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A Professional Law Corporation

Bringing Meaningful Training to Inspire Employee Growth

Preparing and Monitoring Written Employee Improvement Plans

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IASA Summer Leadership Conference 2026
August 3, 2026
1:30 p.m. – 2:45 p.m. Room 110 C/D

Presented by:

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Practice Areas and Experience

Barbara Ginsberg has been representing school and community college districts, and public agencies in all aspects of employment & labor matters and education law for over thirty years. She is an expert in educational leadership, communication practices, and employee performance management, and regularly provides professional development training to administrators and aspiring leaders throughout the nation. She serves as chief negotiator for agencies in collective bargaining with certificated/certified, classified, and police/safety units, and is experienced in both traditional and interest-based bargaining methods. Other areas of her practice include: workplace investigations (including allegations of harassment and discrimination), statutory and negotiated leave issues, disability accommodation issues, reductions in force, student and employee privacy matters, search and seizure and other constitutional issues, policy/procedure review and development, hiring practices, employment contracts, general counsel and board governance matters, administrative hearings, and federal and state civil litigation. Her firm also provides legal advice and representation on special education matters, facilities and construction matters, student discipline, and other areas of interest to school districts.

Prior to representing school districts, Ms. Ginsberg spent seven years as a legal advocate for public and private employee unions and served as a Deputy City Attorney. Prior to her legal career she was an elementary/middle/high school teacher and also served in the U.S. Navy. Her Navy veteran son's career has brought her to Idaho, where she is a licensed attorney, and she looks forward to assisting school district leaders in creating rewarding work and educational environments for employees and students.

Events & Speaking Engagements

Ms. Ginsberg is a popular and highly requested speaker and regularly provides training throughout the nation on a variety of subjects of interest to K-12 school districts, community colleges, universities, cities, counties, governing boards, management teams, administrators, police and safety personnel, supervisors, and staff. In addition to addressing subjects that impact the workplace, the educational setting, and collective bargaining, Ms. Ginsberg provides training on the FRISK model for preparing effective documentation regarding employee substandard performance or conduct; leadership and communication skills; conducting investigations in the educational and workplace environments; conflict resolution; Brown Act compliance, and state-mandated sexual harassment training. She regularly lectures at conferences for local,

INDUSTRIES

Educational & Public Agencies

EDUCATION

J.D., Thomas Jefferson School of Law

B.A., English

University of California, Irvine

United States Naval Academy

ADMISSIONS

1995, California

2024, Idaho

U.S. District Courts, Central and Southern Districts of California

U.S District and Bankruptcy Courts for the District of Idaho

PRACTICE AREAS

Contract Enforcement & Collective Bargaining

Education

Investigations

Labor & Employment

Litigation

Professional Development Training

Barbara J. Ginsberg

statewide, and national educational and governmental organizations. She is also a regular instructor at various personnel and administrator academies throughout the country, and a guest lecturer at several universities. She regularly mentors law students and young lawyers.

Upcoming conferences and speaking events include:

Leadership Series with Barbara Ginsberg – Statewide (virtual and/or in person) (September 2026 through April 2027)

- Communicating with Difficult People and Influencing Change
- Managing & Addressing Conflicts Between Employees in the Workplace
- Effective Evaluations and Evaluation Meetings
- Preparing, Delivering, and Monitoring Employee Improvement Plans
- Team Building Tips That Will Help You Transform Your Work Site
- From Supervisor to Leader: Responsibilities, Repairing Relationships, and Infusing the Practice of Civility in the Workplace
- Troubleshooting Leadership: How to Lead Notwithstanding Challenging People and How to Lead in Challenging Circumstances

Negotiations Series (virtual)

- Introduction to Bargaining
- Crafting and Responding to Proposals
- How to Deal with Conflict at the Table/Impasse
- Mastering the Art of Negotiation

FRISK® Documentation Model for K-12 LEAs & Private Schools (State/National)
FRISK® Documentation Model for Community College Districts (State/National)
FRISK® Documentation Model for Cities and Counties (State/National)

- Preparing Effective Documentation Regarding Employee Substandard Performance or Conduct
- Techniques for Effective Communication with Employees About the FRISK® Document & Influencing Employee Improvement
- Advanced FRISK®: Focus on Scenarios and Writing Techniques

