

**TENTATIVE AGREEMENT
BETWEEN
SCHOOL DISTRICT #1,
DENVER PUBLIC SCHOOLS
AND
DENVER CLASSROOM TEACHERS ASSOCIATION**

ARTICLE 10

Table of Contents:

- **Part 1: General**
- **Part 2: Annual LEAP Evaluations**
- **Part 3: Advisory Personnel Performance Evaluation Council**
- **Part 4: Performance Improvement Process**
- **Part 5: Appeals**

PART 1: GENERAL

10-1 Purpose of Evaluation: Performance evaluations are used to:

1. Provide a common language around expectations and responsibilities.
2. Assess the effectiveness of Teacher performance and provide feedback in order to drive continuous improvement to instruction and enable Teachers to develop as professionals.
3. Serve as a measurement of professional growth and development of Teachers over time.
4. Enhance the implementation of the school's curriculum.
5. Implement District and school goals in the classroom.
6. Measure the level of effectiveness for all Teachers.
7. Serve as documentation for a recommendation for dismissal based on unsatisfactory performance.

10-1 Definition of Terms

- 10-1-1 "Teacher" as used in this Article shall refer to all personnel who are evaluated under the Leading Effective Academic Practice ("LEAP") growth and performance system.
- 10-1-2 "LEAP Evaluation" is the annual growth and performance process that culminates in the LEAP End-of-Year Rating and LEAP End-of-Year Report.

- 10-1-3 “LEAP Fairness Guide – Evaluation Expectations and Rights for Teachers” is a resource guide for Teachers that builds on the foundation of this Article 10 by describing the entire evaluation process that Teachers can expect to experience for that year and the rights that Teachers have to raise and seek review of concerns associated with the evaluation process.
- 10-1-4 “LEAP Mid-Year” is a formal reflection conversation between the Teacher and the Evaluator during the evaluation cycle.
- 10-1-5 “LEAP End-of-Year Rating” is the overall summative rating that combines the components of the LEAP Evaluation. There are four possible ratings: Distinguished, Effective, Approaching, and Not Meeting.
- 10-1-6 “LEAP End-of-Year Report” includes the Teacher’s LEAP End-of-Year Rating, the evidence on which the rating is based, and the other requirements set forth in Article 10-2-3.
- 10-1-7 “Evaluators” include the Principal, Assistant Principal(s), Teacher Leaders, or other individuals designated by the District to conduct observations in the LEAP Evaluation and/or Performance Improvement Process.
- 10-1-8 “Effective Rating” means an overall LEAP End-of-Year Rating of Distinguished or Effective.
- 10-1-9 “Ineffective Rating” means an overall LEAP End-of-Year Rating of Not Meeting or Approaching.
- 10-1-10 “Appellant” shall mean the person who is appealing a second consecutive Ineffective Rating.

Definitions for Part 4: The Performance Improvement Process

- 10-1-11 As used in relation to the Performance Improvement Process, the “LEAP Framework” refers to the indicators that are used for scoring a classroom observation.
- 10-1-12 “Performance Improvement Process” is the process during which a Teacher may be considered for and then placed on a Performance Improvement Plan.
- 10-1-13 “Full Observation” is an observation of a full lesson (generally 45-60 minutes).
- 10-1-14 “Eligibility Observation” is the first step in the Performance Improvement Process. The Evaluator conducts one Full Observation, during which the

Evaluator is required to score all the indicators on the LEAP Framework. If those scores meet the Eligibility Criteria, the Evaluator can move forward with the Data Gathering Period.

- 10-1-15 “Eligibility Criteria” are the scores from the Eligibility Observation that would permit an Evaluator to move forward with the Data Gathering Period.
- 10-1-16 “Data Gathering Period” is a period of time where data is gathered to determine if a Teacher will be placed on a Performance Improvement Plan.
- 10-1-17 “Peer Observers” are current or future teacher positions created by the District that provide support to Teachers through classroom observation and feedback during the Performance Improvement Process. All Peer Observers must be certified under the District’s certification system to conduct observations.
- 10-1-18 “Joint Observation” is a Full Observation that is conducted jointly by the assigned Evaluator and the Peer Observer. This takes place during the Data Gathering Period.
- 10-1-19 “Targeted Full Observation” is a Full Observation where only the indicators identified in the Performance Improvement Plan are scored.

