

Memorandum of Understanding

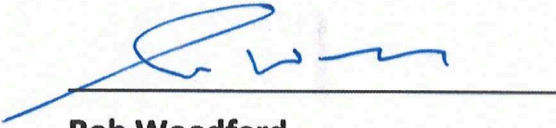
Kennewick School District / Kennewick Education Association
Agreements to Changes in the Collective Bargaining Agreement

Changes to Growth Goals in Evaluations / Language Cleanup

The Kennewick School District and the Kennewick Education Association agree to the language changes in this document relating to Growth Goals in the Teacher and Principal Evaluation Pilot (TPEP) evaluation section of the collective bargaining agreement (CBA).

During the 2024-25 school year, the District and Association will use the updated language below to conform to changes required by the Washington State Office of the Superintendent of Public Instruction (OSPI) for the 2024-25 school year.

All provisions of this Memorandum of Understanding (MOU) will remain in effect during the 2024-25 school year.



Rob Woodford
President, Kennewick Education Association



Dr. Tom Brillhart
Assistant Superintendent of Operations
Kennewick School District

Date: 11/19/24

Date: 11/19/2024

Article IX – Evaluation

Section 1: Definitions

In this section, “Classroom Teacher” means a certificated employee who provides academically-focused instruction to students. “Academically-focused” means the teacher plans or modifies instruction, instructs students, and monitors student progress.

“Classroom Teacher” does not include ~~ESAs, Counselors, Librarians, Psychologists, TOSAs, SLPs, OT/PTs, Nurses, Lifeskills, Autism, Tier II Behavior, Structured Learning, ESI Specialists, Media Specialists, TOSAs, Instructional Coaches, Curriculum Specialists,~~ and other bargaining unit members who do not work with or assign grades to regularly recurring and specifically defined groups of students **who do not fit the definition above.**

Bargaining unit members who do not meet this definition will remain in the previous evaluation system, as defined elsewhere in this CBA. Specific evaluation forms are in the Appendix of this CBA.

Criteria: one (1) of the eight (8) State-defined categories to be scored.

Component: one (1) of the 22 areas in Danielson’s four (4) domains.

Evaluator: a certificated administrator trained in observation, evaluation, inter-rater reliability, and the use of the specific instructional framework and rubrics in this CBA and relevant State or Federal requirements. The evaluator will assist the employee by providing support and resources.

Artifacts: products generated, developed, or used by a certificated employee. Artifacts should not be created specifically for the evaluation system. Tools or forms used in the evaluation process may be considered artifacts.

Observe or Observation: the gathering of evidence made during classroom or worksite visits or other visits, work samples, or conversations that provide evidence of performance of assigned duties, to examine evidence over time against the instructional or leadership framework rubrics. In the Comprehensive Evaluation, two (2) 30-minute observations are required. Audio or video recordings can’t be made without prior knowledge and written approval from the employee.

Evidence: examples or observable practices of the employee’s ability and skill in relation to the instructional framework rubric. Evidence collection is not intended to mirror a National Board’s portfolio. It is a sampling of data to determine the level of performance. It should be **a natural harvest of the work** gathered during the normal course of employment. Documentation related to students and parents may be submitted by the employee as evidence.

Plan of Support: a voluntary plan to assist an employee to address identified problems during the evaluation cycle.

Plan of Improvement: a mandatory plan based on the summative score at the end of the evaluation cycle, to be implemented the following year.

Not Satisfactory:

Level 1: Unsatisfactory – receiving a summative score of 1 is not considered satisfactory performance for employees.

Level 2: Basic – if the classroom teacher is on a continuing contract with more than five (5) years of teaching experience, and if a summative score of 2 has been received two (2) years in a row or two (2) years within a consecutive three-year period, the teacher is not performing at a satisfactory level.

Student Growth: the change in student achievement between two (2) points in time during a school year. **While employees still collect and analyze a variety of student learning evidence to see which students made growth and how much, the emphasis is on how employees reflect on and use that information.**

Student Growth Data: relevant multiple measures that can include classroom-based, school-based, and District-based tools **authentic to the learning goal and embedded in the instruction and learning activities designed for the unit of study or planned growth experience.** Assessments, **both formative and summative,** used to demonstrate growth will be selected by the classroom teacher and agreed on by the evaluator. Percentages will not be required by the evaluator as a measurement standard for student growth. ~~Student growth goals without specific percentages will default to the State criteria that more than 50% of students will show growth for the teacher to be Proficient.~~

Student Growth Evidence: a natural harvest of a variety of student learning evidence, including formative and summative assessments gathered during the normal course of employment and analyzed to determine levels of student growth and how the employee reflects on and uses that information to make decisions about next steps for students' learning.