K-12 Performance Management Series (Statewide or Single Districts – virtual)
CCD Performance Management Series (Statewide or Single Districts – virtual)

101 Series

- Negotiations & Contract Administration 101 for Administrators
- Addressing Conflicts Between Employees in the Workplace
- Conducting Legally Compliant Workplace Investigations
- Preparing and Delivering Effective Evaluations
- Introduction to the FRISK® Documentation Method

102 Series

- Preparing for the First Negotiation Session
- Managing and Understanding Millennials in the Workforce
- Professionalism in the Education Environment: When Employees Cross Professional Boundaries
- Employee Speech: Guidelines on Restrictions to Maintain the Integrity of the Workplace while Protecting Employee Rights
- Advanced FRISK®

Professional Development Consortium Series (Virtual)
(September 2026 through May 2027)

- Sexual Harassment & Abusive Conduct Prevention Training for Supervisors

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•Pregnancy in the Workplace: Fulfilling Your Legal Obligations Across the Three Trimesters of Pregnancy
•Preparing, Delivering and Monitoring Employee Improvement Plans
•Where Student Behaviors, Workplace Safety & Behavioral Plans Intersect: Staying Safe as an Employee
•Trauma-Informed Interviews and Investigation Techniques

Additional Topics for Individual School Districts, Community College Districts, Charter Schools, Private Schools, Counties, and Cities

•Nurturing the Superintendent-Board Member Relationship
• Creating a Satisfying Work Environment
• Exercising Gratitude in the Classroom and Workplace
• Building, Maintaining and Repairing Relationships of Trust in the Workplace
• Leading and Building School Culture
• How to Lead Notwithstanding Challenging People
• Keys to Leading & Building Your Team's Resilience During Challenging Times
• Mastering Difficult Conversations with Below-Standard Performing Employees
•Techniques for Becoming a Stronger, More Effective Negotiator
• Secrets to Getting Stuff Done
• Infusing the Practice of Civility and Mutual Respect in the Workplace
• Professionalism and Excellence in the Workplace
• Accommodating Employee Disabilities
• Tips for Conducting Better Workplace Investigations
• Sexual Harassment and Abusive Conduct Prevention Training
• Identifying and Responding to Employee Use of Drugs and Alcohol
• Managing Employee Leaves of Absence
• Mandated Reporter Training Regarding Child Abuse and Neglect
• Understanding the Brown Act
• Good Language, Bad Language: Rules for Drafting Contract Language
• Repairing Relationships of Trust and Team Building Tips for Executive Assistants
• Best Practices for Hiring, Recruiting & Maintaining a Diverse Workforce
• Understanding Criminal Background Checks and Subsequent Arrest Reports
• Best Practices Re Accommodating E'es & Managing Remote Work
• Best Practices/Strategies for Planning, Decision-Making and Communication
• Best Practices/Strategies for Managing Investigations and/or Outside Investigators
• Skills A.I. Will Never Replace: Being a High Potential Employee and Leader
• The Leaders We Remember
• Preparing Effective Documentation to Address Below-Standard Performing Employees
• Managing Burnout & Helping Our Employees Manage Burnout
• Managing Community Expectations at the School Site and Within the District

Community & Professional

• Idaho Bar Association, Employment & Labor Law Section, Member and Government & Public Sector Lawyers Section Member
• California Bar Association, Labor & Employment Law Section, Member
• National Council of School Attorneys, Member
• California Council of School Attorneys, Member
• Cerritos College Foundation, Past President and Member
• Pacific Symphony, League Member, Volunteer and Back Stage Guide
• Idaho Steelheads, Season Ticket Holder
• Hobbies: Rowing, Motorcycle Riding, Spreading Kindness

aalrr Leadership Series

Learn Key Skills to Transform You from Supervisor to Leader

Preparing and Monitoring Written Employee Improvement Plans

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Employees Need:

- An opportunity to understand, with **clarity**, what is expected of them
- An opportunity to **feel heard**
  - Having their perspective acknowledged
  - Sharing in the process of determining how to remediate performance
- Regular, direct, **effective communication**
- Clear, supportive coaching
- A "full color" picture
- **An INTERACTIVE RELATIONSHIP**

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Agenda – ENGAGING WITH CLARITY

- Engaging in Writing to Improve Employee Performance: Communicating in writing with clarity
- Following Up with Employees : Providing clear feedback and monitoring/addressing performance/conduct concerns

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How does an evaluation differ from an improvement plan?

