

Memorandum of Understanding Certified Employee Evaluation

This Memorandum of Understanding is entered into by and between the Elida Board of Education (Board) and the Elida Education Association (Association) this 19th day of May, 2020.

WHEREAS, the Board and Association have entered into a Collective Bargaining Agreement (CBA) which is effective from July 1, 2019 through June 30, 2022;

WHEREAS, the Ohio Legislature passed HB 197 on March 25, 2020 that modified the requirements under Ohio Rev. Code 3319 for the evaluation of teachers and other employees;

WHEREAS, the parties have agreed that it is impossible or impracticable to complete all evaluations for the 2019-2020 school year;

WHEREAS, the parties have entered into certain agreements with respect to the evaluation procedures for bargaining unit members that affects the parties CBA, and in that regard, desire to memorialize their agreements pertaining to same;

WHEREAS, the parties intend to amend their current CBA as set forth hereinafter, and further intend that all remaining sections of the CBA, that are not inconsistent herewith, shall remain in full force and effect;

NOW THEREFORE, IT IS HEREBY AGREED by and between the Board and the Association that the following language shall constitute their Agreement as it relates to this matter:

1. Any bargaining unit member who was missing an evaluation component required by the CBA or Ohio Rev. Code (e.g. observation/walkthrough/student growth measure) shall be considered to have an incomplete evaluation for the 2019-2020 school year with Covid-19 marked as the excuse code in ETPES.
 - A. Any bargaining unit member may complete a missing evaluation component by agreeing to complete the component remotely.
 - B. The district will complete all incomplete components by May 22, 2020 and provide the written report to the bargaining unit member no later than May 29, 2020 for those members not exempt due to Covid-19.
2. Any bargaining unit member with an incomplete evaluation during the 2019-2020 school year shall be subject to a complete evaluation cycle during the 2020-2021 school year, in compliance with the requirements of the CBA and Ohio Rev. Code. The Student Growth Measure (SGM) for all OTES 1.0 (if used) teachers being evaluated in 2020-2021 shall be student learning objectives (SLO) or other locally determined and mutually agreed upon student assessment(s).

3. Any bargaining unit member who had an incomplete evaluation shall retain their previous evaluation rating until they have completed a full evaluation cycle, as defined by the CBA and Ohio Rev. Code.
4. No bargaining unit member may be non-renewed, placed on an improvement plan, or otherwise deprived of any professional advantage due to an incomplete evaluation for the 2019-2020 school year.
5. Any bargaining unit member whose evaluation cycle contains all the components required by the CBA and Ohio Rev. Code may, at the employee's option, be considered a complete evaluation. The employee shall not be subject to an evaluation in the 2020-2021 school year, except as required by the CBA or Ohio Rev. Code. Should the employee choose to consider their evaluation cycle complete, the Board retains its right to make employment decisions using the summative evaluation rating, pursuant to the terms of the CBA and Ohio Rev. Code, and shall do so no later than June 1, 2020.
6. The terms and conditions of employment and/or the modification or deletion of current CBA provisions impacted by the implementation of OTES 2.0 shall remain a subject of negotiation between the Board and Association. This provision shall expire upon the implementation of OTES 2.0.

The parties agree the terms of this MOU are not intended to create a case precedent or form the basis of a past practice between or among the parties.

This MOU shall automatically expire at such time as all bargaining unit members who had an incomplete evaluation under the terms of this agreement have received a summative evaluation rating pursuant to the provisions of the CBA and Ohio Rev. Code.

For the Association

For the Board of Education

BY:_____

BY:_____