

**Memorandum of Agreement
between the
Kenai Peninsula Borough School District
and
Kenai Peninsula Education Association**

Teacher Evaluations 2020-2021

The Kenai Peninsula Borough School District (“District” or “KPBSD”) and the Kenai Peninsula Education Association (“KPEA”), in response to the State of Alaska’s declared state of emergency and uncertainty related the mode of instruction at the District during the COVID-19 pandemic, and in an effort to limit disruptions to District operations and student instruction, the Parties agree to the following regarding the evaluation of teachers for the 2020-2021 contract year.

Acknowledgments

- A. The evaluation of teachers is subject to state law and regulation, Section 490 of the KPBSD/KPEA Agreement, and the District’s Teacher Evaluation System.
- B. Both state regulation and the KPBSD Teacher Evaluation System require that evaluations be based on observations of the teacher in the workplace. The Parties acknowledge that workplace observations are more difficult to accomplish due to the fact that teachers may now be instructing students through various methods of distance delivery.

Terms

In light of the above acknowledgments, and in mutual desire to provide certainty to teachers regarding the 2020-2021 evaluations, the Parties agree as follows:

2020-2021 Teacher Evaluations

- 1. KPBSD will discontinue further evaluative efforts to complete 2020-2021 evaluations of tenured teachers in good standing. KPEA agrees on behalf of its tenured teachers in good standing that contractual obligations for those evaluations are waived. As a result, KPBSD and KPEA recognize and agree that tenured teachers in good standing who are in an evaluation year will not have 2020-2021 completed evaluations. It is the intent of the Parties that those evaluations will *not* be completed at a later date so that all efforts can be focused on student instructional needs.
- 2. Tenured teachers in good standing shall have a memo in their 201 file noting that due to the 2020 COVID-19 pandemic, evaluation efforts to complete the 2020-2021 evaluations of tenured teachers in good standing have been discontinued.
- 3. Tenured teachers who did not meet with the District performance standards in their most recent evaluation may be placed on a plan of improvement during the 2020-2021 school year, in accordance with AS 14.20.149(e) and the KPBSD Teacher Evaluation System.
- 4. Evaluations for non-tenured teachers and tenured teachers currently on a plan of improvement or a directed assistance plan will proceed in compliance with applicable law the KPBSD Teacher

Evaluation System during the 2020-2021 school year. Non-tenured teachers may be placed on plans of improvement and directed assistance plans as regularly applied.

5. This suspension of evaluations does not modify the right of a supervisor to otherwise observe, document, or counsel any teacher regarding performance and conduct.
6. Nothing in this Agreement modifies or limits the right of KPBSD to non-retain, lay-off, discipline, and/or terminate any teacher in accordance with law and the Negotiated Agreement between the District and the KPEA.

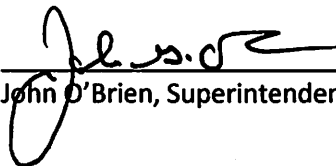
Additional Provisions

7. The Parties agree that this MOA reflects their mutual and best efforts to address evaluatory obligations, including those in AS 14.20.149 and 4 AAC Ch. 19, while prioritizing student instructional needs, teacher rights, and the health and safety of students, staff, and the community.
8. To the extent the State of Alaska Department of Education and Early Development requests information about this MOA, the Parties agree to cooperate in reaffirming this as their mutual intent. The Parties recognize that the Department may mandate different or additional requirements which could change the terms of this Agreement.
9. This agreement is non-precedent setting and shall not continue beyond the 2020-2021 school year.

The provisions of this agreement, unless otherwise stated, shall be effective on date the signatures set forth below.

Entered into this 28th day of September, 2020.

KENAI PENINSULA BOROUGH
SCHOOL DISTRICT:



John O'Brien, Superintendent: 9/28/20 Date

KENAI PENINSULA
EDUCATION ASSOCIATION:



David Brighton, KPEA President 9/28/20 Date