

TENTATIVE AGREEMENT

Full Contract Negotiations

November 19, 2013

The Long Beach Unified School District and the Teachers Association of Long Beach have completed contract negotiations for the K-12 and CDC/Head Start bargaining unit members and, subject to ratification, have agreed to maintain the provisions of the current collective bargaining agreement, except as provided below. Unless otherwise noted, modifications apply to both the K-12 and CDC/Head Start Agreements.

A. SALARY: 3% increase to bargaining unit salary schedules, stipends, and rates of pay retroactive to July 1, 2013.

B. SHARED DECISION MAKING (K-12, Appendix G):

1. Unit members may apply for available grade level, teacher council representative, department head, or SLC lead teacher positions at their school site. Openings and the requirements of the positions will be posted by the site administrator on the designated staff bulletin board and emailed to all school faculty. To qualify for consideration, applicants must have received at least a satisfactory or effective rating in their most recent evaluation and meet the job description requirements.

The site administrator will identify the three top qualified candidates for each posted position based on the posting requirements. Thereafter, an election will be conducted at the site by unit members to determine which candidate will be selected. Selection will be based on a majority vote by affected bargaining unit members for a one-year term.

2. A joint Shared Decision Making Committee (SDMC) will be established during the 2013-2014 school year to collect evidence of current practices of site decision making and leadership teams from all school sites, and other external practices, to develop recommendations for the establishment of a best practice prototype. The prototype would be flexible enough to comport with current models that are working successfully but have different approaches in implementation. The Committee will be comprised of five (5) TALB-appointed members and five (5) District-appointed members. The recommendations of the Committee shall be submitted to the District and TALB on or before March 28, 2014.
3. A joint District-TALB Common Core Committee will collaborate on District and school-site issues relating to the implementation of the Common Core State Standards (CCSS), including providing recommendations on the expenditure of CCSS Implementation Funds, consistent with the District-adopted general plan for CCSS implementation.

The committee will include six (6) TALB-appointed members and six (6) District-appointed members. Meetings will occur as needed during the workday unless otherwise determined by the committee. Each party will appoint one member to jointly work on creating the agenda for committee meetings.

CCSS Implementation Fund spending decisions at the school site level will be made by the site administrator in collaboration with an existing site leadership team and an elected TALB site representative.

C. EVALUATION PROCEDURE (K-12, Article XII): Effective with the 2014-15 evaluation cycle.

1. Use the term "Action Plan" instead of "Objectives" in all forms and contract references (XII.E, XII, Section G.4, and Forms). Note: The parties agree that the new term "Action Plan" will have the same meaning as the term "Objectives" in the application of the evaluation process.
2. Delete reference to "Action Research" in Article XII, Section H.

3. In the application of the California Standards for the Teaching Profession (CSTP), the parties agree to use a four tier rating system as follows: "Distinguished, Effective, Developing, and Unsatisfactory." (Note: This replaces the current three tier rating system of "Satisfactory, Needs to Improve, and Unsatisfactory.") Modify contract language and forms to reflect changes.
4. The Evaluation Committee will continue to work on the forms for CDC/HS and Certificated Personnel Evaluation handbook.

D. DAYS AND HOURS (K-12, Article V): The following reflect changes per previously agreed upon MOU on Bell Schedules, which are subject to ratification.

1. Article V.5.A.2: Eliminate second sentence, as follows – "They shall be present on site for an additional sixty (60) minutes weekly as selected at the professional discretion of the teacher."
2. Article V.10, add new Section d – g, as follows:

d. Teachers in Grades 1-5 shall receive a designated preparation time of 40 minutes on dates identified by the District. Thursday shall be the scheduled preparation day which shall remain the same for all affected schools within the District. The dates shall be identified prior to the start of the new school year. The instructional minutes for grades 1 through 5 must be consistent with the instructional minutes identified by the District for the particular grade level. Preparation periods shall normally be scheduled 35 times a year; but may be less in some years due to the placement of school holidays on the approved calendar. Scheduled preparation days shall not be changed due to conflicts on the calendar, such as Back-to-School night, Open House and Parent Conferences.

e. Except in cases of emergencies, no meetings shall be scheduled by the site administrator during the scheduled preparation period. However, this does not preclude a teacher from scheduling and participating in meetings of their choice during this time.

f. No waivers shall be accepted or approved to modify the 40 minute preparation time for teachers.

g. The designated 40 minutes of preparation period is part of the teachers' regular workday.