PART 2: ANNUAL LEAP EVALUATIONS

- 10-2 The District is committed to recruiting and retaining effective teachers, closing opportunity gaps, and preparing all DPS students for college and careers. LEAP is the Teacher growth and performance system that is used to drive the growth and development of teachers as well as evaluate them against common expectations.
- 10-2-1 Orientation: At the beginning of each school year, Teachers will receive a copy of the LEAP Handbook, which will provide extensive details regarding the purpose and nature of the LEAP Evaluation process, the elements of the LEAP Evaluation, the procedures for conducting the LEAP Evaluation, and the responsibilities of the individuals involved.
- 10-2-2 Frequency of Evaluation and Number of Observations:
 - 10-2-2-1 Teachers will be evaluated every year.
 - 10-2-2-2 All Teachers shall receive a minimum of two observations each year as defined and set forth in the LEAP Fairness Guide.

- 10-2-2-3 All Evaluators must be certified under the District’s certification system to conduct observations.
- 10-2-3 LEAP End-of-Year Report: Every year, Teachers will receive a LEAP End-of-Year Report (“Report”).
- 10-2-3-1 Consistent with state law, the Report shall:
- specifically identify when the classroom observations were conducted;
 - state the Teacher’s strengths and areas for potential future growth;
 - include a plan for improvement;
 - identify the data used to support the overall rating; and
 - be signed by the evaluator.
- 10-2-3-2 The Teacher is asked to electronically sign the Report. However, the Teacher can choose electronically to (i) acknowledge and sign, (ii) select the option of “refusing to sign,” or (iii) not sign. Signature will not be construed to indicate agreement with the information or the conclusions in the final written evaluation.
- 10-2-3-3 The Evaluator will share a draft copy of the Report with the Teacher prior to the LEAP End-of-Year conference.
- 10-2-4 LEAP End-of-Year Conference:
- 10-2-4-1 Prior to the finalization of the LEAP Evaluation, the Evaluator will meet and discuss the LEAP End-of-Year Report with the Teacher at a LEAP End-of-Year conference. This conference is an opportunity for Teachers and Evaluators to do a final assessment of the data gathered regarding the Teacher’s progress and performance for the school year.
- 10-3 LEAP Fairness Guide: In addition to the requirements set forth in this Article 10, LEAP Evaluations shall follow the requirements set forth in the “LEAP Fairness Guide – Evaluation Expectations and Rights for Teachers.”
- 10-3-1 The LEAP Fairness Guide will be released each year and will be included in the LEAP Handbook. It will provide a detailed description of the entire evaluation process and is intended to make the process transparent so that Teachers know what to expect for that year.
- 10-3-2 The District is committed to the continuous improvement of LEAP. Teachers are encouraged to participate in the District’s annual survey

regarding the LEAP Evaluation in order to provide feedback on potential improvements to the process.

- 10-3-3 The Personnel Performance Evaluation Council and the Association will have an opportunity each year to provide input on the requirements and best practices in the LEAP Fairness Guide.
- 10-3-4 Absent mutual agreement between the District and the Association, the LEAP Fairness Guide cannot change any of the requirements set forth in this Article 10. However, the LEAP Fairness Guide is not a negotiated document and may be amended in the District's discretion after the District seeks and considers input from the Association.
- 10-3-5 A failure to follow any of the requirements in the LEAP Fairness Guide is grievable up to Level 2, but not Level 3.

PART 3: THE ADVISORY PERSONNEL PERFORMANCE EVALUATION COUNCIL

- 10-4 This District shall have an Advisory District Personnel Performance Evaluation Council (PPEC).
- 10-4-1 The composition and selection of the PPEC membership will meet the minimum requirements of statute.
- 10-4-2 Consistent with state law, the role of the PPEC is to conduct a continuous evaluation of the District's Teacher evaluation system and to act as an advisory body to the Board or its designee(s) on ensuring the fairness, effectiveness, credibility, and professional quality of the District's Teacher evaluation system.
- 10-4-3 The number of members on the PPEC can be greater than the minimum numbers required by law.
- 10-4-4 At least two members on the PPEC shall be nominated by the Association.
- 10-4-5 The District also reserves the right to nominate Teachers or Teacher Leaders for the PPEC.

