

07-30-15
14-MED-05-0744
0592-01
K32382

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by the **DEFIANCE CITY SCHOOL DISTRICT BOARD OF EDUCATION** ("Board") and the **DEFIANCE TEACHERS' ASSOCIATION** ("Association").

WHEREAS, the Board and the Association are parties to a current Collective Bargaining Agreement, effective from August 15, 2014 through August 14, 2017.

WHEREAS, the Board of Education is responsible for a standards-based teacher evaluation policy which conforms to the framework for evaluation of teachers as approved by the State Board of Education and aligns with the "Standards for the Teaching Profession" as set forth in State law; and

WHEREAS, the Board and the Association wish to enter into a Memorandum of Understanding regarding the use of the Ohio Teacher Evaluation System ("OTES") during the 2014-2017 school years; and

NOW, THEREFORE, BE IT AGREED, upon by the Board and the Association as follows:

1. For the 2014-2017 school years, the Board and the Association agree to implement the OTES in place of the current Collective Bargaining Agreement Evaluation System for all members who meet the definition of "teacher" in ORC 3319.111.
2. Given the dynamic nature of the mandated teacher evaluation process, the Board authorizes the Superintendent to establish and maintain an ongoing Evaluation Policy Consultation committee, with continuing participation by the Association and for the express purpose of recommending necessary changes to the Board for the appropriate revision of this policy. This committee shall be comprised of up to six (6) Administrators, appointed by the Superintendent, and up to six (6) members, appointed by the Association President. The committee members shall either have release time during their work day or will be compensated at the LPDC rate for meetings outside the school day.
3. Teacher of record: A teacher who
 - a. Is responsible for assigning the grade to the student, and
 - b. Is required to have the proper certification and/or licensure to teach the particular subject/grade level for which he/she has been designated "teacher of record", and
 - c. Is responsible for a minimum of fifty percent (50%) of a student's scheduled instructional time within a given subject or course.
4. Prior to making any changes or modifications of the evaluation procedure or board evaluation policy, the Board shall notify the Association President at least two (2)

weeks in advance of any contemplated change and convene the Evaluation Policy Consultation committee for the purposes of discussing the changes and collaborating to resolve any conflicts.

5. If consensus is not reached, and the outlying issues materially affect terms and conditions of employment, the Board will have a bargaining obligation over those areas that are in disagreement before implementation. The Association may exercise any and all rights in accordance with the Collective Bargaining Agreement and with ORC 4117.
6. An evaluator must be a credentialed building administrator of the Defiance City District.
7. The Evaluation Instrument shall be the OTES/eTPES process and forms used by the teacher's evaluator.
8. Schedule for Evaluation
 - a. No teacher shall be evaluated more than once annually.
 - b. In the year when a teacher's contract expires, a minimum of three (3) formal observations shall be conducted. The only exception is if the administration waives the third (3rd) observation. Under no circumstances shall a teacher's contract be non-renewed or terminated unless a minimum of three (3) observations have been completed. A formal observation shall last a minimum of thirty (30) minutes.
 - i. The first formal observation shall be preceded by a conference between the evaluator and the teacher at least one (1) day prior to the observation in order for the teacher to explain lesson plans and objectives for the class which will be observed. The form to be completed is either the Observation Sheet or the Observation Rubric.
 - ii. All post-observation conferences shall be held between the evaluator and the teacher no longer than five (5) work days after the observation.
 - iii. The timeline for teachers being observed three (3) times shall be:
 1. First (1st) post-observation conference held on or before December 10th.
 2. Second (2nd) post-observation conference held on or before March 15th.
 3. Third (3rd) post-observation conference held on or before May 1st.

- c. In any year when a teacher's contract does not expire, a minimum of two (2) formal observations shall be completed. A formal observation shall last a minimum of thirty (30) minutes. The first formal observations shall be preceded by a conference between the evaluator and the teacher at least one (1) day prior to the observation in order for the teacher to explain lesson plans and objectives for the class which will be observed. The form to be completed is the Observation Sheet of the Observation Rubric.
 - i. All post-observation conferences shall be held between the evaluator and the teacher no longer than five (5) work days after the observation.
 - ii. The timeline for teachers being observed two (2) times shall be:
 - 1. First (1st) post-observation conference held on or before December 10th.
 - 2. Second (2nd) post-observation conference held on or before May 1st.

9. Walkthroughs

- a. A walkthrough is a written assessment that has the following component:

- i. The administrator will provide the member with the feedback regarding any observed deficiency within five (5) work days after the walkthrough. If a teacher or principal requests a meeting, a meeting will be held at a time mutually agreeable by the parties.

10. Finalization of Evaluation

- a. Written Report

Before the evaluation cycle is final, and no later than May 10th, a copy of the formal written evaluation report shall be given to the teacher and a conference shall be held between the teacher and the evaluator.

- b. Response to Evaluation

The teacher shall have the right to make a written response to the evaluation and to have it attached to the evaluation report to be placed in the teacher's personnel file.

11. It is the intent of the Board to use the OTES system to improve the performance of teachers. Given the uncertainty regarding the use of the student growth data and the performance measures in employment decisions, for the purposes of reduction in force and recall for the 2014-2017 contract years, all teachers shall be deemed to have comparable evaluations.

12. For the 2014-2017 school years, only the performance side of the OTES model will be used to make personnel decisions.

13. For eTPES Reporting Process, Option 3 shall be utilized by the Board.

IN WITNESS WHEREOF, the duly authorized representatives of the **DEFIANCE CITY SCHOOL DISTRICT BOARD OF EDUCATION** and the **DEFIANCE TEACHERS' ASSOCIATION** have executed this Memorandum on the dates opposite their signatures.

**DEFIANCE CITY SCHOOL
DISTRICT BOARD OF EDUCATION**

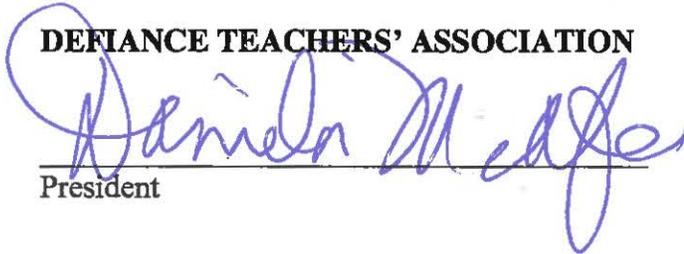
Date: 12-5-14



Superintendent

DEFIANCE TEACHERS' ASSOCIATION

Date: 12-5-14



President