

## **Arizona Education Association Legislative Summary (HB2823)**

### **HB2823 schools; teachers; principals; evaluation systems**

This bill is sponsored by Representative Goodale (the House Education Chairwoman) and is backed by Governor Brewer. In quick summation, HB2823 creates four performance classifications that will be given to each teacher based on their evaluation; it establishes “consequences” for teachers in the lowest performance classification; and it imposes changes to the Classroom Site Fund’s 40% performance based pay component based on a teacher’s performance classification. HB2823 passed the House on Wed., Feb. 29 by a vote of 39 ayes and 15 “no” votes.

Below is a detailed summary provided by the AEA Government Relations Department.

#### *Four Performance Classifications*

- Requires the State Board of Education (SBE) by December 1, 2012, to include four performance classifications for the model framework for teacher and principal evaluations and provide guidelines for school districts and charter schools to use in their evaluation instruments.
- Permits the SBE to periodically make adjustments to align the model framework for teacher and principal evaluations with assessment or data changes at the state level.
- Requires by school year 2013-2014 for school districts and charter schools to adopt definitions for the performance classifications adopted by the SBE in a public meeting and apply the performance classifications to their evaluation instruments.
- Requires the school district governing board to discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.

#### *Principal Evaluations, Contracts & Disclosure of Information for Hiring Purposes*

- Requires the school district governing board to adopt in a public meeting by school year 2013-2014 and implement by school year 2014-2015 policies for principal evaluations. The policies shall describe:
  - The principal evaluation instrument, including the four performance classifications adopted by the governing board.
  - Alignment of professional development opportunities to the principal evaluations.
  - Incentives for principals in one of the two highest performance classifications which may include multi-year contracts (up to three years), and/or incentives to work at schools that are assigned a letter grade of “D” or “F.”
  - Transfer and contract processes for principals designated in the lowest performance classification.
- Amends current law so that principals may not all be offered multi-year contracts of up to three years. Thus, the only way to get a multi-year contract as a principal will be based on the school district incentive created to offer principals in the two highest

performance classifications a contract of up to three years. Maintains current statute that a school district shall not offer to extend or negotiate the principals' contract until May of the year preceding the final year of contract.

- Requires school district governing boards to make available the evaluation and performance classification of each principal in the school district to school districts and charter schools that are inquiring about the performance of the principal for hiring purposes.

#### Duties of Teachers

- Adds to current statute under "duties of teachers" that student learning is the primary focus of the teacher's professional time.

#### Probationary Teachers

Current statute dictates policies and procedures for teachers under three years of experience ("probationary teachers") and policies for teachers with over three years of experience ("continuing status teachers").

- HB2823 maintains teachers who are beginning their fourth year of employment and who have been designated in one of the two lowest performance classifications in the "probationary" section of statute. Thus, if at the end of the third year of teaching a teacher is designated in one of the bottom two performance classifications, they will *not* automatically move to be a "continuing status teacher."
  - These teachers are not entitled to a right to a hearing in front of the governing board (this mirrors current practice for probationary teachers).
  - They are also not subject to statute that provides for an automatic contract in the next school year (15-538.01).

#### Continuing Status Teachers

A "continuing status teacher" is one who has been employed by the school district for the major portion of three or more consecutive school years.

- Permits a continuing status teacher who has been designated in the highest performance classification for two consecutive years to be offered a multi-year employment contract, not to exceed three years. These teachers may also be eligible for incentives to work at "D" or "F" schools.
- Exempts continuing status teachers who have been designated in one of the two highest performance classifications and who transfer into a "D" or "F" school, from being subject to a lower performance classification until the teacher's third year of employment at that school. The use of a performance classification for employment decisions may be further delayed if the principal of the school is designated in the lowest performance classification.
- Prohibits a continuing status teacher who is designated in the lowest performance classification for two consecutive school years from being transferred as a teacher to another school in that school district unless the school district has issued a notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher and the governing board has approved the new placement as in the best interests of the students in the school. A teacher who continues to be in one of the two lowest performance classifications shall not be permitted to transfer to

another school. A teacher cannot be transferred more than once pursuant to this section.

- A continuing status teacher who is designated in the lowest performance classification for two consecutive years or for at least three of the last five consecutive years shall be dismissed, but the district may elect to keep the teacher employed if the teacher participates in district-sponsored professional development that is aligned with the performance improvement plan and that is focused on the areas in which the teacher needs to improve.
- Maintains that a school district may still notify a teacher of inadequate classroom performance if the school district policies related to teacher performance in the classroom exceed the provisions described above.
- Requires the governing board to develop a definition of “inadequacy of classroom performance” that aligns with the performance classifications adopted by the State Board of Education. (Pursuant to current statute, this must be done in consultation with the district’s teachers.)

#### Observations

- Requires a school district governing board’s procedures to prescribe at least two actual classroom observations of the certificated teacher demonstrating skills in a complete and uninterrupted lesson by the person observing the teacher. Each observation shall be separated by at least 30 calendar days. Within 10 business days after each observation, the person observing the teacher must provide written results to the teacher.

#### Disclosure of Evaluations & Performance Classifications

- Permits the Arizona Department of Education to have copies of a teacher’s evaluation report and performance classification, but maintains that these records are confidential.
- Permits evaluations and performance classifications of teachers to be released to school districts and charter schools that inquire about the performance of the teacher for employment purposes.

#### Teacher Transfer Policy

- Requires that any school district policy pertaining to the transfer of teachers from one school to another school in a school district to take into consideration the current distribution of teacher across all of the performance classifications and the needs of the students in the school district.

#### ADE: Posting of Best Practices

- Requires the Arizona Department of Education by September 15, 2012, to identify and prominently post on their website the best practices for the implementation and assessment of principal and teacher evaluation systems. These best practices must be from at least the following public schools:
  - One large school district and one small school district located in a county with a population of at least 800,000 people.

- One school district located in a county with a population of less than 800,000 people.
- One charter school.
- The best practices must include detailed information on the following:
  - The implementation process for teacher and principal evaluation systems.
  - The evaluation weightings.
  - The types of qualitative and quantitative elements used.
  - The methods in which the evaluations guide professional development.
  - The types of decisions for which the evaluations are used.

### *Classroom Site Fund*

- One of the elements that a school board must vote on as part of its performance based compensation system beginning in school year 2014-2015, is a requirement for individual teacher performance as measured by the teacher's performance classification. The teacher compensation for individual performance must be applied only on the school district's portion of the 40% allocation for teacher compensation based on performance that exceeds the amount allocated for these purposes in fiscal year 2013-2014. For each fiscal year after fiscal year 2014-2015, the amount is the difference between the portion of the 40% allocation in fiscal year 2013-2014 and the current year allocation. This compensation amount must account for at least 50% of the cumulative difference in the allocation and must be separately designated from any potential school, grade or subject level performance pay.
  - Note: The intent of this language is to require an individual merit component within the current 40% allocation for the Classroom Site Fund for performance based compensation.
- States that the school district's performance based compensation system's regular evaluation for effectiveness must comply by fiscal year 2014-2015 with the four performance classifications.