PART 4: THE PERFORMANCE IMPROVEMENT PROCESS

10-5 Performance Improvement Process

- 10-5-1 Overview of the Performance Improvement Process "the Process": The Process begins with the Eligibility Observation. If, during the Eligibility Observation, the Teacher meets the Eligibility Criteria, the Evaluator can move forward with the Data Gathering Period. During the Data Gathering

Period, the Evaluator gathers and reviews data in order to determine if the Teacher should be placed on a Performance Improvement Plan. As a part of this period, a Joint Observation with the Evaluator and a Peer Observer is conducted. If the Evaluator decides that significant performance concerns exist, the Evaluator can place the Teacher on a Performance Improvement Plan (“the Plan”). The Plan will set expectations for necessary growth and include the supports that will be provided to the Teacher during the Plan. During the Plan, which can last between 30 and 90 school days, the Teacher is observed by the Evaluator and the assigned Peer Observer and the designated supports are provided. At the conclusion of the Plan, the Evaluator determines whether the Teacher has met the expectations of the Plan and whether the Teacher should be recommended for retention or dismissal.

10-5-2 Data Gathering Period

- 10-5-2-1 A Teacher is eligible for the Data Gathering Period when an Evaluator conducts one Full Observation and the scores meet the Eligibility Criteria. Alternatively, a Teacher is eligible for the Data Gathering Period when the Teacher has received two consecutive Ineffective Ratings.

- 10-5-2-2 The Eligibility Criteria are set at:

The mean score from any of the expectations on the LEAP Framework is 3.0 or below (e.g. the mean of all the indicator scores in Masterful Content Delivery is 3.0 or below), and/or

A Teacher scores a Not Meeting (1 or 2) on two or more indicators on the LEAP Framework.

- 10-5-2-3 If the Eligibility Criteria are met, the Evaluator will notify the Teacher that the Teacher is being placed in the Data Gathering Period and that there is a *possibility* that the Teacher will be placed on a Performance Improvement Plan.

- 10-5-2-4 The District assigns a Peer Observer to participate in the Data Gathering Period.

- 10-5-2-5 The Evaluator and the Peer Observer conduct a Joint Observation of the Teacher’s class.

- 10-5-2-6 After the Joint Observation, the Evaluator and Peer Observer will consult regarding the lesson observed and the Evaluator will consider the data of the Peer Observer.

10-5-3 Decision to Place Teacher on a Performance Improvement Plan

10-5-3-1 Before placing a Teacher on a Performance Improvement Plan, the Evaluator should consider a body of evidence to determine whether, in the Evaluator's discretion, significant performance concerns exist. The extent and types of evidence considered in the body of evidence are left to the discretion of the Evaluator. For example, in addition to considering the data from the Joint Observation, the Evaluator could consider any of the following items:

- LEAP Framework scores from other observations completed;
- Student Perception Survey data;
- Disciplinary referrals data;
- Student Outcomes data;
- Data from the Professionalism domain of the LEAP Framework;
- Evidence provided by the Teacher to demonstrate effectiveness;
- Any other information that is relevant to the determination of whether significant performance concerns exist.

10-5-3-2 If the Evaluator determines, in his or her discretion, that there is evidence of significant performance concerns, the Evaluator may place the Teacher on a Performance Improvement Plan. If the Evaluator is not the Principal, the Evaluator will make this decision in consultation with the Principal.

10-5-3-3 Professionalism Plan: The Evaluator can also place the Teacher on a Performance Improvement Plan for Professionalism if the Teacher received two Not Meeting indicator scores in the Professionalism Domain on the Teacher's LEAP End-of-Year Report or LEAP Mid-Year. Because the Professionalism indicators measure out-of-classroom work, a Professionalism Plan does not require classroom observations. If the Teacher still has two Not Meeting scores in the Professionalism Domain on the subsequent LEAP Mid-Year Evaluation or LEAP End-of-Year Report (whichever occurs first), the Evaluator can proceed to the steps outlined in Article 10-5-6.

10-5-4 Development of Performance Improvement Plan ("the Plan")

10-5-4-1 The Evaluator should request and consider input from the Teacher and the Peer Observer regarding the components and expectations of the Plan, but the Evaluator shall retain sole discretion to determine the final components and expectations of the Plan.

