PROMOTING TEACHER QUALITY AND STUDENT SUCCESS

A Presentation By The Human Resources Division and Office Of The General Counsel

Los Angeles Unified School District
Certificated Recruitment, Selection, and Placement
REINVIGORATING OUR WORKFORCE

- Over each of the past 3 school years, we have hired an average of 2700 new certificated employees.

- The need to replace a significant portion of our workforce each year provides an opportunity for us to leverage a robust and rigorous hiring process to ensure that we employ the very best teachers and support personnel.
PRE-EMPLOYMENT EVALUATION PROCESS

(OVERVIEW)

APPLICATION
- Automatic initial review of application in Applicant Tracking System; system prioritizes applicants by subject and need

REVIEW & SCHEDULING
- Manual review of application and qualification documents; qualified applicants invited to interview based on District need

REFERENCES
- Standardized electronic references sent to specified individuals; references completed in applicant tracking system (paperless process)

WRITING TASK
- Writing task performed offsite through applicant tracking system (paperless process)

INTERVIEW & SAMPLE LESSON
- In-Office (or on-site) Interview and Demo Lesson
  - Due Diligence

QUALIFIED CANDIDATES
- Qualified Candidates are placed on Eligibility List and referred to school sites based on District need

Phase 1

Phase 2

Phase 3
MULTIPLE MEASURES

- Structured Employment Interview
- Sample Lesson
- Employment References
- Job-related Writing Prompts
- Educational Background and Preparation
- Leadership Experience

*All components explicitly aligned to Teaching and Learning Framework*
RIGOROUS BACKGROUND SCREENING

APPLICATION BACKGROUND QUESTIONS

- Comprehensive background questionnaire in application
- Applicants indicating prior misconduct, negative evaluations, or credential issues reviewed by management

REFERENCES

- References from all employment, volunteer work, and student teaching within last 3 years are required and reviewed
- Negative reference information triggers additional committee and management review

FINGERPRINT EVALUATION

- Eligible candidates hired at school site/office location must submit fingerprint info to California Department of Justice/CTC
- District and DOJ employ strict guidelines regarding prior convictions
Credential/Permit Review

- Interview
- Employment Eligibility
- Application
- Contracting

Applicant credential checked at multiple stages
EXTERNALLY VALIDATED PROCESS

- Researchers from USC and Michigan State University compared pre-employment evaluation scores to measures of teacher effectiveness (student achievement, employee evaluation, teacher attendance)

- Study found that the LAUSD process is predictive of:
  - Student Achievement in ELA and Mathematics
  - Employee Evaluation Ratings
  - Employee Attendance
HIGH NEED SUBJECT AREAS

Special Education
- Deaf/Hard of Hearing
- Mild/Moderate
- Moderate/Severe
- Visually Impaired

Bilingual Elementary Education
- Arabic
- Armenian
- French
- Korean
- Mandarin
- Spanish

Secondary Education
- Mathematics
- Physical Education
- Science- Chemistry
- Science- Physics
- World Languages- American Sign Language
- World Languages- Mandarin
SUPPORTING HIGH NEEDS SCHOOLS

Board Resolution 047-17/18
- Close the gap by 2023
- Student Equity Needs Index (SENI)
- Highest-need schools

Hiring Flexibility
- Lowest quartile SENI schools exempt from mandatory teacher assignments
- ELD classes not assigned to consecutive short-term substitutes
- Teachers displaced for >1 year not assigned to lowest-performing schools
- Temporary assignment of displaced teachers

Hiring/Retaining Teachers
- Strong partnerships with local colleges and universities = dedicated pipeline of well-prepared teachers
- Hiring Fairs to allow hardest-to-staff schools access to high-quality candidates
- Early Contracts to encourage best available teachers to serve in highest-need schools
SENIORITY AND TEACHER DISPLACEMENT

All Schools
- Budget Development (end of school year)
- Norm Day (first month of school year)

Elementary
- Teachers displaced in order of seniority
- Special Education teachers separate from general education (Multiple Subjects) teachers

Secondary
- Teachers displaced by subject in order of seniority
- Dependent on needs of school’s master schedule
Educator Development and Support: Teachers
Educator Development and Support: Teachers (EDST) is designed to identify strengths and opportunities for improving teaching practice through:

- Observations
- Conferences
- Professional goal-setting
- Reflection opportunities
EDST Multiple Measures

Observation of Practice

- Contributions to Student Learning Outcomes
- Teacher Progress Toward Initial Planning Sheet Objectives
- Additional Professional Responsibilities
- Contributions to School Community
- Stakeholder Feedback

Teaching Practice
- Support
- Develop
- Recognize
- Celebrate

Teaching and Learning Framework (TLF)
District Instructional Priorities

3 District- Unified Focus Elements

• Intentional discussion techniques engage all students in rigorous conversations
• Instructional activities are standards-aligned and cognitively engage students
• Teacher’s feedback guides students to improve their work

The Teaching and Learning Framework includes research-based strategies proven to be effective in meeting the needs of Los Angeles Unified’s students to help them become successful and productive learners.
Since 2013, there has been an increase in the number of teachers evaluated using EDST.