Student Growth Score: the score derived through conversation between the employee and evaluator and evaluation of all information and evidence related to the Growth Goal, based on the Student Growth Goal rubrics.

~~Distinguished: the significant majority of students meet the growth goal with consideration of limiting factors, to be discussed by the employee and principal.~~

Section 2: State Criteria, Framework, and Scoring

The purpose of this evaluation system is to help employees with their professional growth. Evaluators will assume all employees are Proficient. When evaluating, evaluators will look at the requirements for Proficient and move in either direction based on the evidence. Quality of evidence will be favored over quantity of evidence.

The State evaluation criteria are:

- centering instruction on high expectations for student achievement;
- demonstrating effective teaching practices;
- recognizing individual student learning needs and developing strategies to address those needs;
- providing clear and intentional focus on subject matter content and curriculum;
- fostering and managing a safe, positive learning environment;
- using multiple data elements to modify instruction and improve student learning;
- communicating and collaborating with parents and the school community; and
- exhibiting collaborative and collegial practices focused on improving instructional practices and student learning.

Instructional Framework

The parties have agreed to the adopted evidence-based instructional framework developed by Charlotte Danielson and approved by OSPI.

Summative Performance Scoring

If the evaluator and employee can't agree on a summative score, the employee may request an alternative evaluator to analyze the evidence, using the rubric. The summative score is determined by:

- 1) The performance rating for each of the eight (8) State evaluation criteria is determined by combining the component score(s) and the student growth scores for criteria 3, 6, and 8. The score for each ~~criteria~~ **criteria** is determined by weighing all the evidence and/or artifacts collected, ~~considering growth over time~~, and comparing the current performance to the rubric.

- 2) Evaluators add up the raw score on these criteria and the employee is given a score of Unsatisfactory, Basic, Proficient, or Distinguished, based on these scores:

08-14	Unsatisfactory
15-21	Basic
22-28	Proficient
29-32	Distinguished

- 3) Five (5) components are designated as student growth components and are embedded in the instructional framework. These components are in the criteria as SG 3.1, SG 3.2, SG 6.1, SG 6.2, and SG 8.1. Evaluators add up the raw score on these components and the employee is given a score of Low, Average, or High, based on these scores:

05-12	Low
13-17	Average
18-20	High

- 4) ~~The default definition of student growth is more than 50% of the students meeting the goal.~~ If an employee receives a Distinguished summative score and a Low student growth score, he or she is automatically moved to the Proficient level for his or her summative score.

A Low Student Growth Rating

Within two (2) months of receiving the Low student growth score, or at the beginning of the following school year, one (1) or more of the following must be initiated by the evaluator, following a discussion with the employee:

- examine student growth data with other evidence (including observation, artifacts, and student evidence) ~~and additional levels of student growth based on classroom, school, and District tools~~ **of reflection on the learning process and the extent employees use that reflection to adjust their instruction**
- examine extenuating circumstances, potentially including student attendance, class size, sufficient availability of supplies and equipment for the instructional program, physical learning environment, preparation time, administrative support, student behavior/discipline, curriculum/assessment alignment, and other factors that may have contributed to an Unsatisfactory score
- schedule monthly conferences with the evaluator to discuss and/or revise goals, progress

- toward meeting goals, and best practices
- create and implement a professional development plan to address student growth areas

Applicability

~~This evaluation system only applies to classroom teachers, specifically employees with an assigned group of students who provide academically focused instruction and grades for students.~~

Those employees not using the Focused or Comprehensive evaluation will be evaluated using the evaluation form for their particular job.

Professional Development

Evaluative criteria, procedures, and forms will be distributed and explained to all employees in a general meeting at the building level **prior to the first observation and evaluation, on or before September 30**. At that time employees will also be notified whether they will be evaluated using the Comprehensive or Focused evaluation. An **newly-assigned** employee ~~newly assigned to a building~~ must have the evaluation tool explained before an observation and evaluation occur. Evaluation forms are in the Appendix of this CBA.