E. TERM: July 1, 2012 through June 30, 2015 with reopeners during the 2014-2015 school year on salary, health benefits, evaluation, plus three articles selected by each party.

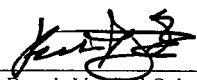
F. PUBLICATION: Upon ratification, the parties agree to electronically publish the executed Agreement by February 1, 2014.

Attachments: Evaluation Procedure (K-12, Article XII) modifications and forms.



Teachers Association of Long Beach

11/19/13
Date



Long Beach United School District

11/19/2013
Date

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ARTICLE XII

Evaluation Procedure

- A. **FREQUENCY.** Evaluation and assessment of the performance of employees shall be made on a continuing basis at least once each school year for temporary and probationary personnel and at least once every other year for employees with permanent status.

Effective with the 2008-09 school year, unit members with permanent status shall be evaluated at least every five (5) years if they have been employed by the district for ten (10) years or more and if the evaluator and the unit member consent to such time line. In order to be eligible for the five year cycle a unit member must be deemed to be "highly qualified" as defined in the No Child Left Behind Act (20 U.S.C. 7801) and his/her most recent evaluation must contain an overall rating of Satisfactory. For eligible unit members who do not teach in "core academic" subjects, qualification requirements shall be the same as for teachers of "core academic" subjects. For eligible unit members who are not classroom teachers the District and Association shall review and agree on appropriate comparable criteria.

Either the evaluator or the unit member may withdraw from this cycle at any time and such withdrawal shall not be subject to the grievance procedure. Upon request the evaluator will meet with the unit member to explain the reasons for withdrawal.

- B. **EVALUATOR.** The evaluator shall be the employee's immediate manager and/or another administrator designated by the manager, by the Superintendent, or by his designee.

- C. **DEADLINES.** It is agreed that deadlines specified in this Article, except for the date of the final evaluation, may be extended by the number of days the evaluatee or the evaluator is absent from the work site during the identified time periods. Any change in specified deadlines will be noted in writing by the evaluator along with reasons for the change in deadline.

- D. **NOTIFICATION OF EMPLOYEES.** Employees to be evaluated shall receive a copy of the evaluation procedures within four (4) weeks after the beginning of their school session work year, traditional or year-round calendar. Those employees will be advised of the evaluation policy, procedures, standards, and expectations by their evaluator no later than the end of the fifth school week.

Standardized test norms shall not be used for teacher evaluation. Personnel shall be judged on the District-adopted evaluation objectives and performance standards. Such objectives and standards shall be in writing and made available to the evaluatee prior to any period in which he/she is evaluated.

ARTICLE XII - EVALUATION PROCEDURE (continued)

