

**ORANGE COUNTY
BOARD OF EDUCATION
AGENDA ITEM ABSTRACT**

Meeting Date: November 21, 2011

**AGENDA
ITEM No.** 11-11-(2)-08
ACTION ITEM: (Y/N) Y

SUBJECT: Evaluations and Improvement Plans Policy # 7810 Revised – 2nd Reading Approval

INFO. CONTACT: Ms. Marcie Holland **PHONE:** 919-732-8126

ATTACHMENT: 1. Evaluations and Improvement Plans Policy # 7810 Revised
2. Action Plans for Licensed Employees Policy # 7811

PURPOSE: The purpose of this item is to replace the current policies on evaluation of licensed employees and action plans for licensed employees.

BACKGROUND: During the most recent legislative session, the General Assembly made substantial revisions to the teacher tenure law. Specifically, the new law removed the requirement for an action plan for teachers identified as not meeting performance standards and replaces it with a mandatory improvement plan.

The recommended new Policy # 7810 is to revise the current policy in place and to replace the Action Plans for Licensed Employees Policy # 7811. Because improvement plans, including the new mandatory improvement plans, are tied directly to the employee evaluations, counsel recommends one policy.

The recommended policy updates and clarifies the evaluation requirements for probationary and career status teachers, including the abbreviated evaluation process adopted by the State Board of Education for career status teachers in their formative years.

This revised policy has been recommended by counsel, Jonathan Blumberg, Tharrington-Smith, LLP.

This policy was presented for first reading and approved by the Board on November 7, 2011 and is being presented for second reading approval.

FINANCIAL IMPACT: None.

RECOMMENDATION: The Superintendent recommends the Board of Education approve the revised Evaluations and Improvement Plans Policy #7810 for 2nd Reading Approval and the deletion of Policy # 7811 Action Plans for Licensed Employees.

EVALUATIONS AND IMPROVEMENT PLANS

Date Reviewed/Approved:
12/07/2009

Policy Number: 7810

Rescinds Policy Number: GBI

Issued: 08/12/1985, 06/21/2004, 12/03/2007

Evaluations

Evaluation of licensed employees is a mandated duty and responsibility of the administration. The Superintendent is authorized to establish procedures for evaluating licensed employees. All teachers and other licensed staff shall be evaluated according to any rules and regulations established by the Superintendent and any rules and regulations required by law or by the North Carolina State Board of Education. School principals or other evaluators may supplement the evaluation process as appropriate.

Each person employed by the Orange County Board of Education and defined as a "teacher" by G.S. 115C-325(a)(6) shall be evaluated at least annually in accordance with law.

1. Probationary teachers will receive an evaluation by the principal on all standards on the teacher evaluation instrument every year. Career teachers will receive an evaluation on all standards in their license renewal year or when required by the superintendent, designee, or school principal. In any other year, career teachers will receive an evaluation on standards one, four, and six as specified by the State Board of Education.
2. All probationary teachers shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher. Teachers with career status who are scheduled to receive an evaluation on all evaluation standards (summative cycle) will receive, at a minimum, one formal and two informal observations. Teachers with career status who are scheduled to receive an evaluation on standards one, four and six (abbreviated evaluation) shall receive a minimum of two informal observations (a minimum of 20 minutes in the classroom) by the principal or designee.
3. All licensed employees assigned to a school that has been identified as low-performing, but has not received an assistance team, shall be evaluated at least once annually. This evaluation shall occur early enough during the school year to provide adequate time for the development of a mandatory improvement plan if one is needed. If the employee is a teacher as defined under G.S. 115C-325(a)(6), the principal, assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-334 shall conduct the initial evaluation.

Improvement Plans

Any certified employee who receives a not demonstrated, developing, below standard, or unsatisfactory rating on an evaluation shall be placed on an improvement plan to address concerns about the employee's performance, unless the employee is recommended for dismissal, demotion or nonrenewal. An improvement plan also may be used whenever appropriate to address performance concerns.

1. The improvement plan shall contain a statement of the employee's performance problem(s) and list specific expectations for improvement. The supervisor may consider input from the certified employee in developing the plan.
2. The improvement plan shall provide for periodic review of the employee's performance in meeting the objectives of the action plan.