Question

THE "IMPROVEMENT PLAN" COMMUNICATION IS AN OPPORTUNITY TO PROVIDE A VERY CLEAR, STRUCTURED COMMUNICATION FOCUSED ON SPECIFIC DEFICIENCIES

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Purpose of Improvement Plan

- Focuses specifically on areas of identified weakness
  - Gives greater clarity to the employee regarding the performance concern through use of examples and impact statements
- Provides the means ("road map") for the employee to remediate their performance (specific recommendations for improvement, provision of resources and support)
- Reiterates the expected standard by which satisfactory improvement will be measured (observable outcomes)
- Provides the employee with a timeline for improvement so as to ensure timely, good faith efforts are made by the employee to remediate performance
- Provides a written mechanism by which to monitor progress over time

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Best Practice is to Prepare a Written Improvement Plan to Address Performance Deficiencies

- Is a written improvement plan <u>required</u> by policy/negotiated agreement/handbook?
  - For certificated employees? Subs? For classified employees?
  - What triggers the requirement? Your CBA may require an ICIP as a prerequisite to disciplinary action
  - Is there a specific negotiated form that must be used
- If not formally required should you still prepare a written improvement plan?
  - It's a "best practice" to prepare a written improvement plan (or at least a written document that contains all of the elements that go into a written improvement plan) because a substandard performing employee needs better, clearer, more focused communication regarding your perception of their deficiencies and how to fix them

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COMMUNICATION = KEY TO SUCCESS

