicate the performance concerns. A second observation shall be conducted.~~

~~10-8-2 Records of Teaching/Service. For the purpose of completing the special evaluation, teachers will need to submit records of teaching to the evaluator within ten (10) days of the evaluator requesting them.~~

~~10-8-3 Completion of Professional Evaluation. Following the second observation and the gathering of records of teaching, the Comprehensive Professional Evaluation will be completed including a comprehensive performance rating, and shall be discussed with the teacher within ten (10) days.~~

~~10-8-4 Unsatisfactory Comprehensive Performance Rating. If the comprehensive performance rating indicates unsatisfactory performance, the evaluator shall initiate a Remediation Plan, 10-7-2.~~

~~10-9 Advisory District Personnel Performance Evaluation Council. Evaluation procedures to be used in the District shall be developed by the Advisory District Personnel Performance Evaluation Council (1338 Committee) subject to approval by the Board.~~

~~10-9-1 The procedures shall be published and available for review by all teachers and a copy given to each teacher prior to any scheduled evaluations.~~

~~10-9-2 Teacher representatives on the 1338 Committee, which the Board is required to appoint under provision of C.R.S. 22-9-107, shall be nominated by the Association.~~

~~10-9-3 The 1338 Committee will convene a minimum of twice annually, once a semester to review and update evaluation forms, handbook and training programs for the teachers. They will recommend to the District and Association contract language no later than nine months prior to the expiration of this Agreement for implementation beginning in the first year of the successor to this Agreement.~~

~~10-9-4 The 1338 analysis and report will be shared with the Human Resources, DCTA board and ProComp Program Evaluation Work Group.~~

#### 10-1 Peer Assistance and Review.

10-1-1 The LEAP evaluation and feedback processes will be used as a means of assessing performance for all teachers who are observed using the Framework for Effective Teaching, including struggling teachers. The LEAP evaluation and feedback system, including observations of instructional practice, professionalism and student perception data, and relevant student data will be the framework under which support for struggling teachers is provided and determinations of unsatisfactory performance are made.

10-1-2 A principal may designate a teacher in need of a Performance Improvement Plan (PIP) based on data collected through the LEAP evaluation and feedback process and relevant student outcome data. The principal (or designee) shall conduct at least one (1) full observation of the teacher prior to initiating the performance improvement process. A full observation during remediation identification and remediation plan implementation will be defined as an observation in which the evaluator observes a full lesson. A principal will notify the affected teacher and appropriate Human Resource staff or designee that there is a possibility of the teacher being placed on a PIP. The teacher and principal will be informed of the following alternatives for the performance improvement process:

(1) The teacher and principal may elect, in writing, to participate in the process outlined in this section, including a possible review of a recommendation for dismissal at the end of the process by a panel of educators (“Panel”). The teacher’s consent to such review by a panel of educators constitutes a waiver of the right to a hearing before an impartial hearing officer and the process set forth in § 22-63-302, C.R.S., including appellate review of the Board of Education’s termination action based on a hearing officer’s findings and recommendation. The election by the teacher and principal to participate in the PAR process, including the review by a panel, must be made within ten (10) school days of the teacher’s notification of the possibility of being placed on a PIP. If in good faith, the teacher is unable to meet with an attorney within ten (10) school days, the district will extend for up to five (5) school days.

(2) If the teacher and principal do not consent in writing to choose the process in this section, including review by the Panel, the District shall follow the performance improvement process outlined in this section up to the final recommendation at the conclusion of the PIP, at which point the teacher would be

entitled to review of a recommendation of dismissal by an impartial hearing officer in accordance with § 22-63-301 and 22-63- 302 C.R.S. of TECDA. In any case, the LEAP evaluation and feedback structure will be the process by which teacher performance is evaluated and determinations regarding unsatisfactory performance are made. A joint observation with the principal (or designee) and a Peer Observer will be part of the identification process before placing a teacher on a PIP. The principal and PO shall co-observe a lesson by the teacher using the Framework for Effective Teaching and consult on the lesson observed. The principal shall consider data from the PO's observation in determining whether to place the teacher on a PIP. The decision of whether to place a teacher on a PIP remains the decision of the principal based upon evidence of significant performance deficiencies.