3. If the employee's performance fails to meet expectations stated in the plan, the Superintendent and the employee's supervisor shall decide whether to recommend that the employee be dismissed, demoted or nonrenewed.
4. An employee's compliance with the improvement plan is mandatory.
5. An improvement plan constitutes a warning to the employee that the employee must improve his or her performance in order to continue working for the school system.
6. This policy does not limit the Superintendent's authority to recommend dismissal for any reason allowed by law.
7. The improvement plans for teachers are as follows:

Monitored Growth Plans

The Superintendent, designee, or principal may place a teacher on a Monitored Growth Plan at any time to address performance concerns. A teacher shall be placed on a Monitored Growth Plan whenever he or she:

- A. Is rated "Developing" on one or more standards on the Teacher Summary Rating Form; and
- B. Is not recommended for dismissal, demotion, or nonrenewal.

A Monitored Growth Plan shall, at a minimum, identify the standards and elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve proficiency, and a timeline.

Directed Growth Plans

The Superintendent, designee, or principals may place a teacher on a Directed Growth Plan to address serious performance concerns or when the teacher does not consistently demonstrate proficient performance while on a Monitored Growth Plan. A teacher shall be placed on a Directed Growth Plan whenever he or she:

- A. Is rated "Not Demonstrated" on any standard on the Teacher Summary Rating Form; or "Developing" on one or more standards on the Teacher Summary Rating Form for two sequential years; and
- B. Is not recommended for dismissal, demotion, or nonrenewal.

A Directed Growth Plan shall, at a minimum, identify the standards and elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve proficiency, and a timeline.

Mandatory Improvement Plan

If the school system retains the employment of a teacher who is not proficient in all standards, the teacher has a duty to demonstrate significant and sustained improvement to attain proficient performance on a Monitored Growth Plan or a Directed Growth Plan. A Monitored and/or Directed Growth Plan provide a teacher ample opportunity to attain proficient performance. In order to assure that students receive quality instruction, a teacher who has not attained proficient performance with the benefit of a Monitored and/or Directed Growth plan ordinarily will be recommended for dismissal. In extraordinary situations, the superintendent or designee has the discretion to retain a teacher who has not demonstrated proficient performance despite the benefit of a Monitored and/or Directed Growth Plan, in which case the teacher will be placed on a Mandatory Improvement Plan. Before placing a teacher on a Mandatory Improvement Plan, the superintendent or designee must determine that a Monitored or Directed Growth Plan will not adequately address the deficiencies in the teacher's performance.

A Mandatory Improvement Plan will provide the teacher with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided the teacher so that the teacher, within a specified period of time, will satisfactorily resolve such deficiencies. The teacher on a Mandatory Improvement Plan will receive an observation from a "qualified observer" in accordance with law. Mandatory Improvement Plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year.

8. Employees in low-performing schools: If a licensed employees in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a Mandatory Improvement Plan or (ii) the superintendent recommend that the employee be dismissed or demoted. The superintendent shall determine whether to develop a Mandatory Improvement Plan or recommend dismissal. If the superintendent recommends a Mandatory Improvement Plan, then:
 - a) The improvement plan shall be developed by the person who evaluated the employee or by the employee's supervisor. If, however, the evaluation was conducted by an assistance team, the team shall develop the plan in collaboration with the employee's supervisor.
 - b) The improvement plan shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The teacher does not have a right to an observation by a qualified observer.
 - c) Upon completion of the improvement plan, the superintendent, superintendent's designee, or assistance team shall reevaluate the employee. At that time, if the employee has failed to become proficient in any of the performance standards articulated in the Mandatory Improvement Plan, or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed or demoted.

Inadequate Performance

This policy does not create any additional rights for teachers and a teacher has no right to a Monitored or Directed Growth Plan or a Mandatory Improvement Plan. A teacher is subject to dismissal for any of the grounds set forth by law including "inadequate performance." Inadequate performance shall mean (i) the failure to perform at a proficient level on any standard of the evaluation instrument or (ii) otherwise performing in a manner that is below standard. However, for a probationary teacher, a performance rating below proficient may or may not be deemed adequate at that stage of development by a Superintendent or designee. For a career teacher, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument that the teacher is making adequate progress toward proficiency given the circumstances.

