

Memorandum of Understanding
between
School District No. 1 in the
City and County of Denver, State of Colorado
and the
Denver Classroom Teacher Association

This Memorandum of Understanding (“MOU”) is made by and between the Denver Public Schools (“DPS” or “District”) and the Denver Classroom Teacher Association (“DCTA”) to memorialize workplace conditions related to the teacher’s ability to obtain and lose non-probationary status due to innovation waivers.

Context

1. District-run innovation schools may, upon the majority vote of their faculty, adopt an innovation plan that waives statutory requirements, including the legal requirements related to probationary and non-probationary status.
2. When a teacher with non-probationary status transfers from a traditional school to an innovation school which does not recognize non-probationary status the District’s practice is and has been to place the teacher’s non-probationary status in “the bubble.” If the teacher subsequently transfers to a traditional school or an innovation school that recognizes non-probationary status, the teacher’s non-probationary status is removed from the bubble.
3. Critically, while a probationary teacher is working for an innovation school, that teacher cannot gain non-probationary status – regardless of the number of consecutive years of effective ratings they receive. Similarly, while a non-probationary teacher is working for an innovation school, that teacher cannot lose non-probationary status – regardless of the number of consecutive years of less than effective ratings.

This MOU does not alter the Agreement previously executed by the District and DCTA. Rather, it memorializes proposed changes to the District’s procedures for tracking and recognizing a teacher’s probationary or non-probationary status. The parties intend to include the following language in the Agreement, beginning the 2022-23 school year:

Continued Recognition of Innovation Plans

4. The District will continue to honor the innovation plans upon which staff voted, including but not limited to innovation plans which include statutory waivers of TECDA related to non-probationary status.

Tracking Years of Effective Ratings

5. The District will begin tracking consecutive years of effective and less than effective ratings for teachers who work at innovation schools that do not recognize non-probationary status.
6. As described in Article 10-2 of the Agreement. "Effective Rating" means an overall LEAP End-of-Year Rating of Distinguished or Effective. "Ineffective Rating" means an overall LEAP End-of-Year Rating of Not Meeting or Approaching.
7. A teacher who works for an innovation school that does not recognize non-probationary status who subsequently transfers to a traditional school or an innovation school that does recognize

non-probationary status will be credited with any consecutive years of effective or less than effective ratings they received at their previous school(s). For example: A probationary teacher who receives 2 consecutive years of effective ratings at an innovation school who then transfers to a traditional school, will be credited with 2 consecutive years of effective ratings and need receive only 1 more consecutive year of effective ratings to gain non-probationary status.

Obtaining Non-Probationary Status

8. Consistent with C.R.S 22-63-203, all probationary teachers, including those working for an innovation school that does not recognize non-probationary status, can gain non-probationary status by receiving three (3) consecutive years of effective ratings.
9. In cases where a probationary teacher earns non-probationary status while working for an innovation school that does not recognize non-probationary status, the teacher shall have that status placed in the bubble. If the teacher subsequently transfers to a traditional school or an innovation school that recognizes non-probationary status, the teacher's non-probationary status is removed from the bubble.

Losing Non-Probationary Status

10. Consistent with State Board of Education rules at 1 CCR 301-87 and Article 10-10 of the DCTA Master Agreement, all non-probationary teachers, including those working for an innovation school that does not recognize non-probationary status, can lose non-probationary status by receiving two (2) consecutive years of less than effective ratings.
11. In cases where a non-probationary teacher loses non-probationary status while working for an innovation school that does not recognize non-probationary status, their non-probationary status shall be removed even though it was previously placed in the bubble. If the teacher subsequently transfers to a traditional school or an innovation school that recognizes non-probationary status, the teacher shall have probationary status. Nothing prevents this teacher from earning non-probationary status again based on three (3) subsequent and consecutive years of effective ratings and having said status be placed in the bubble.
12. The teacher shall be entitled the rights and privileges under the law and the Master Agreement to contest the loss of non-probationary status.

Retroactivity

13. The modification to District practices, described in paragraphs 7-12, will apply retroactively. This means that teachers who received three (3) consecutive years of effective ratings will be given credit for those years beginning the 22-23 SY. To properly implement this system, the DPS Human Resources Department will track consecutive years of effective and less than effective ratings for innovation teachers from the 17-18 SY through the current school year.

One Year Safe Harbor

14. At the conclusion of the 21-22 SY, immediately before this modification to District practice goes into effect, the District anticipates that a large number of probationary teachers who work at innovation schools that do not recognize non-probationary status will receive a third consecutive effective rating which would cause them to gain non-probationary status. The District also anticipates that a small number of non-probationary teachers who work at innovation schools that

do not recognize non-probationary status will receive a second less than effective rating which would cause them to lose non-probationary status.

15. For non-probationary teachers who work at innovation schools that do not recognize non-probationary status who receive a second less than effective rating for the 21-22 SY **only**, the District shall provide a one year safe harbor. Teachers subject to this safe harbor provision shall not lose their non-probationary status following the 21-22 SY and shall retain non-probationary status for the 22-23 SY. However, if a teacher subject to this safe harbor provision receives a less than effective rating for the 22-23 SY, their non-probationary status shall be lost, consistent with State Board of Education rules at 1 CCR 301-87 and Article 10-10 of the DCTA Master Agreement. This Safe Harbor provision does not limit the rights of the district to take other personnel actions based on a teacher's ratings.
16. Beginning the 23-24 SY, there shall be no safe harbor provision and all teachers will be subject to the same rules for obtaining and losing non-probationary status.

School District No. 1:

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Date: February 17, 2022

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Date: February 17th 2022