L.A. Unified exceeds the annual LCAP goal of evaluated teachers.

(LCAP Goal: 25%)
EDST Trainings For Administrators

Observer Certification
- Deepens understanding of the Teaching and Learning Framework
- Introduces administrators to the evaluation process
- Builds capacity of administrators to coach teachers
- 2,100 administrators are certified

Calibration
- Ensures continued inter-rater reliability in observation of teaching practice
- Improves accuracy in rating performance
- Builds teacher’s trust in the EDST process
- 1,263 administrators participated in 2018
EDST Final Evaluation Ratings by School Year
Sustainable Systems Change

Fundamental changes in LAUSD policies, practices, and processes have been made utilizing EDST tools and data to improve recruitment, development, support, and retention of effective educators.
Feedback from the field has informed the development and continued implementation of EDST.

Research Partnerships
- University of Southern CA
- Educational Testing Service
- Teaching Learning Solutions
- Harvard Best Foot Forward Project
- UCLA

EDST Pilot Years
- 2011-2012
- 2012-2013

UTLA/AALA Advisory Committee

Surveys
- EDST NBC Mid- and End-of-Year Surveys
- EDST Teacher Survey
- Post-Teacher and Administrator Training Surveys

Working Groups
- Early Education, Special Education, Arts Education, Division of Adult and Career Education, Instructional Coaches and Coordinators

Administrator Focus Groups (Upcoming)
Staff Relations
## NOTICES OF UNSATISFACTORY SERVICE/ACT

<table>
<thead>
<tr>
<th>NOUS</th>
<th>NOUA</th>
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<tbody>
<tr>
<td><strong>Performance</strong></td>
<td><strong>Conduct</strong></td>
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<td>The actions through which one discharges one’s professional duties and obligations (skill and effort)</td>
<td>The means by and manner in which one discharges one’s professional duties, interacts with other, and abides by established norms, rules and laws (behavior)</td>
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Section § 44938

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<th>90 days before termination for unsatisfactory performance</th>
<th>45 days before termination for unprofessional conduct</th>
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Include the most recent evaluation – or the notice will be void

No warning needed for other grounds
UNSATISFACTORY PERFORMANCE

- Specific Conduct showing Teacher’s lack of Qualifications, Suitability, or Capacity to Teach
- Can be Determined by Review of Teacher’s Actual Performance, Maintenance of Classroom Environment, and Formal Evaluations.
- Year 1 – Below Standard Evaluation (BSE) (#1) issued – May
  - Support
    - Staff Relations – Assist with conference memo for poor classroom performance and Below Standard Evaluation documentation
UNSATISFACTORY PERFORMANCE

- Year 2
  - **Support**
    - Administrator: Certificated Performance Evaluation Support (CPES)
    - Teacher: 80 Hours of Peer Assistance and Review (PAR) Services
  - **Timelines**
    - August-April – 4-6+ conference memos
    - April-May – Notice of Unsatisfactory Service (#1)
    - May – Below Standard Evaluation (#2)
    - June-August – Employee Case Review
**UNSATISFACTORY PERFORMANCE**

- **Year 3**
  - **Support**
    - 1/2 year of CPES Support
    - Administrator: Ongoing Certificated Performance Evaluation Support – 4-6+ conference memos
  - **Timelines**
    - *December – January*
      - Notice of Unsatisfactory Service (#2)
    - *January – February*
      - Skelly Meeting (Administrative Hearing) and Response
      - Skelly Documents to Office of the General Counsel
    - *May*
      - Below Standard Evaluation (#3) issued
    - *May – June*
      - Board Meeting
BELOW STANDARD EVALUATION VS. NOTICES OF UNSATISFACTORY SERVICE

- NOUS – Considered Disciplinary
- NOUS – More detailed
- NOUS – Carry a higher burden of proof
- NOUS – Based on extensive, specific documentation (6-10 observations)
- NOUS – Include extensive assistance and guidance
- NOUS – Essential to any dismissal proceeding for classroom performance
Conduct which violates the rules or ethical code of a profession or is such conduct that is unbecoming of a member of a profession in good standing