- 1 E. **SETTING OF OBJECTIVES/ACTION PLAN.** By the end of the sixth school
2 week each evaluatee shall be responsible for proposing in writing to the evaluator
3 specific objectives and standards to be achieved within areas of performance. The
4 evaluator may propose and/or require additional components in the action plan
5 objectives and standards for each evaluatee in accordance with the position and
6 assignment. Employees will be advised if there is to be a specific area(s) of
7 concentration.
8
- 9 Within the maximum of seven (7) weeks of the first working day of an assignment
10 all action plans objectives and performance standards shall be finalized, reduced to
11 writing, and signed by the evaluator and evaluatee.
12
- 13 F. **CONSTRAINTS.** When the total length of teaching experience, the length of duty
14 at one site, the length of time in the assignment, or other factor is considered to be a
15 constraint by the evaluator or the evaluatee, it may be so noted on the appropriate
16 form. Employees, who due to the room utilization patterns on a year-round school
17 schedule are limited in their ability to prepare the classroom prior to the arrival of
18 students, are deemed to be working within constraints related to room environment
19 and classroom management for a brief period of time at the beginning of each on-
20 track assignment.
21
- 22 G. **OBSERVATIONS.** Observations shall be both formal and informal. The number
23 of formal observations shall routinely be three (3). With agreement of both evaluatee
24 and evaluator the number may be reduced to two (2) or one (1) in cases of obviously
25 satisfactory performance by permanent employees. Additional observations shall be
26 conducted when deemed necessary by either the evaluatee or evaluator.
27
- 28 1. An observation shall be based upon one (1) or more of the following
29 components: District goals and objectives, individual school/office goals and
30 action plans objectives, individual employee goals and action plans objectives
31 and performance assessment criteria.
32
 - 33 2. Each formal observation will be followed by a conference which will take
34 place within five (5) working days.
35
 - 36 3. Formal observations will be summarized on an observation form with a copy
37 given to the evaluatee within ten (10) working days after the observation.
38
 - 39 4. Except by mutual agreement, formal observations shall not begin until after
40 goals and action plans objectives have been agreed upon. In the event that
41 goals and action plans objectives have not been agreed to, formal
42 observations may begin following the seventh week of the school year.
43
 - 44 5. In the event of an unsatisfactory observation lesson analysis, the evaluatee
45 may request an additional formal observation conducted jointly by the
46 evaluator and another manager selected by the evaluatee from a list of up to

ARTICLE XII - EVALUATION PROCEDURE (continued)

1 five (5) managers selected by the District. The second manager will be
2 credentialed/certified in the credential/subject/special services area of the
3 evaluatee's assignment. The subsequent conference and lesson analysis shall
4 be conducted/developed by both managers.
5

6 **H. EVALUATION.** An evaluation shall be reduced to writing and transmitted to the
7 employee no later than thirty (30) calendar days prior to the last school day for K-12
8 students as identified on the appropriate traditional or year-round school calendar.
9 The evaluator will hold a conference to review the written evaluation with the
10 employee at the time of the transmittal of the written evaluation. The evaluatee shall
11 sign the evaluation form signifying that he/she has read the form and shall be
12 provided the opportunity to prepare a written response which shall become a part of
13 the employee's permanent record. There shall be only one (1) final evaluation form
14 per year which shall become part of an employee's permanent file. This form may be
15 supported by documentation deemed appropriate by the site manager.
16

17 A joint committee consisting of five (5) unit members appointed by TALB and five
18 (5) administrators shall be convened to review and revise final evaluation forms and
19 lesson analysis forms; the final evaluation forms shall conform to and reflect State
20 Standards and the Lesson Analysis forms shall correlate to the final evaluation forms.
21 ~~if the Committee deems it appropriate they may also make recommendations~~
22 ~~concerning forms for those participating in "Action Research."~~ The forms, if
23 amended, shall be submitted to the bargaining teams for final negotiation. If meetings
24 are scheduled during the work day the unit members shall be provided released time;
25 if the meetings are scheduled for times after the work day the unit members shall be
26 paid their regular hourly rate.
27

