

P.E.A. Evaluation-Grievance Handbook



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General Tips

1. Keep accurate records

- a. Maintain copies of your rollbook (grades and attendance)
- b. Keep a daily log
- c. Important communications should be done through email. Save paper copies and/or forward to your personal email.

2. Be your own advocate during the observation and evaluation process

- a. Use a self-observation form immediately following an observation/walkthrough
- b. To the extent allowable by law and contract, treat every observation/walkthrough/"pop in" as an official observation
- c. Ensure that the administration adheres to the contract and evaluation regulations for every step of the process.
- d. If there is a violation, file a grievance and/or rebuttal.
- e. In all cases you should put your administrator on notice of any irregularities

3. Corrective Action Plan

- a. Ensure that the administrator provides you with tools and resources to improve in a timely fashion. If he/she does not, document it.
- b. Ensure that the corrective action plan has the following:
 - i. Areas in need of improvement as per the evaluation rubric;
 - ii. Specific, demonstrable goals for improvement;
 - iii. Outlines both employee and district responsibilities; and
 - iv. Timelines for meeting the goal(s)

4. Why do I have to collect all this data?

- a. Pursuant to TEACHNJ, an arbitrator can look at procedural errors in the evaluation process or a mistake of fact as a defense against a charge of inefficiency.
- b. Take proactive steps to ensure that the Board is adhering to all regulations and contractual provisions regarding evaluation procedures. Well documented examples of any violations will be your best defense.

Corrective Action Plan (“CAP”)

1. No conference to develop a CAP

Grievance: On <date>, I was issued a corrective plan without a meeting between me and my administrator. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the corrective action plan dated ____ be expunged from my personnel file and a new corrective action plan be developed following a meeting with my administrator.

2. Conference to develop a CAP occurs after September 15 of the following school year after you receive an ineffective or partially effective rating

Grievance: I was issued a corrective plan after September 15. This is a violation of Article 3:1 and 14:2-5

Remedy requested: That the corrective action plan dated ____ be expunged from my personnel file.

3. Conference to develop a CAP did not occur within fifteen working days following the evaluation

Grievance: On <date> I was issued a corrective plan for my evaluation dated _____. This is a violation of Article 3:1 and 14:2-5

Remedy requested: That the corrective action plan dated ____ be expunged from my personnel file.

4. Contents missing from CAP

Note: Every corrective action plan must contain *all* of the following elements:

- a. Address areas in need of improvement identified in the teacher evaluation rubric;
- b. Specific, demonstrable goals for improvement;
- c. Responsibilities of the evaluated employee and the school district for the plan's implementation; and
- d. Timelines for meeting the goal(s).

Grievance: On <date> I was issued a corrective action plan which did not contain _____. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the corrective action plan dated _____ be expunged from my personnel file.

5. No tools and resources provided to achieve CAP

Note: A CAP may require a teacher to perform any number of tasks with the goal of improving performance such as:

- Read books, articles, webpages, webinars, etc.
- Pursue training opportunities
- Meet with an administrator on a regular basis
- Meet and/or observe a colleague teach.

Grievance: In my corrective action plan dated _____, my administrator stated that I meet with him on weekly basis to discuss with him my efforts to improve. For the last eight weeks, he has cancelled and failed to reschedule six out of the eight scheduled meetings. This is a violation of Article 3:1 and 14:2-5.

Remedy Requested: That the corrective action plan be expunged from my personnel file.

6. No tuition reimbursement for CAP-mandated coursework

Grievance: In my correction plan dated ____, my administrator stated that I should take a course in differentiated instruction. However, the District refuses to pay for the course. This is a violation of Article 22:4-1.1.

Remedy requested: That the District pay for the course and/or that requirement to take the course be removed from the CAP.

7. No review of CAP progress During post-observation conference following the issuance of the CAP

Grievance: On <date> my administrator(s) conducted a post-observation conference. He/she refused to discuss my progress towards the goals outlined in my corrective action plan. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the corrective action plan dated ____ be expunged from my personnel file.

8. No review of CAP progress during either mid-year evaluation or annual summative evaluation following issuance of CAP

Grievance: At my <mid-year evaluation/annual summative evaluation> dated ____, my administrator(s) refused to discuss my progress towards the goals outlined in my corrective action plan. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the corrective action plan dated ____ be expunged from my personnel file.

9. No mid-year evaluation following issuance of CAP

Grievance: I did not receive a mid-year evaluation following the issuance of a corrective action plan. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the corrective action plan dated ___ be expunged from my personnel file.

10. Timeliness of mid-year evaluation

Note:

- If CAP was created on or before September 15, the mid-year evaluation shall occur before February 15
- If the CAP was created after September 15, the mid-year evaluation shall occur before the annual summary conference

Grievance: My mid-year evaluation did not occur in a timely fashion. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: that the corrective action plan dated ___ be expunged from my personnel file.

11. No additional observation

Grievance: Following the issuance of the corrective action plan dated ____, an additional observation has not been conducted. This is a violation of Article 3:1 and 14:2-5.

Remedy Requested: that the corrective action plan dated ___ be expunged from my personnel file.

12. No Multiple Observers

Grievance: Following the issuance of the corrected action plan dated ____, I have only been observed by one administrator. This is a violation of Article 3:1 and 14:2-5.