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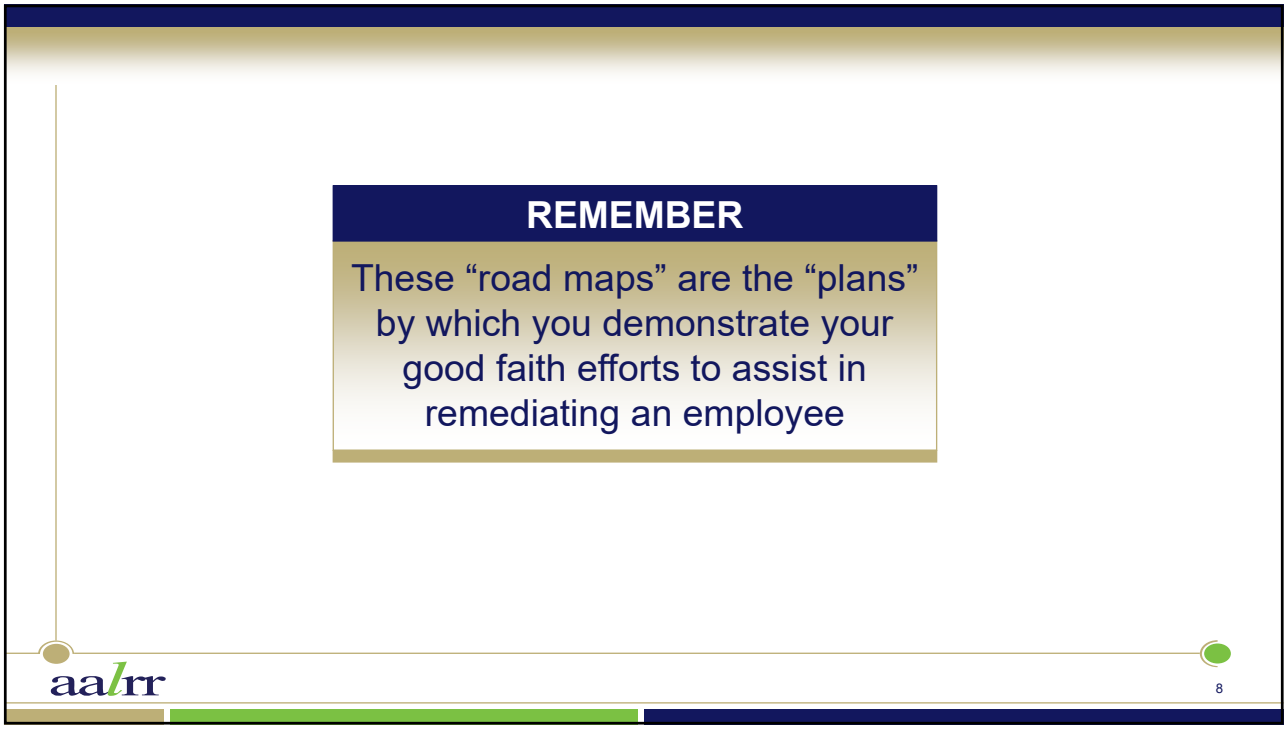
REMEMBER
These “road maps” are the “plans” by which you demonstrate your good faith efforts to assist in remediating an employee
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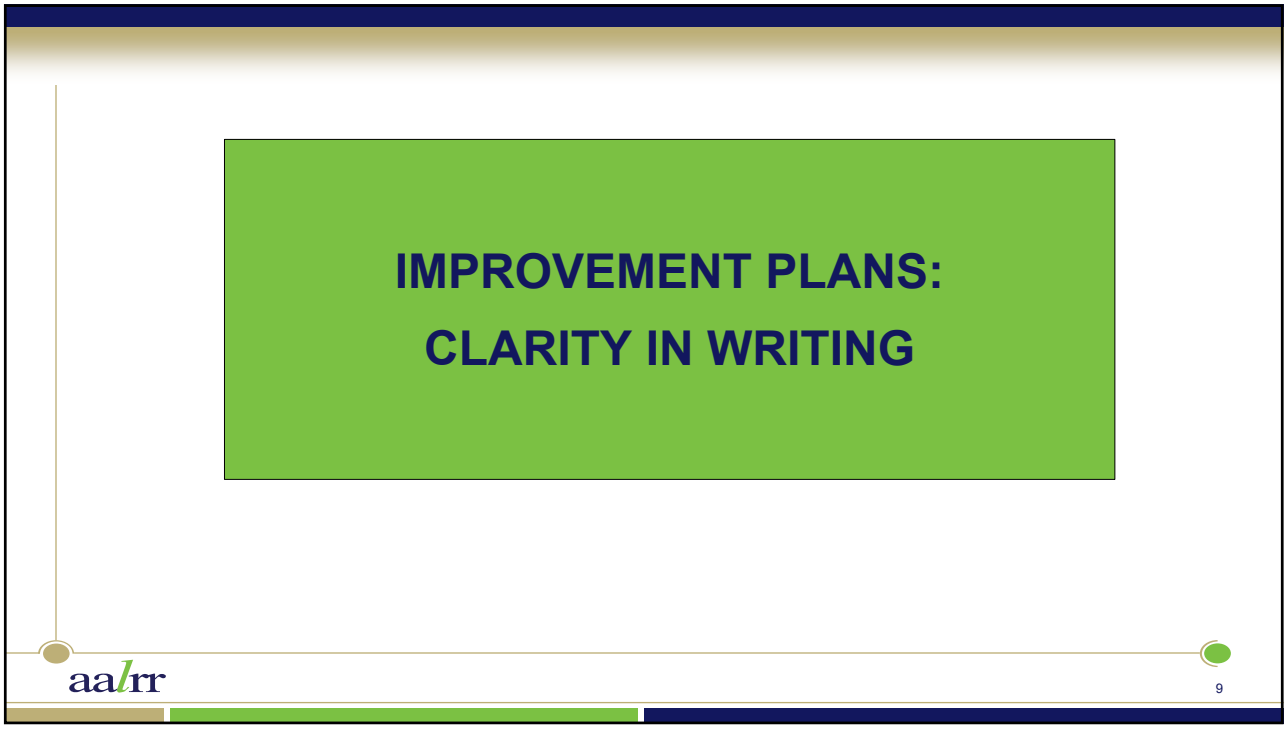
IMPROVEMENT PLANS:
CLARITY IN WRITING
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Communicating with Employees in Writing Regarding Substandard Performance or Conduct

WHY DO OUR WRITINGS TO EMPLOYEES NEED TO BE CLEAR?

