

HB 2823 adds substantive changes to A.R.S. 15-537 referencing teacher transfers and the performance classifications adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38).

Policy Advisory No. 447.
Policy GCMF Responsibilities. Professional Staff Duties and

This policy has two additions which are based on a change to A.R.S. 15-521 found in **HB 2823** and the necessity of qualifying a portion of Policy GCMF due to the addition of Policy IHAL, Teaching About Religion.

Policy Advisory No. 448. Policy
GCO and GCO-RA — Evaluation of Professional Staff Members.

Policy Advisory No. 448 revises Policy GCO, Evaluation of Professional Staff Members, and regulation GCO-RA to address the provisions of **HB 2823**, Fiftieth Legislature, Second Regular Session 2012, amending Arizona Revised Statutes Sections 15-203, 15-341, 15-503, 15-521, 15-536, 15-537, 15-538.01, 15-539, and 15-977. HB 2823 also added Arizona Revised Statute Section 15-537.01 to Arizona Revised Statutes Title 15, Education, Chapter 5, Article 3. The Session Laws, Section 11 and Section 12, which are not chaptered, contain two specific dates of significance and information related to teacher and principal evaluations. A brief summary of salient parts of the above statutes and session laws follow. Pertinent dates of significance in this summary of the provisions of HB 2823 are attached to this communication as Addendum B.

A.R.S. 15-203(A)(38) delineates the responsibility of the State Board of Education, on or before December 1, 2012, to adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three per cent and fifty per cent of the evaluation outcomes. Such model framework shall include four performance classifications, designated as highly effective, effective, developing, and ineffective, and guidelines for school districts and charter schools to use in their evaluation instruments.

The State Board of Education is further directed to adopt best practices for professional development and evaluator training and is given the authority to periodically make adjustments to align the model framework for teacher and principal evaluations with assessment or data changes at the state level.

School districts and charter schools shall, in a public meeting, by school year 2013–**2014**, adopt definitions for the performance classifications adopted by the State Board of Education. The performance classifications are to be applied to the evaluation instruments in a manner designed to improve principal and teacher performance. At least annually, the school district governing board shall discuss at a public meeting its aggregate performance classifications of principals and teachers.

HB2823 added a new duty for teachers. See

ARS §15-521. "Duties of teachers"

Every teacher shall:

1. Make student learning the primary focus of the teacher's professional time.
2. Hold pupils to strict account for disorderly conduct.
3. Take and maintain daily classroom attendance.
4. Make the decision to promote or retain a pupil in grade in a common school or to pass or fail a pupil in a course in high school. Such decisions may be overturned only as provided in section 15-342, paragraph 11.
5. Comply with all rules and policies of the governing board that relate to the duties prescribed in this section.

This means your district must have adopted these classifications by 2013-14

A.R.S. 15-341 (A)(42) requires the school district governing board to adopt in a public meeting and implement by **school year 2013-2014** policies for principal evaluations. Prior to adoption, the governing board shall provide opportunities for public discussion on the proposed policies which shall describe the following:

- The principal evaluation instrument, including the four performance classifications adopted by the governing board pursuant to A.R.S. 15-203(A)(38).
- Alignment of professional development opportunities to the principal evaluations.
- Incentives for principals in one of the two highest performance classifications referenced above, which may include
 - Multiyear contracts as authorized in A.R.S. 15-503 with the restriction that if the principal's contract is for multiple years the school district shall not offer to extend or negotiate the contract until May of the year preceding the final year of the contract.
 - Incentives to work at schools assigned a letter grade of "D" or "F" pursuant to A.R.S. 15-241.
- Transfer and contract processes for principals designated in the lowest performance classification pursuant to A.R.S. 15-203(A)(38).

A.R.S. 15-503(C) provides the following:

- That the term of employment of principals may be for any period not exceeding three years pursuant to A.R.S. 15-341(A)(42) except that if the principal's contract with the school district is for multiple years the school district shall not offer to extend or negotiate the contract until May of the year preceding the final year of the contract.
- That the governing board shall establish systems for the evaluation of the performance of principals that meet the requirements prescribed in A.R.S. 15-203(A)(38).
- That the board makes available the evaluation and performance classification pursuant to A.R.S. 15-203(A)(38) 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.

A.R.S. 15-521, Duties of Teachers, contains a provision which requires the modification of Policy GCMF, Professional Staff Duties and Responsibilities, to add the requirement that every teacher shall make student learning the primary focus of the teacher's professional time. This policy will also be updated to delete an older provision which is no longer part of the **statute**.

This additional duty is significant, if your district forces its teachers to due a lot of duties other than teaching.

A.R.S. 15-536 , Offer of Contract to Certificated Teacher Who Has Not Been Employed More Than Three Consecutive School Years, extends the application of this statute to include each teacher who is beginning the teacher's fourth year of employment and who has been designated in one of the two lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the school district for the current school year. Teachers covered under this statute shall not have the right to a hearing pursuant to ARS 15-539(G).