Remedy Requested: That the corrective action dated ___ be expunged from my personnel file.

Evaluations

1. No annual summary conference

Grievance: I was issued my annual evaluation dated _____, but no summary conference was ever held. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my annual summative evaluation be expunged from my personnel file.

2. Subjects not discussed during the annual summary conference

Note: *All* of the following subject subjects must be discussed during the annual summary conference:

- a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including the teacher practice instrument;
- b. The progress of the teacher toward meeting the objectives of the individual professional development plan or, whenever applicable, the corrective action plan;
- c. Available indicators or scores of student achievement or growth such as student growth objective scores and student growth percentile scores, as applicable; and
- d. The preliminary annual written performance report.

Grievance: During my annual summary conference dated _____, my administrator failed to discuss my progress towards meeting the objectives of my individual professional development plan. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my annual summative evaluation be expunged from my personnel file.

3. Annual Summative Rating calculated despite the fact that test scores were unavailable at the time

Grievance: On <date> I received annual summative evaluation which listed my rating despite the fact that student test scores had not been calculated yet. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my annual summative evaluation be expunged from my personnel file.

4. Subjects not included in annual written performance report

The annual written performance report *must* include *all* of the following:

- a. A summative rating based on the evaluation rubric, including a total score for each component as described in N.J.A.C. 6A:10-4;
- b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and the teacher practice instrument;
- c. An individual professional development plan developed by the supervisor and the teacher or, when applicable, a corrective action plan from the evaluation year being reviewed in the report; and
- d. A summary of student achievement scores or growth indicators.

Grievance: My annual written performance report dated _____, did not include a summary of student achievement scores or growth indicators. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my annual written performance report and annual summative evaluation be expunged from my personnel file.

5. I did not sign the annual written performance report.

Grievance: My administrator and I reviewed the annual written performance report on May 11, 2019. However, I was not afforded the opportunity to sign it. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my annual written performance report and annual summative evaluation be expunged from personnel file.

6. Annual summary conference and annual written performance report not completed by June 30.

Grievance: My annual summary conference was held on June 1, 2021. However, I did not receive a copy of the annual written performance report until July 3, 2021. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my evaluation be expunged from my personnel file.

7. Evaluation/observation/walkthrough provided to me less than one day before conference

Grievance: I received a copy of my evaluation on the same day that my administrator scheduled a conference to discuss it. This is a violation of Article 3:1 and 14:2-4.

Remedy requested: That my evaluation be expunged from my personnel file.

Observations

1. The same administrator not present for both the observation and the post-observation conference

Grievance: I was observed on <date> by Peter Principal. However, Sandra Supervisor conducted my post-observation. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: that the observation and resulting evaluation be expunged from my personnel file

2. Timeliness of post-observation conference following observation

Grievance: I was observed on February 20, however my post-observation conference did not occur until February 29 more than five working days after the observation. . This is a violation of Article 3:1 and 14:5.

Remedy requested: That the observation and resulting evaluation be expunged from my personnel file.

3. Post-observation conference did not occur in person, but through email communication.

Grievance: After being observed, my administrator emailed me the post-observation report and asked for my comments. I never agreed to conduct the post-observation conference in writing. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the observation and resulting evaluation be expunged from my personnel file.

4. Number of Observations

Note:

- All teachers must be observed at least *three* times during the school year.
- All teachers must be observed at least once a semester.
- At least one observation must be announced.

Grievance: All of my observations for the 2020-21 school year occurred on March 10, 27 and April 5. I was never observed during the first semester of the school year. . This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my observation(s) and evaluation(s) be expunged from my personnel file.

5. A different administrator signed my written evaluation report

Grievance: Joe Principal conducted my observation and post-observation conference, but my written evaluation report was signed by Amy Administrator. . This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That my written evaluation report be expunged from my personnel file.

6. Duration of observation

Note: All tenured teachers must receive at least three short observations of at least 20 minutes in length.

Grievance: On <date> Joe Principal came into my room at 9:11 A.M. to conduct an evaluation. He left at 9:20 A.M. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the observation and resulting evaluation be expunged from my personnel file.

7. Topics Not Covered During Post-Observation Conference

Note: The following topics must be covered at the post-observation conference:

- Review the data collected at the observation
- Connecting the data to the teacher practice instrument and the teacher's individual professional development plan
- Collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness

Grievance: On <date> my administrator conducted my post-observation conference. He did not cover the following topics with me: _____. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the observation and resulting evaluation be expunged from my personnel file.

Student Growth Objective (“SGO”)

1. No Teacher Input in Development of SGO

Grievance: On <date>, my administrator mandated my SGO for the year without providing me the opportunity for input. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That I be provided an opportunity to have in input in the development of my SGO and my annual summative evaluation be expunged from my personnel file.

2. Timeline for SGO implementation and modification

Note:

- SGO’s must be recorded in the personnel file by October 15
- Adjustments to SGO’s must be made on or before February 15 and only with superintendent approval

Grievance: On March 1, my administrator issued me a modified SGO without my input or the superintendent’s approval. This is a violation of Article 3:1 and 14:2-5.

Remedy requested: That the modified SGO and my annual summative evaluation be expunged from my personnel file.