28 **I. IMPROVEMENT OF LESS THAN SATISFACTORY EFFECTIVE**
29 **PERFORMANCE.** No assessment of "unsatisfactory" or "~~needs to improve~~"
30 "developing" shall be introduced on an evaluatee's evaluation form which has not
31 been first formally called to his/her attention in a written report. Time shall be
32 allowed, when practicable, from the date of the written report where the deficiency is
33 first noted and the date of the next evaluation when the deficiency is formally cited to
34 allow for correction of said deficiencies. Upon formally citing a condition(s) of less-
35 than-satisfactory effective performance, the evaluator shall thereafter confer with the
36 evaluatee and during the conference make specific recommendations as to areas of
37 improvement in the evaluatee's performance. In the case of instructional
38 deficiencies, the evaluator will offer direct assistance and/or additional resources as
39 the evaluator deems appropriate to implement the specific recommendations.
40

41 Nothing in this Section shall be interpreted as limiting the ability of the District to
42 take immediate action in the case of an extremely serious or egregious circumstance
43 as identified in Education Code, Section 44932.
44

45 **J. PERSONNEL FILE.** Each employee shall have the right, by appointment, to
46 review the contents of his/her personnel file. Such appointment will normally be

ARTICLE XII - EVALUATION PROCEDURE (continued)

1 scheduled within five (5) working days of the request, except that during unusually
2 concentrated work periods, it may be postponed with the approval of the Assistant
3 Superintendent, Human Resource Services. Unit members may obtain copies of
4 materials in their personnel files and be charged the same rate per page as the District
5 charges the general public.¹ Such materials shall not include those excluded from
6 disclosure under Education Code Section 44031; normally such materials will be
7 provided within ten (10) working days of the request. A representative of the
8 Association at the teacher's request may accompany the teacher in this review. Such
9 review by the employee shall be permitted twice per year before or at the end of the
10 duty day when instructional duties have been completed.

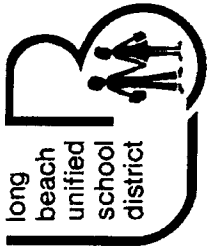
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12 Negative or derogatory materials will be processed in accordance with Education
13 Code, Section 44031, which states that information of a derogatory nature shall not
14 be entered or filed unless and until the employee is given notice and an opportunity
15 to review and comment thereon. An employee shall have the right to enter, and have
16 attached to any such derogatory statement, his own comments thereon.

17
18 **K. GRIEVABILITY.** Any grievance arising out of the foregoing procedures shall be
19 limited to a claim that the procedure has been violated.

20
21 **L. PARENT/GUARDIAN COMPLAINT.** When a parent or guardian complaint
22 regarding an employee filed pursuant to Education Code, Section 35160.5 is
23 terminated at any level or is not sustained by the Board of Education, the Board shall
24 direct that all written documentation relating to the complaint be destroyed pursuant
25 to procedures provided for in Title V of the California Administrative Code.

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¹ As of December 13, 2007 the rate is twenty-five cents (\$0.25) per page.



EVALUATEE GOALS/ACTION PLAN AGREEMENT

Name		School/Office	Grade/Subject	Date

Given District Content Standards, curriculum objectives, schoolwide goals, data related to common assessments, District adopted textbooks, and supplementary instructional materials, each certificated employee will establish an action plan toward increased student achievement.

I. SCHOOL SITE/OFFICE GOALS/ACTION PLAN

- Based on schoolwide data (given)
- To be developed by a committee of administrative staff and a faculty advisory committee

A. Goal

B. Action Plan

C. End of Year Evidence that Goals/Action Plan has been attained

II. GRADE LEVEL/DEPARTMENT GOALS/ACTION PLAN

- Refer to District curriculum guidelines
- To be developed by the grade level or curricular department

A. Goal

B. Action Plan

C. End of Year Evidence that Goals/Action Plan has been attained

III. PROFESSIONAL GROWTH OR INDIVIDUAL ADMINISTRATOR GOALS/ACTION PLAN

- Match with instructional focus area(s)

A. Goal

B. Action Plan

C. End of Year Evidence that Goals/Action Plan has been attained

IV. SUPPORT AGREED UPON IN ORDER TO ATTAIN GOALS/ACTION PLAN

Signing this form indicates a conference has been held regarding the Goals/Action Plan for the evaluatee.

