

Message to AEA Members Regarding House Bill 2823

(relating to teacher and principal evaluation systems)

March 28, 2012

The original form of HB 2823 was extremely problematic and punitive for teachers. After six weeks of intensive work by AEA leaders and staff as well as clear signs of actions being organized by local AEA affiliates, a major amendment to the bill was crafted. This amendment was officially adopted to the bill during the March 28th floor debate in Senate Committee of the Whole.

The AEA appreciates actions by the bill's sponsor, House Education Chairwoman Representative Doris Goodale (R- Kingman), to bring education stakeholders together. Representative Goodale asked stakeholders to meet in five separate meetings which lasted numerous hours each in order to re-write the bill.

The amendments adopted in the Senate address some of the problems in the bill by:

- Focusing the bill on professional development and improvement opportunities for teachers rather than severe consequences.
- Allowing more time to test the evaluation system before teachers are held accountable to new consequences.
- Providing protections for a teacher's performance classification if the principal is deemed to be ineffective as a school leader.
- Requiring administrators to observe teachers in a complete and uninterrupted lesson and then provide written feedback to the teacher within 10 days of the observation.
- Requiring that the person evaluating the teacher is trained and qualified.
- Requiring an opportunity for public discussion of the teacher evaluation policies before a school board adopts them.
- Reverting changes to the Classroom Site Fund back to a school district decision-making process.
- Permitting school districts to postpone the implementation of the teacher evaluation until the 2013-2014 school year if the school board votes to delay.
- Returning control of the evaluation and performance based pay policies to local school boards and stakeholders.

According to AEA President Andrew Morrill, "With these changes, HB 2823 is now workable for the teachers and principals who work so hard to meet the needs of Arizona students in our neighborhood schools. The bill's new focus on teacher development and support has the potential to help many teachers struggling to meet the challenges they face in their classrooms."

With the amendment, the AEA is now neutral on the HB 2823. We are unable to offer full support of the bill primarily due to its inequitable treatment beyond the performance classifications for charter schools teachers and principals. We also maintain concern about the lack of data currently available for evaluation systems statewide.

Morrill goes on to advise teachers, "This bill creates a challenge and important opportunities for local association leaders, principals, and school administrators to craft local policies that implement the new system fairly and base those policies on research about quality teaching, teacher evaluation, and performance based pay."

CHANGES AEA MADE TO HB2823

Performance Classifications

- Arizona's Race to the Top application asserted that the state would use the terms "highly effective, effective, partially effective and ineffective" as the four performance classifications for teachers and principals based on their evaluations. The AEA was able to change the third classification in HB2823 from "partially effective" to "developing" because we felt strongly that "developing" was a more appropriate term for a teacher with that classification (especially for those new to the profession). AEA did not want two pejorative terms to be used as the bottom two in the performance classification.

Focus on professional development and improvement opportunities rather than severe consequences

- AEA believes the impact of this bill should be to raise principal and teacher performance, not rely solely on consequences. AEA added language to require that when school districts apply their performance classification to their evaluation instrument it should be done in a manner designed to improve principal and teacher performance. AEA also added language so that after an evaluation, a teacher should be provided professional development opportunities in order to improve performance.
- AEA amended the bill to permit a district to retain a teacher for a fourth year if they are in the bottom two performance classifications. The AEA recognizes that some beginning teachers may be given the performance classification of "developing" at the end of their third year, and AEA believes the district should have the option to retain these teachers on staff if professional development can be given to move these teachers from "developing" to "effective" or "highly effective" in the following school year.
- The AEA wants to ensure that teachers who are struggling are given professional development opportunities and not stripped of their due process and contractual rights. Accordingly, we had language stricken that would have required a person in their fifth year to be deemed a "probationary" teacher if they fell in the bottom two performance classifications.

Teacher Transfer Policies

- As introduced HB2823 prohibited the transfer of a teacher to another school in the district unless the principals of the transferring and receiving school and the human resources department at the school district approve the transfer in writing. AEA removed this language to allow districts to continue to adopt transfer policies that meet the needs of their district.

Multi-year contract incentive

- As an incentive, a teacher in the highest performance classification may be offered a multi-year contract for up to three years. The AEA inserted language to protect a teacher's right to decline a multi-year contract and instead accept a one-year teaching contract (AEA did not want a teacher to be "locked in" to a longer term offer if they did not want to be). The AEA also maintained that a teacher who accepts a multi-year contract cannot be subject to RIFs or salary reductions during the time of their contract.

Provide protections and due process rights

- AEA added language to require that the governing board adoption of the teacher evaluation policies include protections for teachers who are transferred to schools that are assigned a letter grade of "D" or "F" as well as protections for teachers if the principal of the school is designated in the lowest performance classification.
- AEA removed language that would have eliminated due process rights for teachers who are designated in the lowest performance classification.
- AEA delayed the date until school year 2015-2016 that the teacher evaluation policies adopted by the district's governing board must include "consequences." This permits additional time for the evaluation to be field tested and vetted.

- AEA had language removed that automatically required a school district to terminate a continuing status teacher designated in the lowest performance classification for two consecutive years or for at least three of the last five consecutive years. Instead, a school district's policies will decide the actions taken.

Observations + Trained Evaluators

- AEA felt it was important for there to be a least two observations of a teacher before an evaluation was written. AEA got language in the bill to ensure these observations are from a "complete and uninterrupted lesson" and also required there to be at least 60 calendar days between the first and last observations so that a teacher has the appropriate time to improve. In addition, AEA had language included so that within 10 business days after each observation, the person observing the teacher must provide written feedback to the teacher.
- AEA added language to the bill to require school districts to ensure the person evaluating the teacher is trained and qualified.

Classroom Site Fund Decisions at the Local Level

- As introduced, HB2823 required that the entire 40% of the performance based compensation be made strictly on the teacher's performance classification. The AEA understands that performance based pay plans usually involve not only individual teacher goals, but also grade-level, school and sometimes district goals. AEA reverted changes to the Classroom Site Fund back to a school district decision-making process.
- The original bill removed the teacher input and approval element of the performance based compensation system at the local level. AEA got the language put back in the bill (the 70% approval vote by teachers).

Delay of the evaluation system

- The AEA realizes that some school districts may not be fully ready to implement the new evaluation system in time for the start of the 2012-2013 school year. AEA worked with Superintendent of Public Instruction John Huppenthal and the Arizona Department of Education to add language to the bill that gives districts until school year 2013-2014 if needed (subject to a board vote and actions to continue the implementation process).