Procedural Components of Evaluation

The building administrators, principal, and/or assistant principal(s) will be designated evaluator(s) for all employees assigned to the building. No employee will be evaluated by an evaluator who has not been trained in observation, evaluation, and the use of the specific instructional framework and rubrics in this CBA and relevant State or Federal requirements. Each year, the District will provide the Association with evidence of the content, and successful completion of, this training for each observer or evaluator **before he or she evaluates bargaining unit members**.

Prior to the completion of the evaluation report, the evaluator will perform the required observations of the employee in a formal teaching setting. The time for at least one (1) of the observations will be pre-determined by the evaluator and the employee. Unless consent is given by the employee, an employee who has received a 1 or a 2 in a ~~criteria~~ **criteria** in a previous observation will not be observed on half-days, late start days, the day before winter or spring break, or on days with assemblies or a modified schedule. Each regular observation will be at least 30 minutes long, and only bargained evaluation forms will be used.

In addition to observing, the evaluator and ~~the~~ employee will be jointly responsible for the collection of evidence and artifacts necessary to complete the evaluation. An employee may be asked to provide evidence or artifacts ~~that are~~ reasonable and sufficient to aid the evaluator when information is not easily observable or available to the evaluator. Evaluators may not mandate arbitrary numbers or types of evidence and artifacts.

An employee receiving an Unsatisfactory may contact the Association for counsel and advice and include Association representation in the evaluation process.

On request, employees may be assigned an alternative evaluator. Requests must be submitted **by October 1** to the Association President and include a specific reason for the change.

Section 3: Comprehensive Evaluation

A Comprehensive Evaluation will include all eight of the State criteria. An employee eligible for a Focused Evaluation must complete a Comprehensive Evaluation once every six (6) years.

Pre-Observation Conference

The pre-observation conference will be held **prior to each formal observation**. The employee and evaluator will agree when to conference. The purpose of the pre-observation conference is to discuss the employee's goals, establish a date for the formal observation, and discuss matters like the professional activities to be observed, the content, the objectives, the strategies, and the observable evidence to meet the scoring criteria.

Formal Observations

The first of at least two (2) formal observations for each employee will be conducted **within the first 90 days of the school year**. The first observation will be prearranged with the employee. The employee may request additional observations. The total annual observation time can't be fewer than 60 minutes. A formal observation will not be less than 30 minutes.

Third-year provisional employees must be observed three (3) times, for a total of no less than 90 minutes.

Observations will occur **no later than 10 days after the pre-observation meeting**.

Unless consent is given by the employee, an employee who has received a 1 or 2 in a ~~criteria~~ **critierion** in a previous observation will not be observed on half-days, late-start days, the day before winter or spring break, or days with assemblies or a modified schedule. Each regular observation will be at least 30 minutes long.

The evaluator will document all formal observations using the negotiated form and provide copies to the employee **within three (3) working days**.

Second formal observations will occur **no sooner than six (6) weeks after the first formal observation** and, ideally, in different semesters or trimesters, so that reasonable time can be provided for continuing professional growth. The observation will occur **no later than 10 working days after the pre-observation meeting**.

The final formal observation will occur **prior to May 10**, unless the employee is on probation, when timelines under the Probation section must be followed.

All observations will be conducted openly. Audio or video recordings will not be made without the prior knowledge and written approval of the employee.

Informal Observations

An informal observation is a documented observation of no less than 10 minutes that is not required to be pre-scheduled. Additional informal observations may be necessary to collect additional evidence.

An evaluator may conduct any number of informal observations.

Informal observations do not have to be in the classroom. Department or collegial meetings may be used for informal observations.

Documentation will be provided to the employee **within three (3) working days of the informal observation**. Documentation must identify areas of concern, if any.

After an informal observation, an employee may request a conference to discuss the informal observation.

Post-Observation Conference

The post-observation conference between the evaluator and employee will be held **no later than 10 working days after the formal observation**.

The purpose of the post-observation conference is to review the evaluator's and employee's evidence related to scoring criteria from the observation and discuss the employee's performance.

If there is an area of concern, the evaluator will identify specific concerns for the applicable component and provide possible solutions in writing to remedy the concern. The evaluator must include a clear description of the problem, a detailed recommendation or recommendations for improvement, and specific acceptable levels of performance, as per the language in the framework.

At this time, the employee has the right to provide additional evidence for each scored component. This evidence must be given appropriate weight and consideration in scoring the component(s).

Final Summative Evaluation Conference

No later than May 25, or prior to May 15, if the employee is to receive a score below Proficient, the evaluator and employee will meet to discuss the employee's final summative score. The final summative score, including the student growth score, must be determined by an analysis of evidence that is a holistic assessment of the employee's performance over the course of the year. If the employee is on probation, the timelines under the Probation section must be followed.