Evaluatee	Date	Evaluator	Date

Constraints that may affect the attainment of Goals/Action Plan (See TALB Agreement, Article XIV):**

- _____ Teaching experience
- _____ Length of time in assignment
- _____ Roving assignment

cc: Evaluatee
Evaluator



LESSON ANALYSIS

Evaluatee: _____ Date of Observation: _____

Assignment: _____ Time in Classroom: _____ to _____

Curriculum Objective/ Learning Target: _____

Explanation of Rating Symbols	
Distinguished:	Exceeds expectations of the District.
Effective:	Meets the expectations of the District.
*Developing:	Partially meets the expectations of the District. Improvement required.
*Unsatisfactory:	Performance is not of the quality acceptable for reemployment in the District. *Comments Required (Performance Analysis may be attached as necessary.)

1. Engages and Supports All Students in Learning

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Using knowledge of students to engage them in learning through differentiating instruction based on their strengths, interests and needs. (1.1)
- Connecting learning to students' prior knowledge, background and life experiences. (1.2)
- Connecting subject matter to meaningful, real-life contexts and purpose for learning. (1.3)
- Using a variety of instructional strategies, including EEEI, and a variety of resources and technologies to meet students' diverse learning needs. (1.4)
- Promoting critical thinking through inquiry, problem solving, technology and reflection. (1.5)
- Monitoring student learning and adjusting instruction by incorporating a variety of strategies while teaching to insure progress of pupils towards the standards. (1.6)

Comments:

2. Creates and Maintains Effective Learning Environments

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully. (2.1)
- Creating and maintaining safe physical environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students. (2.2, 2.3)
- Creating a rigorous learning environment with high expectations for all students (2.4)
- Developing, communicating, and maintaining high standards for individual and group behavior. (2.5)
- Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn. (2.6)
- Using instructional time to organize learning. (2.7)

Comments:

3. Understands and Organizes Subject Matter for Student Learning

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks. (3.1)
- Applying knowledge of student development and proficiencies to ensure student understanding of subject matter. (3.2)
- Organizing curriculum to facilitate student understanding of the subject matter. (3.3)
- Utilizing instructional strategies that are appropriate to the subject matter. (3.4)
- Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students. (3.5)
- Addressing the needs of English learners and students with special needs to provide equitable access to the content. (3.6)

Comments:

4. Plans Instruction and Designs Learning Experiences for All Students

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction. (4.1)
- Establishing and articulating goals for student learning. (4.2)
- Developing and sequencing long-term and short-term instructional plans based on District guidelines (as applicable) to support student learning. (4.3)
- Planning instruction that incorporates appropriate strategies and curricular objectives to meet the learning needs of all students. (4.4)
- Adapting instructional plans and curricular materials to meet the assessed learning needs of all students. (4.5)

Comments:

5. Assesses Student Learning

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Applying knowledge of the purposes, characteristics, and uses of different assessments, both informal and formal. (5.1)
- Collecting and analyzing assessment data from a variety of sources to inform instruction. (5.2)
- Reviewing data, both individually and with colleagues, to monitor student learning. (5.3)
- Using assessment data to establish learning goals and to plan, differentiate, and modify instruction as permitted by District guidelines (as applicable). (5.4)
- Involving all students in self-assessment, goal setting, and monitoring progress. (5.5)
- Using technology to assist in assessment, analysis, and communication of student learning. (5.6)
- Using assessment information to share timely and comprehensible feedback with students and their families. (5.7)

Comments:

6. Developing as a Professional Educator

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Reflecting on teaching practice in support of student learning. (6.1)
- Establishing professional goals and engaging in continuous and purposeful professional growth and development. (6.2)
- Collaborating with colleagues and the broader professional community, as available, to support teacher and student learning. (6.3)
- Working with families to support student learning. (6.4)
- Promoting collaboration between school and community in support of the instructional program. (6.5)
- Managing professional responsibilities to maintain motivation and commitment to all students. (6.6)
- Demonstrating professional responsibility, integrity, and ethical conduct. (6.7)