10-1-3 A PIP shall last a minimum of 60 school days up to a maximum of 120 school days. A teacher on a PIP shall receive a minimum of two (2) full observations from the principal (or designee) and two (2) full observations from the PO during the duration of the PIP. One of the principal's observations and one of the PO's observations will be announced within a week's window and one will be unannounced. The PIP shall be developed by the principal (or designee) in collaboration with the PO and the teacher and shall identify the deficiencies to be remediated, the performance standard expected in each area; notice that failure to meet the standard of satisfactory performance may result in a recommendation of dismissal; and the supports available to the teacher during the period of the PIP, including the support to be provided by the principal, PO or others. The deficiencies will be prioritized under each affected Expectation Area of the LEAP evaluation and feedback system. DPS and DCTA will collaborate on best practices to support the development of PIPs, so that a teacher in need of improvement will be informed of any and all areas of deficiency and expected growth and such needs are prioritized in a way likely to have the most significant impact on performance.

10-1-4 To implement the PIP, the principal and PO shall utilize a variety of resources to connect observation/feedback; coaching and modeling to the expectations and standards of performance indicated in the PIP. In addition to the observation/feedback provided by the principal and PO, the PIP should provide a minimum of ten (10) hours of support, including coaching, modeling or other support, to be provided by the principal, PO, TEC, teacher leader, peer or other resource. Where appropriate, guest teaching support may be provided to allow a teacher to observe lessons and to allow others to model lessons for the teacher within or in addition to the ten (10) hours of support. If the PO or the principal is not the one providing coaching or modeling, they will shadow these sessions; be present during the feedback regarding these interventions; or solicit written feedback from those who provided the support to the teacher. If contributing to the body of evidence that the panel considers, evidence from those providing support during the performance improvement process will be shared with both teacher and principal. DPS and DCTA will collaborate to provide guidance to principals on appropriate monitoring and support during the PIP process for teachers with respect to areas of improvement within the professionalism standards.

10-1-5 The Panel shall be composed of six (6) representatives to be mutually agreed upon by the Parties, including three (3) representatives to be appointed by the Superintendent and (3) teacher representatives to be appointed by the Denver Classroom Teachers' Association. Once membership is determined, DPS and DCTA will agree upon co-chairs for the Panel. A reasonable number of alternates shall be identified. Panel members and alternates shall attend training jointly developed by DPS and the DCTA.

10-1-7. When the teacher and principal have both elected to follow the panel process, at the end of the specified PIP period, the principal and PO shall recommend, based upon the body of evidence developed during the PIP period, whether the teacher 4 has met the standard of satisfactory performance. They may make one of three recommendations: that the teacher is retained, that the teacher be dismissed or that the PIP be extended for a specific period of time. These recommendations will be made to the Panel for review.

10-1-8. The Panel shall be charged with determining whether there exists a reasonable basis for dismissal based on a preponderance of the evidence. Based on its review of the evidence, including the recommendations from the principal and the PO, the Panel, by a majority vote, shall make one of three recommendations – that the teacher be dismissed, the teacher be retained, or the PIP be extended for up to a maximum of 90 school days. If the panel recommends dismissal, the Panel's decision will proceed for final recommendation by the Superintendent to the Board for dismissal. If the Panel recommends that the teacher be retained, the teacher will be reinstated to his/her prior assignment. If the Panel recommends that the PIP be extended it shall specify the length of the extension and the additional progress, evidence and support needed. If the Panel cannot make a majority decision, but is split evenly, the Panel shall grant an extension of the PIP process of no less than 30 school days and no more than 90 school days to demonstrate satisfactory progress. If, at the end of that period, the Panel remains split evenly as to whether there exists a reasonable basis for dismissal, the principal's recommendation will be final and shall proceed as provided in this paragraph when the Panel makes the same recommendation.