9. The Superintendent is authorized to develop procedures to enforce this policy.

Legal References: G.S. 115C-333, -333.1, -325, -334, TCP-C-004, SBE Requirement for Annual Teacher Evaluation, SB 466 (E3)

Adopted: February 7, 2005

Amended: September 12, 2011

ACTION PLANS FOR LICENSED EMPLOYEES

Date Reviewed/Approved: 1/19/2010

Policy Number: 7811

Rescinds Policy Number:

Issued: 01/19/1999, 04/19/2004, 12/03/2007

The Board expects all licensed employees to maintain high levels of performance. If employees are not meeting these standards, then the superintendent and administrative staff will address any identified performance deficiencies through appropriate means, including placing the employee on an action plan when required by state law, state policy or local policy or when otherwise deemed necessary.

A. ACTION PLANS REQUIRED

Unless the Superintendent chooses to recommend dismissal, demotion or nonrenewal of a poorly-performing tenured teacher, the Superintendent or designee shall require administrative staff to develop and implement an action plan or plan for improvement of performance for each tenured teacher who receives a below standard or unsatisfactory rating on a performance evaluation. Unless otherwise established by legal authority, the Superintendent shall establish criteria that will be deemed evidence of a "below standard" or "unsatisfactory" rating on a performance evaluation.

B. DISCRETIONARY ACTION PLANS

Nothing in the policy shall limit the Superintendent's authority to place an employee on an action plan or other plan of improvement at any time deemed necessary, including when (1) a monitored or directed growth plan is not mandated under State Board policy, or (2) an action plan is not mandated under this policy.

C. ACTION PLAN COMPONENTS

1. **Dual Plans:** A plan that is intended to serve as both an action plan and a monitored or directed growth plan must meet the requirements set by the State Board. The Superintendent may require additional components beyond those required by the State Board, such as those listed below.
2. **Separate Action Plans:** An action plan that is not intended to serve a dual role as a monitored or directed growth plan, whether required by law or discretionary, must include the following components:
 - a. **Identification of Deficiencies:** All performance deficiencies identified in the employee's evaluation shall be identified and addressed on the action plan.
 - b. **Performance Expectations:** For each problem identified, the plan must include a statement of the expected level of performance.
 - c. **Strategies:** The action plan must set forth a strategy or strategies designed to correct each identified deficiency. Strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance. They should also identify all individuals responsible for implementing the plan.
 - d. **Dates for Monitoring and Completion:** The plan must include dates upon which the employee's progress under the plan will be reviewed and the date by which the performance is to be improved to the expected level. Action plans required by this policy shall be drafted to be completed within 90 instructional days or before the beginning of the next school year.

D. REEVALUATION REQUIRED

Upon completion of an action plan required under this section, the Superintendent or the Superintendent's designee shall reevaluate the employee and determine whether the employee's performance has improved to "at standard" levels in all areas. If not, it is expected that the superintendent will move to dismiss, demote or transfer the employee to a position in which the employee can be successful. However, if the Superintendent determines that the employee's continuing performance problems are not adversely impacting student learning or the school environment or that the employee is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable time then the Superintendent may choose not to recommend dismissal, demotion or transfer. If an employee is retained in his/her position after two poor evaluations, he/she shall be given an additional action plan and reevaluated in accordance with this policy.

E. SPECIAL PROVISION RELATING TO ACTION PLANS FOR LICENSED EMPLOYEES IN LOW PERFORMING SCHOOLS

1. Licensed employees assigned to a low-performing school must be put on action plans as described in Sections A, C and D above.
2. However, if a licensed employee in a low-performing school receives a below standard or unsatisfactory rating on any function of his/her evaluation that is related to the employee's instructional duties, then the following additional provisions apply:
 - a. The person who directly supervises the employee, or the person or group who completed the evaluation shall be responsible for drafting the required action plan for the employee. Assistance or assessment teams must collaborate with the employee's supervisor in developing an action plan.
 - b. Upon reevaluation, after completion of the action plan, the employee shall be dismissed if he/she receives one unsatisfactory or more than one below standard rating on any function that is related to the employee's instructional duties.

Unless otherwise established by legal authority, the Superintendent shall develop procedures that identify the standards of the evaluation instrument that are related to instructional duties for the purposes of compliance with this subsection. The Superintendent shall develop any other procedures necessary to carry out the board's directives.

Legal Reference: G.S. 115C-333 , State Board of Education Policy TCP -C-004

Cross References: Evaluation of Licensed Employees (Policy 7810)