10-5-5 Requirements of the Performance Improvement Plan

- 10-5-5-1 The Plan shall last a minimum of thirty (30) school days and a maximum of ninety (90) school days.
- 10-5-5-2 The Plan shall require a minimum of two Targeted Full Observations by Evaluator(s) and two Targeted Full Observations by the Peer Observer. At least one of the observations of both the Evaluator and the Peer Observer will be announced within a week's window. After each observation during the Plan, the Evaluator or Peer Observer should provide the Teacher with feedback on the observation.
- 10-5-5-3 The Plan shall identify a minimum of three (3) and a maximum of five (5) LEAP Framework indicators that will be targeted for improvement during the Plan.
- 10-5-5-4 For each indicator identified, the Plan shall set expectations for improvement.
- 10-5-5-5 If the Teacher does not meet all the expectations of the Plan, the Teacher may be recommended for dismissal for unsatisfactory performance. The Plan shall inform the Teacher about this standard.
- 10-5-5-6 The Plan shall include the supports available to the Teacher during the Plan process. The supports can be provided by School Leaders, Peer Observers, Teacher Leaders, peers, or other appropriate resources.
- 10-5-5-7 The Teacher shall not be videoed as part of the evaluation process unless the Teacher consented.
- 10-5-5-8 If the Teacher goes on an extended leave during the period of the Plan, the days on the Plan completed prior to leave will be counted and the Plan will continue upon the return of the Teacher to active service.
- 10-5-5-9 If the Teacher received a Not Meeting rating on any Professionalism indicators in the LEAP End-of-Year Report or LEAP Mid-Year evaluation in the year prior to the initiation of the Plan, the Plan can include expectations regarding that Professionalism indicator.

10-5-6 Conclusion of the Performance Improvement Plan

- 10-5-6-1 At the conclusion of the initial period set for the Plan, the Evaluator shall decide whether or not the Plan will be extended.

- 10-5-6-2 The Evaluator may choose to extend the Plan, but the total duration of the Plan should not exceed ninety (90) total school days.
- 10-5-6-3 If the Plan is not extended, the Evaluator shall determine whether the Teacher has met the expectations of the Plan and whether the Teacher should be recommended for retention or dismissal. If the Evaluator is not the Principal, the Evaluator shall make this determination in consultation with the Principal.
- 10-5-6-4 The Evaluator may consider any evidence provided by the Teacher prior to the conclusion of the Plan.
- 10-5-6-5 The Teacher shall be provided with a final Performance Improvement Plan report.
- 10-5-6-6 The report will be presented to the Teacher and the Teacher and the Evaluator shall sign the report. The Evaluator's supervisor should also sign the report.
- 10-5-6-7 If the Teacher is recommended for retention, the Teacher shall continue to be evaluated under LEAP and will receive a LEAP End-of-Year Report.
- 10-5-6-8 If the Teacher is recommended for dismissal, the Teacher shall still receive a LEAP End-of-Year Report if there is sufficient data to calculate a rating.

PART 5: APPEALS

10-6 Appeal of a Second Consecutive Ineffective LEAP End-of-Year Rating

10-6-1 Timelines

- 10-6-1-1 A Notice of Appeal must be filed within 15 calendar days following the last student contact day of the academic year in which the second Ineffective Rating was received by the Appellant.
- 10-6-1-2 All appeals must be concluded within 90 calendar days after the last student contact day of the academic year calendar in which the second Ineffective Rating is received. If the Appellant has requested DCTA assistance, no Panel hearing will be scheduled during the two weeks the DCTA offices are closed.
- 10-6-1-3 The timelines can be extended by mutual agreement of the District and the Teacher.

10-6-2 Grounds for Appeal: Pursuant to the State Board of Education rules at 1 CCR 301-87, the grounds for appeal shall be limited to the following:

- 10-6-2-1 The evaluator did not follow evaluation procedures that adhere to the requirements of statute or rule and that failure had a material impact on the second consecutive Ineffective Rating that was assigned (e.g. an observation was never completed).
- 10-6-2-2 The data relied on to determine the second consecutive Ineffective Rating was inaccurately attributed to the Teacher (e.g., data included in the evaluation was from students for whom the Teacher was not responsible).