- Employee must have clear understanding of what YOUR "picture" is of the performance/conduct concern
- Communicate and verify expectations/standards to the employee
- Motivate and foster improvement in the employee
- Shows your good faith effort to give clear notice of standards to the employee and assistance in correcting deficiencies
- Substantiates the burden of proof in the event the employee doesn't improve

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Purposes/Elements of Improvement Plan

ELEMENTS

1. Identify the performance concerns and other areas for needed growth and/or improvement
2. Identify the goal
3. Direct the actions to be taken to improve
4. Give examples of support to be provided
5. Provide an opportunity for an employee to improve and the timeline for improvement
6. Identify the expected standard/measure for successful improvement

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1 Identify Performance Concerns

- Review the employee's job duties & know what "satisfactory" looks like in practice
- Review observation/evaluation documents
- List the skills, behaviors, duties, and/or actions that need to improve
- Be specific & use detail and examples
- Use visual/supplemental evidence where necessary
- Avoid conclusory statements
- Include **impact** (who/what was impacted and how)
- Employee must clearly understand the problem ("picture in your head")

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2 Identify the Goal

- Describe the "aim" of the improvement plan with respect to the concerns you identified
- Goal for certificated professionals should be aligned with state standards
- Goal for classified employee should be aligned with job description and evaluation document

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3 Direct Actions to be Taken to Improve

- Goal is to remediate employee so employee may meet expectations
- Use directive language (clear and unequivocal)
- List the steps/actions (road map) that the employee needs to take to improve – be specific
- Actions must be reasonable and achievable

- Use your expertise and experience to formulate a road map of actions
- Help prioritize the actions to be taken

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4 Give Examples of Support to be Provided

- Offer examples and suggestions
- List the training and other resources to be provided to the employee to help the employee remediate his/her performance
- If "homework" is given, be sure to follow up with the employee to discuss what the employee learned and how it will be implemented on the job
- Goal is to remediate the employee

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5 Set Timeline for Improvement

- Include reasonable timelines by when satisfactory improvement is expected
- Provide dates when certain specific items need to be accomplished (e.g. prioritize certain tasks)
- Give an "effective" date

- Timelines must be reasonable based on the circumstances and the performance deficiency
- Provide the date(s) progress on performance will be reviewed

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6 State Expected Standard/Measure for Success

- How will the employee know if he/she has succeeded in improving? What does improvement "look like"?
- Review the expected standard (rule, policy, negotiated provision, evaluation standard, etc.)
- Identify the measure of success

We will look at the general standards for certificated and classified employees in an upcoming slide

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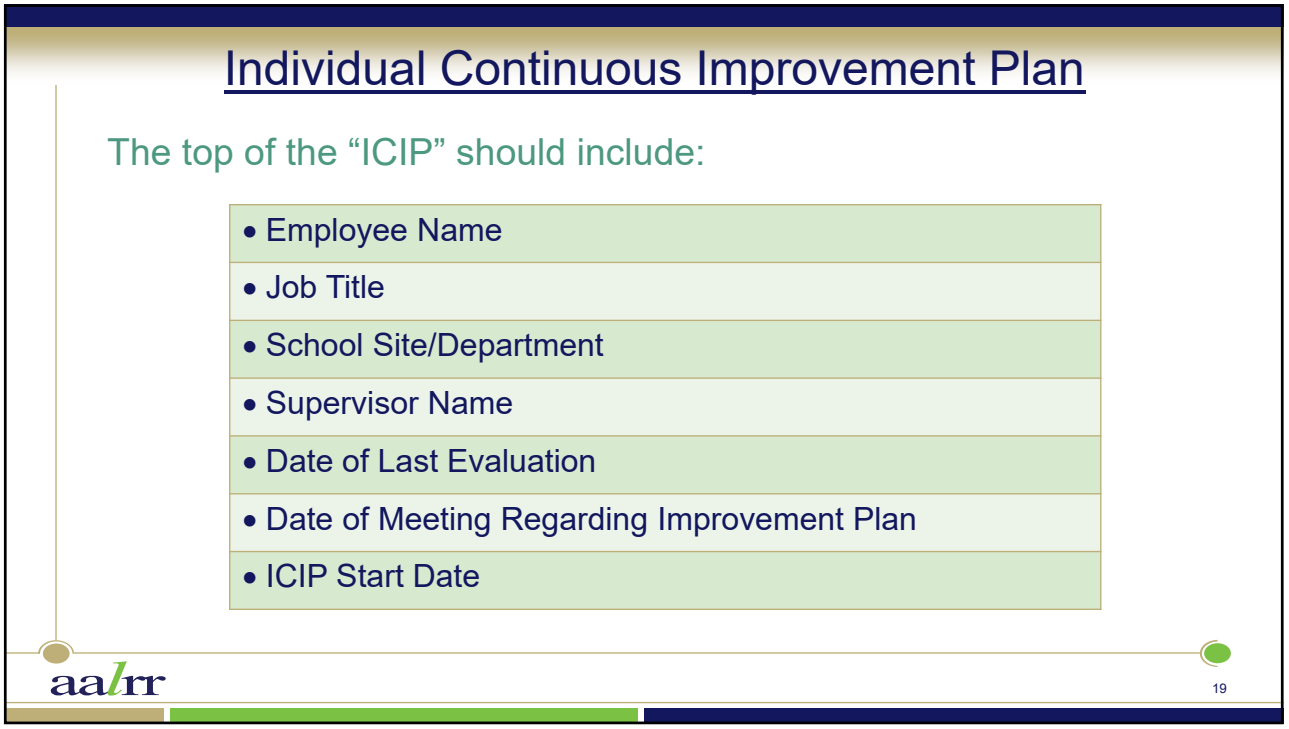