Comments:

Specific Suggestions for Next Steps and/or Areas of Needed Improvement:

Overall Comments:

Date of Conference

Printed Name of Evaluatee

Signature of Evaluatee

Date

Printed Name of Evaluator

Signature of Evaluator

Date

Printed Name of Other Participant

Signature of Other Participant

Date

Printed Name of Other Participant

Signature of Other Participant

Date

This "Lesson Analysis" has been discussed with me. Signing this form does not necessarily mean that I agree with all ratings.

A copy of this "Lesson Analysis" may be placed in your personnel file. If so, you will have the opportunity to review and comment thereon in accordance with Education Code Section 44031. Ten (10) days from the date of this "Lesson Analysis" this document and your written response, if any, will be placed in your personnel file.

Copies to: Human Resource Services, Employee, and School or Office



HUMAN RESOURCE SERVICES

School Year _____

CERTIFICATED INSTRUCTIONAL PERSONNEL EVALUATION

Regular Contract (RC) _____ Temporary Contract (TC) / Special Contract (SC) _____ Interim Evaluation _____
 _____ 1st Year (Probationary) _____ Final Evaluation _____
 _____ 2nd Year (Probationary) _____
 _____ Permanent _____

Evaluatee: _____ **School or Office:** _____
Assignment: _____ **Dates of Observations:** _____

Explanation of Rating Symbols	
Distinguished:	Exceeds expectations of the District.
Effective:	Meets the expectations of the District.
*Developing:	Partially meets the expectations of the District. Improvement required.
*Unsatisfactory:	Performance is not of the quality acceptable for reemployment in the District. *Comments Required (Performance Analysis may be attached as necessary.)

1. Engages and Supports All Students in Learning

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Comments:

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- Developing, communicating, and maintaining high standards for individual and group behavior. (2.5)
- Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn. (2.6)
- Using instructional time to organize learning. (2.7)

Comments:

3. Understands and Organizes Subject Matter for Student Learning

_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

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- Applying knowledge of student development and proficiencies to ensure student understanding of subject matter. (3.2)
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Comments:

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Comments:

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_____ Distinguished _____ Effective _____ *Developing _____ *Unsatisfactory

- Reflecting on teaching practice in support of student learning. (6.1)
- Establishing professional goals and engaging in continuous and purposeful professional growth and development. (6.2)
- Collaborating with colleagues and the broader professional community, as available, to support teacher and student learning. (6.3)
- Working with families to support student learning. (6.4)
- Promoting collaboration between school and community in support of the instructional program. (6.5)
- Managing professional responsibilities to maintain motivation and commitment to all students. (6.6)
- Demonstrating professional responsibility, integrity, and ethical conduct. (6.7)

Comments:

Specific Suggestions for Next Steps and/or Areas of Needed Improvement:

Overall Comments:

Continued Service: _____ Recommended _____ Recommended Contingent Upon Improvement _____ Not Recommended
(TC, SC)

Date of Conference Held

Printed Name of Evaluator

Signature of Evaluator

Date of Receipt of Written Report

Signature of Evaluatee

_____ _____
Printed Name of Other Participant Date

_____ _____
Signature of Other Participant Date

_____ _____
Printed Name of Other Participant Date

_____ _____
Signature of Other Participant Date

_____ The evaluatee may be eligible for the 5-year evaluation cycle in the _____ school year.

This evaluation has been discussed with me. Signing this form does not necessarily mean that I agree with all ratings.
You have the opportunity to review and comment thereon in accordance with Education Code, Section 44031, if you so desire. Ten (10) days from the date of this "Interim/Final Evaluation," this document will be placed in your personnel file. You have the right to respond and have your response placed in your personnel file.