Conduct in question must indicate unfitness to teach
UNPROFESSIONAL AND/OR EGREGIOUS MISCONDUCT

- **Support**
  - Staff Relations

- **Documentation**
  - Notice Of Unsatisfactory Act +11-15 suspension days
  - Assistance and Guidance
  - Below Standard Evaluation recommended
  - Employee Case Review (ECR) recommended
  - Skelly/Administrative Hearing
UNPROFESSIONAL CONDUCT

- **Support**
  - Staff Relations

- **Documentation and Progressive Discipline**
  - Notice Of Unsatisfactory Act +1-10 suspension days
  - Ongoing monitoring
  - Ongoing Assistance and Guidance
  - Below Standard Evaluation recommended
AGENDA: OUR OBJECTIVE

- To guide you through the process
  - Grounds for Termination
  - Procedures
  - Hearing
PRIVATE VS. PUBLIC EMPLOYMENT

- Private Employees Are Presumptively At-Will Employees
  - Terminated W/O Cause
  - W/O Notice
  - W/O Due Process

- Public Employment:
  - A Constitutionally Protected Property Right
  - No Deprivation W/O Due Process
    - Reasonable Notice &
    - Opportunity to be Heard
  - Requires Cause for Dismissal
NOTICE OF UNSATISFACTORY ACT/SERVICE

- Section 44938:
  - 90 days before termination for unsatisfactory performance
  - 45 days before termination for unprofessional conduct
  - Include the most recent evaluation – or the notice will be void
- No warning needed for other grounds
GROUNDS FOR IMMEDIATE TERMINATION

- Certain sex offenses
- Certain drug offenses
- If charged, the District must place employee on leave
- If convicted, the District must dismiss the employee
GROUNDS FOR TERMINATION:
EC § 44932

- Immoral conduct
- Egregious misconduct (Child abuse)
- Unprofessional conduct
- Dishonesty
- Unsatisfactory performance
- Evident unfitness for service
- Physical or mental condition
- Conviction for moral turpitude felony
- Persistent refusal to obey school laws

Employee remains in paid status and is dismissed after 30 days unless employee demands a hearing
Paid until dismissed by OAH
GROUND FOR TERMINATION:
EC § 44939

- Immoral conduct
- Egregious misconduct
- Willful refusal to perform assignments

Unpaid suspension, then dismiss after 30 days unless employee demands a hearing
Employee can file a motion for immediate reversal of suspension (MIRS). OAH then determines if the charges “as pled” support an unpaid suspension
MORRISON FACTORS

- Likelihood that the conduct adversely affected students or fellow teachers and degree of such adversity anticipated
- Proximity in time of conduct
- Type of teaching certificate held
- Extenuating or aggravating circumstances
- Likelihood of the recurrence
- Extent to which discipline may inflict a chilling effect upon the constitutional rights of the teacher
- Publicity or notoriety given to the conduct
No evidence that occurred more than four years before the charges

except allegations of an act described in Ed Code s. 44010 or Penal Code s. 11165.2 to 11165.6.

Evidence of records regularly kept by the governing board of the school district concerning the employee may be introduced
WHO DECIDES?

- Egregious Misconduct – One ALJ
- Nonegregious/Combo - Panel of Three: Commission on Professional Competence
  - Administrative Law Judge
  - Teacher’s Panel Member
  - District’s Panel Member
  - Two out of Three Votes Necessary
- Appeal to the Los Angeles Superior Court
Must be supported by findings of fact and legal conclusions

Only 2 choices: dismiss or not dismiss

But a finding of unfitness to teach is not enough

Does the Conduct Demonstrate Such Unfitness to Teach as to Warrant Terminating Teacher’s Employment?
THE COST OF DISMISSAL

- Countless Hours & Effort
- Cost of Teacher’s Salary During Dismissal Process
- Outside Counsel Fees
- ALJ Fees
- Court Reporter Cost
- Attorney’s Fees if Teacher Prevails
- Appeal Costs
- Potential Lawsuit (more fees, costs and resources)
AB 2234

- Applies to Egregious Misconduct cases only
- Minor’s testimony be taken in a room outside of hearing room and be televised because
  - Minor’s emotional distress; or
  - Conduct of teacher or representative causes minor to be unable to continue testifying
- Minor’s parent or other person determined to be necessary for the minor’s welfare be present
Thank you