



SCHOOL BOARD ACTION REPORT

DATE: March 29, 2020
FROM: Denise Juneau, Superintendent
LEAD STAFF: Clover Codd, Chief Human Resources Officer, clcodd@seattleschools.org

For Introduction: March 25, 2020
For Action: April 7, 2020

1. TITLE

Memorandum of Understanding with Seattle Education Association regarding Teacher Principal Evaluation Program (TPEP).

2. PURPOSE

This Board Action Report authorizes the Superintendent to enter into a Memorandum of Understanding with the Seattle Education Association that changes the Collective Bargaining Agreement in Article XI, Sections C.4 and G.1 to evaluate certificated employees with a continuing status every six (6) years on a Comprehensive Summative Evaluation cycle.

3. RECOMMENDED MOTION

I move that the School Board authorize the Superintendent to enter into a Memorandum of Understanding with the Seattle Education Association to replace the previous four (4) year cycle for comprehensive evaluations of certificated employees with continuing status, as outlined in Article XI, Sections C.4 and G.1 of the collective bargaining agreement to every six (6) years.

4. BACKGROUND INFORMATION

a. Background

In 2019, the Legislature made significant changes to RCW 28A.405.100, the law governing the four-level teacher and principal evaluation process (TPEP). The changes are outlined in a memo dated May 31, 2019 from the Office of the Superintendent of Public Instruction (OSPI). This memo is attached for reference. The specific change outlined in the memo and applicable to this Board Action Report is that, “with the exception of provisional teachers, principals in their first three years of employment as a principal, and any teacher or principal who received a comprehensive performance rating of Level 1 or 2 in the previous year, classroom teachers and principals must receive a comprehensive evaluation at least once every six years (previously four). In any focused year, either the evaluator or the evaluatee may still request a comprehensive evaluation cycle”.

Page 113 of the Collective Bargaining Agreement for Certificated Non-Supervisory Employees between Seattle Public Schools and the Seattle Education Association states that, “All contracted certificated employees must receive either a comprehensive evaluation or a focused evaluation annually. All certificated employees shall receive a comprehensive summative evaluation every four years”. Additionally, it states that, “All certificated classroom teachers must receive annual

performance evaluations as provided in section 12 of RCW 28A.405.100”. Given that RCW 28A.405.100 changed in late spring of 2019, the CBA change should have come forward as part of the larger negotiation package between SEA and SPS. Because that did not occur, the district needs to make the change via a MOU with SEA. Both Seattle Public Schools (SPS) and Seattle Education Association (SEA) support the adaptation of the MOU. The Principals’ Association also supports the change.

b. Alternatives

The Seattle School Board could decide to leave the CBA as it currently reads and wait to make any changes once the current CBA expires. Districts do have the authority to have a higher standard than the state RCW, but Districts must comply with the minimum expectations outlined by the state.

c. Research

HR with the consultation of legal researched other districts in Washington state, and all districts that we are aware of have transitioned (or are transitioning) to the six-year comprehension evaluation cycle. This was confirmed with outside counsel who bargain for many other school districts.

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action is N/A

The revenue source for this motion is N/A

Expenditure: ☐ One-time ☐ Annual ☐ Multi-Year ☒ N/A

Revenue: ☐ One-time ☐ Annual ☐ Multi-Year ☒ N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

☒ Not applicable

☐ Tier 1: Inform

☐ Tier 2: Consult/Involve

☐ Tier 3: Collaborate

7. EQUITY ANALYSIS

Making sure all certificated employees are evaluated each year, and providing specific feedback regarding teaching practice, is one of the key levers in making sure there is a high-quality teacher in every classroom. Research has proven that the quality of the classroom teacher is the most important in-school factor in student outcomes. This change will allow evaluators to spend more

time with provisional teachers who are required to be on the comprehensive cycle. The district's provisional teachers are more diverse than our veteran teachers, and this MOU will result in fewer teachers within a school on a comprehensive cycle in any given year. Too, the district a disproportionate number of provisional teachers in its Title I schools – this change will allow for more individualized coaching and support by principals and assistant principals in these schools. This MOU does not preclude an evaluator from requiring a teacher be evaluated on a comprehensive cycle during any year. The district has a provision in the Collective Bargaining Agreement that still allows any evaluator or evaluatee to request a comprehensive cycle of evaluation. This decision may not be grieved through the grievance process. What this means is that any time an evaluator believes a teacher should be moved from a focused cycle of evaluation to a comprehensive cycle of evaluation – that is allowable under the current SEA Collective Bargaining Agreement and this MOU does not change that provision.

8. STUDENT BENEFIT

Students will benefit from this change because principals will no longer be required to spend an inordinate amount of time completing the formal processes for a strong teacher on a comprehensive cycle – and allow for much more time to be spent with provisional teachers, or teachers who are struggling and need the deeper look into his or her practice. This is a welcomed change for principals, as it will allow them to spend time in classrooms where teachers need the intensive support. This results in an overall higher level of teaching practice in a given school, which is a direct correlation to increases in student learning.

9. WHY BOARD ACTION IS NECESSARY

- ☐ Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- ☐ Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- ☐ Adopting, amending, or repealing a Board policy
- ☐ Formally accepting the completion of a public works project and closing out the contract
- ☐ Legal requirement for the School Board to take action on this matter
- ☐ Board Policy No. _____, [TITLE], provides the Board shall approve this item
- ☒ Other: Change to 2019-2022 SEA Collective Bargaining Agreement

10. POLICY IMPLICATION

The School Board approves collective bargaining agreements under Board Policy No. 5020, Collective Bargaining.