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The body of the "ICIP" should include for each separate performance issue:

1	The specific performance concern (skill, behavior, duty, action)
2	The goal with respect to this concern
3	The actions to be taken by the employee to improve
4	The support, resources, and/or training to be provided to help remediate the employee's performance
5	The timeline in which the employee must demonstrate satisfactory improvement
6	The expected standard by which satisfactory improvement will be measured

REPEAT FOR EACH PERFORMANCE ISSUE

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The end of the "ICIP" should include:

- "Your progress on this Performance Improvement Plan will monitored and will be formally reviewed with you on or about [INSERT DATE] at which time it is expected you will have corrected your deficiencies and improved your performance to a satisfactory standard."
- "A copy of this letter will be placed in your personnel file. As provided for in Idaho Code section 33-518, you may prepare a written rebuttal which will be attached to this document and made part of your personnel file."
- Supervisor signature line and date

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The end of the "PIP" should also include:

- "The above Performance Improvement Plan has been explained to me and I understand the expectations of my job."
- "I understand that the expectation for my continued satisfactory performance will continue beyond the term of this Performance Improvement Plan."
- "I understand that failure to improve my performance and maintain a satisfactory level of performance will lead to disciplinary action against me up to and including termination."
- Employee signature line and date

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Questions

1. **We've learned that it is important for us to be specific in identifying the performance concerns we have about an employee. What resources do you rely on for determining the categories of performance concerns?**
2. **How can you ensure you are being equitable and fair towards employees when identifying performance concerns?**

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Know the Measured Performance Indicators ("Business Interests") set forth on the evaluation form you are required to use and what they look like when practiced at a satisfactory level

- There may be different indicators depending on whether the employee is Teacher, a Counselor, a Psychologist, etc.

Know any Additional Performance Indicators that may be considered. For example:

- Currency in curriculum
- Cooperation/Sensitivity with colleagues/staff
- Accepts constructive criticism
- Maintains timely, adequate, appropriate records
- Accessibility to parents and students and team
- Is on time and adheres to work hours
- Treats students, colleagues, and staff with dignity/respect
- Participates in continued self-initiated professional development activities
- Collaborates with colleagues
- Attends required meetings
- Participates in special assignments, committees, projects
- Assesses students, reviews data and plans/differentiates lessons accordingly
- Engages is meaningful and relevant lesson planning
- Shares in staff responsibilities

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CLASSIFIED EMPLOYEES

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Measured Areas ("Business Interests") for Satisfactory Performance