Annual evaluations will be based on all classroom observations and evidence collected for that year. Evidence may be collected **at the beginning of the evaluation cycle**, which commences **the day after school is dismissed and ends May 1 of the following school year**.

The evaluator must be able to justify the score by comparing the evidence (or lack thereof) to the rubric for each criterion.

The employee may provide a list of factors limiting his or her performance, which the evaluator must consider **prior to assigning the final summative score**. Factors may include, but are not limited to:

- class size, in accordance with this CBA
- sufficient availability of supplies and equipment for the instructional program
- Adequate physical facilities and location to accommodate the learning environment, as necessitated by the area of instruction being taught
- preparation time for employees, in accordance with this CBA
- administrative support dealing with disciplinary problems, in accordance with this CBA

Employees will not be marked down in subject areas for which they are not endorsed or certificated.

The employee will sign three (3) copies of the Summative Evaluation. Distribution of the final evaluation form will be: one (1) to the employee, one (1) to the evaluator, and one (1) to the

personnel file. The signature of the employee does not necessarily imply the employee agrees with its contents. The employee may attach written comments to observations and to the final annual evaluation report and may seek relief through the grievance procedure. An employee receiving an Unsatisfactory may write a rebuttal, which will be attached to the observation report.

Only the final evaluation form and rebuttal, if any, is placed in the employee's personnel file. All other documents remain in the working files at the school.

Comprehensive Evaluation Timeline

An employee will complete the self-assessment form and share it with his or her supervisor **no later than September 30**.

Employees will meet with their supervisors to review their goals for the criterion areas **by October 31**.

Employees will arrange an initial student growth goal-setting conference with their evaluators **between October 31 and the first Friday in December**. Student growth goals for criteria 3, 6, and 8 will be proposed by the employee and agreed on by the evaluator ~~during the goal-setting conference, to be held no later than October 31~~ during this conference. This does not preclude employees from including their student growth goals at the time of the criteria goal conference.

Employees will be provided with more than one opportunity to design and implement a student Growth Goal. If the employee requests it, additional goals may be designed, and a follow-up goal-setting conference held. Goal setting for additional goals must be completed **no later than the last Friday in February**.

Critical attributes of student growth descriptions may be used by employees to aid in designing goals and in discussions with their evaluators. Critical attributes, however, are intended to provide clarity for terms that appear in the rubric, and the bullets in the descriptions will not be used as a checklist of requirements.

The first formal observation **will be completed by December 1**. Pre- and post-observation conferences should take place after each formal observation.

A ~~final student growth~~ **Goal Conference summary** will be ~~due to~~ held with the employee's supervisor **on or before April 30**. The supervisor and employee will discuss the growth students made, but the focus of the conversation will be the employees' analysis of what their students' learning tells them about students' next steps, and their own.

The final observation will be completed **by May 10**.

The final evaluation will be completed **by May 25 or prior to May 15** if the employee is to receive a score below Proficient.

If an employee is on probation, the timelines under the Probation section must be followed.

Section 4: Focused Evaluation

The Focused Evaluation is used when an employee is not evaluated using the Comprehensive Evaluation process and will include evaluation of one (1) of the eight (8) State criteria.

If a non-provisional employee has scored at Proficient or higher the previous year, he or she may choose to be evaluated using the Focused Evaluation. The employee may remain on Focused Evaluations for five (5) years before returning to the Comprehensive Evaluation.

A summative score is assigned using the summative score from the most recent Comprehensive Evaluation. This score becomes the Focused summative score for subsequent years. Should an employee provide evidence of exemplary practice on a Focused Evaluation criterion, a level 4 (Distinguished) score may be awarded by the evaluator.

All observations will be conducted openly. Audio or video recordings will not be made without the prior knowledge of, and written approval from, the employee.

Process for Focused Evaluation

The employee or the evaluator can initiate a move from the Focused Evaluation to the Comprehensive Evaluation. A decision to move an employee from a Focused Evaluation to a Comprehensive Evaluation must occur **within the first 60 days of the school year**.

The criterion area to be evaluated will be proposed by the employee and agreed on by the evaluator during the **crit**erion goal-setting conference, **to be held no later than October 31**.

If the employee chooses criterion 3, 6, or 8, he or she must complete the corresponding student growth components, **following the Focused Evaluation timeline**.