10-6-3 Procedures

- 10-6-3-1 The Appellant or his/her chosen representative must file a timely Notice of Appeal with the appropriate office or department designated and published by the District.
- 10-6-3-2 The Notice of Appeal will contain all the written grounds for the Appeal.
- 10-6-3-3 The appropriate official or department designated by the District will convene the Appeals Hearing Panel and set the hearing date according to the terms of this Article.
- 10-6-3-4 The District and the Association shall develop appropriate timelines for when the following will occur:
 - 10-6-3-4-1 The Appellant shall provide a copy of any evidence intended to support the Appeal prior to the hearing. The District shall make additional copies for panel members as needed.
 - 10-6-3-4-2 The Appellant may request evidence from the District and the District shall provide the requested evidence if, in the District's discretion, the request is reasonably related to a permitted ground for appeal.
 - 10-6-3-4-3 Any documents and/or proceedings related to the appeal process shall not be disclosed to entities outside the District unless the District is required to do so by law.
- 10-6-3-5 **Burden of Proof:** The Appellant has the burden of demonstrating that an Effective Rating was appropriate.

- 10-6-3-6 The Appellant is allowed an advocate of his/her choice to represent him/her through the appeal process, such as a DCTA representative or DPS colleague. Attorneys shall not represent the Teacher or the District at the hearing.
- 10-6-3-7 The Appellant is allowed to provide evidence in the form of testimony by the Appellant, and/or other witnesses, documents, or other materials.
- 10-6-3-8 The District is allowed to provide evidence in the form of a District representative, witness testimony (e.g. Evaluator), and/or documents and other materials.
- 10-6-3-9 Any presentation to the Panel shall be limited to one hour for the Teacher and one hour for the District. Time may be extended at the discretion of a majority of the Panel members.

10-6-4 Panel

- 10-6-4-1 The Panel will be chosen from a list of up to 30 standing panel members. For the standing panel pool, up to 15 will be chosen by the Association and up to 15 chosen by the District; however, in the process of comprising the final list, the Association may veto any panel member recommended by the District, and the District may veto any panel member recommended by the Association. To ensure the credibility of the Panel, Panel members shall have had an effective LEAP, LEAD, or EPMP evaluation the prior year and shall have prior teaching experience.
- 10-6-4-2 The Panel shall be comprised of equal numbers of DCTA representatives and District representatives, with no more than six panel members total. The Association shall be responsible for selecting its members from the standing pool for each Panel hearing and the District shall be responsible for selecting its members for each Panel hearing. A process shall be jointly developed to ensure continuity of the review panel members.

10-6-5 Results

- 10-6-5-1 Panel decision:
 - 10-6-5-1-1 The Panel shall render its decision in writing.
 - 10-6-5-1-2 In order for the Panel to recommend changing the second consecutive Ineffective Rating Effective, a majority of the members of the panel must agree based on a preponderance

of the evidence that the Ineffective Rating was inaccurate. In that situation, the Appellant's rating will be deemed Effective and the Appellant will retain his/her non-probationary status.

10-6-5-1-3 If a majority of the Panel determines by a preponderance of the evidence that the rating should not be changed, the Teacher will deemed probationary.

10-6-5-1-4 If the majority of the Panel decides that an Ineffective Rating was not accurate, but there is not sufficient information to assign a rating of Effective, the Teacher receives a "no score" and retains non-probationary status. However, if the following academic year that Teacher receives a second consecutive Ineffective Rating, the "no score" rating will have the consequence of a second consecutive Ineffective Rating and the Teacher will lose his/her non-probationary status. The Teacher retains the right to appeal the following year's rating.

10-6-5-1-5 A majority decision of the Panel shall be final and binding.

10-6-5-2 Superintendent and/or designee decision:

10-6-5-2-1 If the Panel is deadlocked on a decision, the Superintendent or designee shall serve as the tie-breaking vote. Each cluster of votes is expected to provide a summary of the rationale informing their opinion for the Superintendent or designee's consideration.

10-6-5-2-2 If the Superintendent or designee decides that there is sufficient information to overturn the rating, the teacher receives a rating of Effective and retains non-probationary status.

10-6-5-2-3 If the Superintendent or designee decides that an Ineffective Rating was not accurate, but there is not sufficient information to assign a rating of Effective, the Teacher receives a "no score" and retains non-probationary status. However, if the following academic year that Teacher receives a second consecutive Ineffective Rating, the "no score" rating will have the consequence of a second consecutive Ineffective Rating and the Teacher will lose his/her non-probationary status. The Teacher retains the right to appeal the following year's rating.

10-6-5-2-4 If the Superintendent and/or designees confirm the rating, the Teacher will be deemed probationary.

10-6-5-2-5 The Superintendent and/or designee's decision will be final.

DCTA Representative

DPS District 1 Representative

Name: _____

Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____