- Review all the criteria on the evaluation form & any Board mandates & understand what the criteria look like ("meets," "above," "below") in practice
- Examples of Measured Areas:
  - **Quantity of Work**: Use of time, volume of work, meet deadlines
  - **Quality of Work**: Accuracy, Thoroughness, Neatness
  - **Work Habits**: Acceptance of Assignment, compliance with instructions, completion of work, initiative, productivity/efficiency
  - **Job Knowledge**: Understanding of job procedures/methods
  - **Obedience of Work Schedule**: Attendance record, punctuality, work and break schedule adherence
  - **Work Relationships & Attitude**: Cooperativeness & ability to work with supervisors, co-workers, students, visitors; effective communicator, ability to accept change; tactful, courteous and respectful; positive influence on workplace morale

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Measured Areas ("Business Interests") for Satisfactory Performance

- **Outcome Assessment**: use of assessments and responsiveness to feedback to make improvements; adaptable, flexible, able to change
- **Organizational Skills**: Ability to delegate, plan, organize work, problem solve, make decisions, train others
- **Safety Conscious**: Adherence to safety practices; accountability for matters of safety
- **Compliance with Rules & Regulations**: Adherence to District and department rules and protocols; assists others in complying with rules
- **Supervisory ability (if applicable)**
- **Dependability**: Minimal supervision required; works independently; helps others; regularly present and timely and accurately completes work
- **Communication**: Exercises good listening, oral and written communication; ability to accurately and effectively transmit and receive information
- **Supports Diversity & Inclusion**: Engages with others from diverse backgrounds and promotes equity and inclusion

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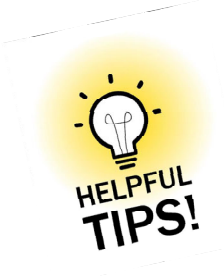
PROVIDE CLARITY AT IN-PERSON MEETINGS REGARDING PERFORMANCE/CONDUCT CONCERNS



See the helpful tips at the end of the handout for delivering the ICIP and influencing the employee to change

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FOLLOW-UP & MONITORING

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Common Problems in ICIPs

- **Follow-up After the Improvement Plan Meeting Is Insufficient**
  - Promised support doesn't materialize
  - Inconsistent follow-up meetings
  - Lack of feedback
  - Employee perceives problems have been resolved when they really have not

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Follow-up: After the ICIP is issued

It's not over once the ICIP is issued!

- Keep your promises
  - If you say you'll meet weekly, meet weekly
  - If you offer training or modeling, be sure it's provided
- OBSERVE regularly and take the pulse of the work/educational environment so you may provide appropriate feedback on progress toward satisfactory standard

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Follow-up: After the ICIP is Issued (cont.)

- **Give a written "Follow-Up on ICIP Report" at the end of the Improvement Plan Period**
  - Goal is to show progress made by the employee during the review period
  - Positives/Negatives
  - Assessment of employee's effort to improve during the review period backed up by observations and facts

Best practice is to complete a follow up report

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Check to see whether the Negotiated Agreement, Board Policy/Procedure, or Handbook, Requires a Follow Up Improvement Plan Report or Whether There Are Other Procedures That Must Be Followed After an Initial Individual Continuous Improvement Plan is issued

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Follow-Up Document

The top of the "Follow-Up on ICIP Report" should include:

- Employee Name
- Job Title
- School Site/Department
- Supervisor Name
- Date of Last Evaluation
- Date of Initial Meeting Regarding Improvement Plan
- Date ICIP Started
- Date Follow-Up on ICIP Report Completed
- Date of Follow-Up Meeting with Employee

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Follow-Up Document (cont.)

The body of the "Follow-Up on ICIP Report" should include for each separate performance issue:

- The specific performance concern (skill, behavior, duty, action)
- A restatement of the goal
- Whether the employee is now performing at a satisfactory standard, whether the standard has only partially been met, or whether there has been little or no measurable improvement
- What the supervisor has consistently observed during the review period regarding this performance concern (reinforce what has been achieved, explain where deficiencies still exist)

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Follow-Up Document (cont.)

For each performance concern that is now satisfactory:

- State your expectation that the employee's performance will continue to remain satisfactory at all times beyond the term of this Performance Improvement Plan

For each performance concern that remains unsatisfactory:

- State that this performance concern will be the subject of a new or continued Individual Continuous Improvement Plan
- Consider whether to issue disciplinary action
- Best practice is to issue a new separate ICIP or clearly show continuation of same ICIP

REPEAT FOR EACH PERFORMANCE ISSUE

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Follow-Up Document (cont.)