10-1-9 To reach its determination, the Panel shall consider a body of evidence of performance, including documented performance against identified improvement areas, the standard of satisfactory performance for each area of deficiency, principal and peer observer observation data and feedback, student perception data, relevant student outcome data and/or other data or information directly relevant to any area of performance articulated in the LEAP evaluation and feedback system. Information not directly relevant to teacher performance, including general character information, will not be considered by the Panel. DPS will collaborate with DCTA on the development a timeline and process by which a teacher, principal, and PO may submit relevant information to the Panel for consideration.

10-1-10 The Panel's review will, at the request of the teacher or principal, include a hearing. Such hearing shall occur within 30 school days of the recommendation for dismissal. The length of the hearing shall not exceed 3 hours, including 60 minutes of

presentation/questions for the teacher, 60 minutes of presentation/questions for the principal and 30 minutes of presentation/questions for the peer observer, unless the Panel determines more time is needed.

10-1-11 Each participant may elect to have assistance with his/her presentation. The assistance may be provided by a DPS Human Resources staff member or a DCTA Uniserv director. Those providing assistance are limited to consulting with the participants only and may not speak on the participants' behalf during the hearing. ~~5~~In limited circumstances of emotional distress, where a participant is unable to speak on their own behalf and necessary to complete the hearing, the Panel may request that the representative speak on behalf of a principal or teacher. The procedures for the conduct of the hearing shall be informal and rules of evidence shall not be strictly applied. The Panel shall issue a written decision, including its recommendation, within 10 school days of the hearing.

10-1-12 Final action by the Panel of educators upholding the recommendation for dismissal shall result in the dismissal recommendation being presented by the Superintendent to the Board of Education for final action.

## 10-2 Appeal of Loss of Non-probationary Status

### 10-2-1 Definitions

1. An ineffective rating is one where the evaluation has been scored as "Not Meeting" or "Approaching" on the Leading Effective Academic Practice (LEAP) system.
2. A teacher rated under any district evaluation system other than LEAP, shall not be eligible to lose non-probationary status.
3. "Academic year" shall mean that school year according to the traditional DPS school calendar, normally starting in August and normally ending sometime in June.
4. "Appellant" shall mean the person who is appealing the second consecutive Ineffective evaluation rating.

### 10-2-2 Timelines

10-2-2-1 A notice of Appeal must be filed within fifteen (15) calendar days following the last student contact day of the academic year in which the second ineffective rating was received by the Appellant.

10-2-2-2 All appeals must be concluded within ninety (90) calendar days after the last student contact day of the academic year in which the second Ineffective rating is received. If the Appellant has requested DCTA assistance, no Panel hearing will be scheduled during the two weeks the DCTA offices are closed and the window will be extended as appropriate.

10-2-2-3 The timelines can be extended by mutual agreement of the District and the teacher.

10-2-3 Grounds for Appeal.

10-2-3-1 The evaluator did not follow evaluation procedures that adhere to the requirements of statute or rule and that failure had a material impact on the final performance evaluation rating that was assigned (e.g. an observation was never completed or feedback was never shared with the Teacher).

10-2-3-2 The data relied on to determine the final performance evaluation rating was inaccurately attributed to the Teacher (e.g. data included in the evaluation was from students for whom the teacher was not responsible).

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10-2-4 Procedures.

10-2-4-1 The Appellant or his/her chosen representative must file a timely Notice of Appeal with the appropriate office or department designated and published by the District.

10-2-4-2 The Notice of Appeal will contain all written grounds for the Appeal using a form that will be mutually developed between the District and Association.

10-2-4-3 The District and the Association shall develop appropriate timelines for when the following will occur:

- I. The Appellant shall provide a copy of any evidence intended to support the Appeal prior to the hearing. The District shall make additional copies for panel members as needed.
- II. The Appellant may request evidence from the District and the District shall provide the requested evidence if the request is reasonably related to a permitted ground for appeal.

10-2-4-4 Any documents and/or proceedings related to the appeal process shall not be disclosed to entities outside the District unless the District is required to do so by law.