11. BOARD COMMITTEE RECOMMENDATION

This motion was not discussed in committee due to the cancellation of the Executive Committee meeting on March 18, 2020.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, Human Resources department will sign a MOU and communicate this change to PASS and SEA staff.

13. ATTACHMENTS

- Draft Comprehensive Cycle MOU (for approval)
- OSPI Bulletin – May 31, 2019 (for reference)

MEMORANDUM OF UNDERSTANDING
between
SEATTLE SCHOOL DISTRICT No. 1
and
THE SEATTLE EDUCATION ASSOCIATION

Regarding: Six (6) Year Comprehensive Evaluation Cycle

This Memorandum of Understanding ("MOU") is entered into between Seattle School District No. 1 ("District"), the employer of non-supervisory certificated employees, and the Seattle Education Association (SEA), the exclusive representative of non-supervisory certificated employees of the District. These provisions are effective with the 2019-2020 school year.

Seattle Education Association and the District are in agreement as to the following:

- Every six (6) years every certificated employee with continuing status must receive a Comprehensive Summative Evaluation.
- This six (6) year cycle replaces the previous four (4) year cycle outlined in Article XI, Sections C.4 and G.1 of the collective bargaining agreement.

All other provisions of the collective bargaining agreement related to a return to a comprehensive evaluation for certificated employees remain in place.

Dated, ____ day of April 2020.

Denise Juneau, Superintendent

Clover Codd, Chief Human Resources Officer

Yvette De La Cruz, Executive Director Seattle Education Association



Office of Superintendent of Public Instruction Bulletin Comprehensive Cycle

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For questions and more information about this document, please contact the following:

Clover Codd
Chief Human Resources Officer/Human Resources
Ccodd@seattleschools.org

This is a copy of the Office of Superintendent of Public Instruction Bulletin No. 031-19 stating the 2019 Legislature change to RCW 28A.405.100 governing the revised, four level teacher and principal evaluation process.



Office of Superintendent of Public Instruction
Chris Reykdal, State Superintendent

*All students prepared
for post-secondary pathways,
careers, & civic engagement.*

May 31, 2019

(X) Action Required
Due date: June 30, 2019
(X) Informational

BULLETIN NO. 031-19 EDUCATOR GROWTH AND DEVELOPMENT

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School District Human Resource Managers

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Changes to Teacher and Principal Evaluation Processes and Required Survey

CONTACT: Sue Anderson, Director, Educator Effectiveness
360-725-6116, sue.anderson@k12.wa.us

PURPOSE/BACKGROUND

The 2019 Legislature made significant changes to [RCW 28A.405.100](#), the law governing the revised, four-level teacher and principal evaluation process (TPEP). These are captured in [Second Engrossed Substitute House Bill 1139](#) (Section 303), and in [Substitute Senate Bill 5689](#) (Section 4). These changes take effect immediately. In addition, the Office of Superintendent of Public Instruction (OSPI) is charged with collecting specific human resource information for a Legislative report. The survey link is provided below.

EVALUATION AND CERTIFICATION CHANGES

The following changes have been made to teacher and principal evaluation and certification processes:

- With the exception of provisional teachers, principals in their first three years of employment as a principal, and any teacher or principal who received a comprehensive performance rating of Level 1 or 2 in the previous year, classroom teachers and principals must receive a comprehensive evaluation at least once every six years (previously four). In any focused year, either the evaluator or the evaluatee may still request a comprehensive evaluation.
- The requirement of clock hours or professional growth plans specifically tied to TPEP for principal and teacher certificate renewal was removed.
- Language governing the roll-out of TPEP, now completed, was removed.
- The membership and tasks of the Steering Committee were renewed/updated.

- A teacher's evaluation may not be adversely impacted if the teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation, including gender expression or identity, so long as the subject matter is age-appropriate and connected to the teacher's content area.
- OSPI was charged with reporting on the required district use of evaluation data as at least one factor in human resource decisions; reports are due to the Legislature on December 1, 2019 and 2020. (See below for the short survey.)

These changes take effect immediately. In addition, a reduction in funding for TPEP will result in lower grants to districts through iGrant Form Package 664. Updated allocations will be provided in June.

SHORT HUMAN RESOURCE PRACTICES SURVEY

Per the changes in legislation cited above, OSPI is charged with reporting on district compliance with the requirement that TPEP evaluation scores be used as one of multiple factors in making human resource and personnel decisions (RCW 28A.405.100 (8)(a)). So that this report can be completed in a timely manner, Human Resource managers are asked to complete the short survey found at [HR and TPEP Survey](#) by June 30, 2019. This does not replace the School Employee Evaluation Survey (SEES), which will be released in a few weeks.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Sue Anderson, Director, Educator Effectiveness, at 360-725-6116 or email sue.anderson@k12.wa.us. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins and Memoranda](#) page of the OSPI website.

Michaela W. Miller, Ed.D., NBCT
Deputy Superintendent

Cindy P. Rockholt, NBCT
Assistant Superintendent
Educator Growth and Development

Sue Anderson
Director
Educator Effectiveness

BULLETIN NO. 031-19 EGAD

May 31, 2019

Page 3

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