If the employee chooses criterion 1, 2, 4, 5, or 7, he or she must also complete the student growth components in criterion 3 or 6, **following the Focused Evaluation timeline**.

Visits, work samples, or conversations that allow for the gathering and examining of evidence over time against the instructional framework rubrics may be considered an observation.

Informal Observations

An informal observation is a documented observation of no less than 10 minutes that is not required to be pre-scheduled. Additional informal observations may be necessary to collect additional evidence.

An evaluator may conduct any number of informal observations.

Observations do not have to be in the classroom. Department or collegial meetings may be used for informal observations.

A copy of the documentation will be provided to the employee **within three (3) days of the informal observation**. Documentation must identify areas of concern, if any.

After an informal observation, an employee may request a conference to discuss the informal observation.

A mid-year conference is required to provide feedback on goal and criterion progress.

A group of employees may focus on the same evaluation criterion and share professional growth activities. This collaboration should be initiated by the employees, and no individual will be required to work on a shared goal.

Final Summative Evaluation Conference

No later than May 25, or prior to May 15 if the employee is to receive a score below Proficient, the evaluator and employee will meet to discuss the employee's final summative

score. The final summative score, including the student growth score, must be determined by an analysis of evidence. This analysis will be a holistic assessment of the employee's performance over the course of the year.

Annual evaluations will be based on all classroom observations and evidence collected for that year. Evidence may be collected at the beginning of the evaluation cycle, which commences **the day after school is dismissed and ends May 1 of the following school year.**

The evaluator must be able to justify the score by comparing the evidence (or lack thereof) to the rubric for each criterion.

The employee may provide a list of factors limiting his or her performance that the evaluator will consider **prior to assigning the final summative score.** Factors may include, but are not limited to:

- **class size, in accordance with this CBA**
- **sufficient availability of supplies and equipment for the instructional program**
- **adequate physical facilities and location to accommodate the learning environment, as necessitated by the area of instruction being taught**
- **preparation time for employees, in accordance with this CBA**
- **administrative support in dealing with disciplinary problems, in accordance with this CBA**
- **evaluation for employees in their endorsement areas**

The employee will sign three (3) copies of the final summative evaluation. Distribution of the final evaluation ~~criteria~~ **critera** form will be: one (1) to the employee, one (1) to the evaluator, and one (1) to the personnel file. The signature of the employee does not necessarily imply the employee agrees with its contents. The employee may attach written comments to observations and to the final annual evaluation report and may seek relief through the grievance procedure.

An employee receiving an Unsatisfactory may write a rebuttal, which will be attached to the observation report.

Only the final evaluation form and rebuttal, if any, are placed in the employee's personnel file. All other documents remain in the working files at the school.

Focused Evaluation Timeline

~~During October,~~ Employees will meet with their supervisors, either as individuals or as grade level teams, to review goal(s) for their chosen **critera** focus area **by October 31.**

~~Employees complete and submit the final student growth goal form no later than October 31.~~

Employees will arrange an initial student growth goal-setting conference with their evaluators **between October 31 and the first Friday in December.** Student Growth Goals for **critera** 3, 6, or 8 will be proposed by the employee and agreed on by the evaluator during this conference. This does not preclude employees from including their student Growth Goals at the time of the **critera** conference.

Employees will be provided with more than one opportunity to design and implement a student Growth Goal. If the employee requests it, additional goals may be designed, and a follow-up goal-setting conference held. All goal setting for additional goals must be completed **no later than the last Friday in February.**

Critical attributes of student growth descriptions may be used by employees to aid in designing goals and in discussions with their evaluators. Critical attributes, however, are intended to provide clarity for terms that appear in the rubric, and the bullets in the descriptions will not be used as a checklists of requirements.

The first formal observation, if appropriate, will be completed by **December 1**. The observation may be held during PLC meetings, as appropriate to the criteria.

Pre- and post- conferences are not required for the ~~F~~ocused ~~E~~valuation process.

A final ~~S~~student ~~G~~Growth Goal conference ~~summary~~ will be held with the employee's ~~due to the~~ supervisor **on or before April 30**. The supervisor and employee will discuss the growth students made, but the focus of the conversation will be the employees' analysis of what their students' learning tells them about both students' next steps, and their own.

Final evaluation meetings with individuals or teams will be held **between May 10 and May 25**.

The ~~F~~final evaluation will be completed by **May 25 or prior to May 15** if the employee is to receive a score below Proficient.