The end of the "Follow-Up on ICIP Report" should include:

- "A copy of this letter will be placed in your personnel file. As provided for in Idaho Code section 33-518, you may prepare a written rebuttal which will be attached to this document and made part of your personnel file."
- Supervisor signature line and date

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Follow-Up Document (cont.)

The end of the Follow-Up on "ICIP Report should also include:

- "The above Follow-Up on PIP Report has been reviewed with me and I understand the expectations of my job."
- "I understand that the expectation for my continued satisfactory performance will continue beyond the term of this Individual Continuous Improvement Plan."
- "I understand that my failure to improve my performance to a satisfactory level or my failure to maintain a satisfactory level of performance after improvement will lead to disciplinary action against me up to and including termination."
- Employee signature line and date

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Things to Consider

- Has the performance changed?
- Has the concern been resolved?
- Better? Worse? Tweak?
- Need another conversation?
- Need more clarity with regard to the problem? The expected standard? The continued negative impact? The actions to take to remediate the issue?
- Need to escalate to a higher resource? With a different type of response?

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Follow-up: After the Improvement Plan

- Issue a new Plan if necessary (e.g. still deficient) or clearly indicate the continuance of the same Plan
- Consider disciplinary action if satisfactory performance is not achieved
- The next evaluation document should reflect the Improvement Plan and accurately reflect the status of the employee's performance

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Summary

1. Goal of a written Improvement Plan is to remediate the employee
2. Be clear and provide specific examples of deficiencies
3. Be clear on the pathway to success
4. Let the employee be involved in creating the pathway to success
5. Provide the support needed for the employee to improve
6. Follow up to ensure the employee is making improvement

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Always inform HR and get input from HR before addressing an employee that is exhibiting subpar performance

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Cheat Sheet for Successfully Meeting with Employee

1. Be prepared in advance of the meeting; know the "facts" (with specific examples), the "impact" of the employee's substandard performance, and what the "roadmap" is that you are going to want the employee to follow ("suggestions & directives"). Think about cultural competence, filters, setting, and body language
2. Meet privately with the employee (and rep if requested), in an appropriate setting, and set forth the ground rules for the meeting
3. Start with the "What?" Share your "picture" of your concerns, using facts and examples, while the employee listens; maintaining eye contact is preferred; enforce respectfulness
4. Have the employee summarize your concerns to demonstrate understanding; fill in gaps where necessary

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5. Have the employee share their perspective regarding your concerns, while you listen with intent and maintain eye contact. When the employee is finished, you summarize back, demonstrating that you were listening; verify with the employee that your summary is correct
6. Ask inquiry questions to get a deeper understanding of the issue
7. Move to the "So What?" Have the employee assess the impact of their substandard performance/conduct and then discuss your vision of the continued negative impacts if improvement is not made
8. For each concern you discussed, share the standard/expectation for performance moving forward. Help the employee "visualize" what management means by "satisfactory" through use of examples.

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9. Conclude with the "Now What?" Once there are "matching pictures," get the employee's input (self-assessment) as to how your concerns may be remediated and any resources needed. Then talk through the roadmap (suggestions & directives) and specifically describe the actions the employee must take & timeline for improvement. Describe resources being provided.

10. Make any adjustments to the written ICIP document you may feel are necessary

11. Follow up to ensure the ICIP is working

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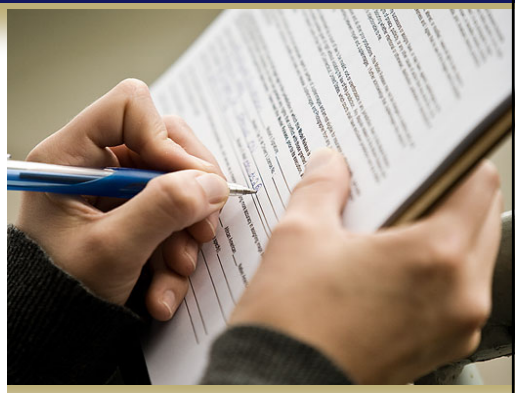

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Question & Answer Session

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Thank You

For questions or comments, please contact:

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