

**Montgomery County Education Association**  
**Bargaining Proposal to Montgomery County Public Schools**

**December 05, 2022**

**Article 16: Evaluations**

- A. In the Professional Growth System (PGS), the formal evaluation process is seen as a tool for continuous improvement. During the formal evaluation year, both the educator and evaluator gather data from the professional development years as well as from the evaluation year. This data serves as a point of reference for the collaborative evaluation process. The evaluation year is a time when the teacher and evaluator reflect on progress made and potential areas for future professional growth.

Formal evaluations are not required during professional development years of the professional growth cycle. However, the principal must complete the *Yearly Evaluation Report for MSDE Certification Renewal* annually to verify to the Maryland State Department of Education (MSDE) that the certificate holder's performance is satisfactory ("meets standard").

The details of the evaluation processes are included in the Professional Growth System Handbook. Refer to this document for frequency/schedule and definitions.

**B. Evaluation Report**

The final evaluation report is completed by the principal or assistant principal. It includes an examination of the cumulative performance for an entire professional growth cycle and reviews the educator's overall performance on each of the MCPS performance standards. Data for this report is gathered from formal and informal observations, and also should include a variety of other sources. Some examples of these include samples of student work, student achievement, lesson plans, parent communication, and student and parent surveys.

**C. The Formal Observation Process**

Formal observation data must be included in the final evaluation report. After the observation conference, the observer prepares a written narrative summary of the class and the conference, titled the Post-Observation Conference Report. This report contains an analysis of the lesson, including evidence from the lesson and information about the effect of the lesson activities on students. The report includes a summary of

the discussion with the educator as well as any decisions or recommendations that resulted from the conference. The educator is expected to review and return a signed copy of the Post-Observation Conference Report. The educator's signature indicates that they have received and read the conference report but does not necessarily indicate agreement with the contents of the report.

#### D. Due Process Rights During Evaluation

1. Upon request, unit members will be given a copy of any evaluation report prepared by their administrator or supervisor at least one day before a conference is held to discuss it. Unit members will be required to sign the evaluation report as evidence that they have seen it. They will not be required to sign a blank or incomplete evaluation form. A unit member's signature does not signify acceptance of the rating.
2. Upon request, a teacher in the PAR Program will be given a copy of the mid-year and/or summative report of the consulting teacher at least one (1) day prior to a conference to discuss it. Unit members will be required to sign the mid-year and summative reports as evidence that they have seen them.
3. All observation of the work of a unit member, either by an administrator/supervisor or consulting teacher, will be conducted openly and with the observer visible to the unit member.
4. Upon request, unit members will be given a copy of the formal observation scripted notes by their administrator, supervisor, or consulting teacher at least one (1) day before a post-observation conference is held to discuss it, unless the observation and conference occur on the same day.
5. No class visit/observation report will be submitted to the central office, placed in the unit member's file, or otherwise acted upon before the conference with the unit member, unless the unit member is not available for a timely conference. Unit members will be required to sign the class visit/observation report.
6. Unit members will have the right, upon written request on the appropriate form, to review **and/or request copies of all** the contents of their personnel file. If a unit member wishes to be accompanied by another person or a representative of the Association during such a review, that request must be entered on the request-to-review form. **Unit members shall have electronic access to their files upon request.** Confidential records such as application references and promotional references will not be made available to a unit member. **No one shall have access to personnel files except the unit member, the unit member's supervisor and/or principal, the human resources department, and individuals designated by the unit member as stipulated above.**
7. Nonconfidential complaints about, or material derogatory to, a unit member's conduct, service, character, or personality may be placed in their personnel file only if—
  - a) the unit member has had an opportunity to review the material and been given a copy,

- b) the appropriate administrator has investigated the allegations, and
  - c) the appropriate administrator has concluded that the allegations are true.
8. The unit member will acknowledge that they have had the opportunity to review such material by affixing their initials to the copy to be filed, with the expressed understanding that such initialing in no way indicates agreement with the contents. The unit member shall be permitted to attach their comments related to the derogatory material. **Such comments become a permanent part of any disciplinary record maintained in personnel files.**
  9. Complaints regarding a unit member made to an administrator that are used in the unit member's evaluation will be called to their attention. If the complaint is in writing, the unit member will be given a copy. The unit member will be required to initial the material, indicating that they have read it. They will be permitted to attach their comments related to the complaint. Reprisals taken by the unit member against any student, any class, or any person will be cause for immediate investigation that may result in dismissal proceedings being activated.
  10. **Confidential Records**—The school district may maintain a register of events or circumstances involving an employee that raise questions about student or employee safety and security, provided that the employee who is the subject of an individual record has been informed, in writing, of the circumstances giving rise to the concern, and subject to the provisions in Subsections 7(a), (b), and (c) above.
  11. The principal or immediate supervisor of a unit member will discuss the unit member's work performance with that person prior to a formal evaluation of that performance.
  12. Final evaluation of a unit member upon termination or retirement will be concluded prior to severance, and no document or other material will be placed in the personnel file of such unit member after severance, except in accordance with the procedures set forth in this article.
  13. Evaluation of unit members during their probationary period of employment is of high importance to the unit member and the school system. Cooperative efforts will be made to work for their success but if, after one (1) or two (2) years, success does not seem possible, MCPS will not continue their employment. Upon receiving notice of nonrenewal of a provisional or regular contract, probationary unit members may, within ten (10) days of that notice, request a hearing by the superintendent. The unit member, upon request, will be given adequate notice of the hearing date. Reasons for the proposed action will be given to the unit member, upon request. The unit member will be entitled to be represented by the Association and/or counsel of their choice and will be granted an opportunity to defend themselves, presenting arguments and/or evidence. The decision of the superintendent shall be in writing, stating the reasons for the determination.

#### **E. Process for Changing the Evaluation System**

The current unit member evaluation system, including the instrument and the teacher evaluation system booklet of Montgomery County Public Schools, Rockville,

Maryland (also known as the Professional Growth System Handbook), shall not be changed without following the procedures set out below:

1. Preceding the proposed implementation of any proposed changes, the Board shall notify MCEA of its desire to change the evaluation system.
2. Thereafter, the parties shall confer in good faith over the content of any proposed changes in the evaluation system, until agreement is reached, or until ninety (90) days following receipt by MCEA of notification that the Board desires to change the evaluation system. The conferring teams shall be headed by the chief negotiator for each party.
3. If no agreement is reached within ninety (90) days following receipt by MCEA of notification that the Board desires to change the evaluation system, the Board may unilaterally implement changes in the evaluation system.