10-2-4-5 Burden of Proof. The Appellant has the burden of demonstrating that a rating of Effective was appropriate.

10-2-4-6 The Appellant is allowed an advocate of his/her choice to represent him/her through the appeal process, such as a DCTA

representative or DPS colleague. Attorneys shall not represent the Teacher or the District at the hearing. A non-practicing attorney who is a DCTYA or District representative may participate.

10-2-4-7 The Appellant is allowed to provide evidence in the form of testimony by the Appellant and/or witnesses, documents, or other materials

10-2-4-8 The District is allowed to provide evidence in the form of testimony by the Appellant, and/or other witnesses, documents, or other materials.

10-2-4-9 Any presentation to the Panel shall be limited to one hour for the Teacher and one hour for the District. Time may be at extended at the discretion of a majority of the Panel members.

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#### 10-2-5 Panel

10-2-5-1 The Panel will be chosen from a list of up to thirty (30) standing panel members. For the standing panel pool, up to fifteen (15) will be chosen by the Association and up to fifteen (15) chosen by the District; however, in the process of comprising the final list the Association may veto any panel member recommended by the District, and the District may veto any panel member recommended by the Association. To ensure the credibility of the Panel, all Panel members shall have had an effective LEAP, LEAD, or EPMP evaluation the prior year and shall have prior teaching experience.

10-2-5-2 The Panel shall be comprised of equal number of teachers and administrators, with no more than six (6) panel members total. The Association shall be responsible for selecting its members from the standing pool for each Panel hearing and the District shall be responsible for selecting its members for each Panel hearing. A process shall be jointly developed to ensure continuity of the review panel members.

10-2-5-3 All panel members will be trained on LEAP and any other tools, rubrics, or best practices used in the evaluation of the Appellant.

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#### 10-2-6 Results.

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##### 10-2-6-1 Panel Decision:

10-2-6-1-1 The Panel shall render its decision in writing.

10-2-6-1-2 In order for the Panel to recommend an overturn of the rating, a majority of the members of the panel must agree based on a preponderance of the evidence that the Ineffective rating was

inaccurate. In that situation, the Appellant's rating will be deemed Effective and the Appellant will retain his/her non-probationary status.

10-2-6-1-3 If a majority of the Panel determines by a preponderance of the evidence that that rating should not be changed, the Teacher will be deemed probationary.

10-2-6-1-4 If the majority of the Panel decided that a rating of Ineffective was not accurate, but there is not sufficient information to assign a rating of Effective, the Teacher receives a "no score" and retains non-probationary status. However, if the following academic year that Teacher receives a second consecutive Ineffective rating, the "no score" rating will have the consequence of a second consecutive Ineffective rating and the Teacher will be subject to loss of non-probationary status. The Teacher retains the right to appeal the following year's rating.

10-2-6-1-5 A majority decision of the Panel shall be final and binding.

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10-2-6-2 Superintendent and/or designee decision:

10-2-6-2-1 If the Panel is deadlocked on a decision, the Superintendent or designee shall serve as the tie-breaking vote. Each cluster of votes is expected to provide a summary of the rationale informing their opinion for the Superintendent or designee's consideration.

10-2-6-2-2 If the Superintendent or designee decides that there is sufficient information to overturn the rating, the teacher receives a rating of Effective and retains non-probationary status.

10-2-6-2-3 If the Superintendent or designee decides that a rating of Ineffective was not accurate, but there is not sufficient information to assign a rating of Effective, the Teacher receives a "no score" and retains non-probationary status. However, if the following academic year that Teacher receives a second consecutive Ineffective rating, the "no score" rating will have the consequence of a second consecutive Ineffective rating and the Teacher will be subject to loss of non-probationary status. The Teacher retains the right to appeal the following year's rating.

10-2-6-2-4 If the Superintendent and/or designee confirm the rating the Teacher will be deemed probationary.

The Superintendent and/or designee's decision will be final.

DCTA Representative

DPS District 1 Representative

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_