A.R.S. 15-537, Performance of Certificated Teachers; Evaluation System; Definition, directs the governing board to establish a system for the evaluation of the performance of certificated teachers in the school district that meets the requirements prescribed in A.R.S. 15-203(A)(38), to adopt teacher evaluation policies in a public meeting by school year 2013-2014. Prior to adoption, the governing board shall provide opportunities for public discussion on the proposed policies which shall describe the following:

- Incentives for teachers in the highest performance classification, including multi-year contracts not to exceed three years. A teacher may accept or decline a multi-year contract. The teacher is not excluded from the application of A.R.S. 15-538.01, 15-540, 15-541 or 15-549.
- Incentives for teachers in the two highest performance classifications to work at schools that are assigned a letter grade of *D* or *F* pursuant to A.R.S. 15-241.
- Protection for teachers who are transferred to schools that are assigned a letter grade of *D* or *F* pursuant to A.R.S. 15-241.
- Protection for teachers if the principal of the school is designated in the lowest performance **classification**.

Beginning in school year **2015-2016**, the policies prescribed in the four bullets above shall describe the following:

- Support and consequences for teachers designated in the lowest performance **classification**.
- An intervention option for teachers designated in the lowest performance classification that includes the use of a performance improvement plan for those teachers pursuant to A.R.S. 15-539. This intervention must be limited in policy to being used only once for each teacher.
- Dismissal policies pursuant to A.R.S. 15-539 for teachers who continue to be designated in the lowest performance classification following use of the intervention option.
- Dismissal policies pursuant to A.R.S. 15-539 for teachers who are not provided an intervention option. The policies shall require that the school district governing board initiate the notice of inadequacy of classroom performance process pursuant to A.R.S. 15-539 no later than the second consecutive year that the teacher is designated in the lowest performance classification.

This is an area of concern. Your district should only apply this to teachers who by the end of their third year are in the lower 2 classifications.

A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the governing board shall offer a teaching contract for the next ensuing school year to each certificated teacher who has not been employed by the school district for more than the major portion of three consecutive school years **or who is beginning the teacher's fourth year of employment and who has been designated in one of the two lowest performance classifications pursuant to section 15-203, subsection a, paragraph 38** and who is under a contract of employment with the school district for the current school year, unless the governing board, a member of the board acting on behalf of the board or the superintendent of the school district gives notice to the teacher of the board's intention not to offer a teaching contract or unless such teacher has been dismissed pursuant to section 15-538, 15-539, 15-541 or 15-544. The teacher's acceptance of the contract for the ensuing year must be indicated within fifteen business days from the date of the teacher's receipt of the written contract or the offer is revoked...

ARS 15-537 Requires the District Board to discuss the following, but the following IS NOT in the Board model language:

1. Incentives for teachers in highest performance classification, including 3 year multi year contracts
2. Incentives for teachers in 2 highest performance classifications to work in D or F schools
3. Protections for teachers transferred to D or F school
4. Protections for teachers if the principal is in the lowest performance classification
5. This isn't explicit in the ASDB model language, so locals will have to push for this

Local Opportunity: Locals should be involved in the development of the support and consequences and dismissal procedures for teachers in the lowest performance category and those who unsuccessfully complete a performance plan. Locals should also help design the intervention option offered to teachers in the lowest performance category.

A teacher who has been employed by the school district for the major portion of three or more consecutive school years and who is designated in the lowest performance classification for two consecutive school years shall not be transferred as a teacher to another school in that school district unless the district has issued a notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher pursuant to A.R.S. 15-539 and the governing board has approved the new placement as in the best interests of the pupils in the school. A teacher shall not be transferred more than once pursuant to this statute.

A.R.S. 15-537 also provides that the governing board shall prescribe specific procedures for the teacher performance evaluation system pursuant to ARS 15-203(A)(38) which shall include at least two actual classroom observations of the certificated teacher demonstrating teaching skills in a complete and uninterrupted lesson by the person observing the teacher. There shall be at least sixty calendar days between the first and last observations. Within ten business days after each observation, the person observing the teacher shall provide written feedback to the teacher.

Copies of the evaluation report and performance classification of a certificated teacher retained by the governing board and the department of education are confidential, do not constitute a public record and shall not be released to any person except to those stipulated in the statute with the recent addition of allowing release to school districts and charter schools that inquire about the performance of the teacher for employment purposes.

There is an additional admonition in A.R.S. 15-537 that any school district policy pertaining to the transfer of teachers from one school to another school within the school district shall take into consideration the needs of the pupils in the school district and the current distribution of teachers across all of the four performance classifications adopted by the state board of education pursuant to A.R.S. 203(A)(38).

A.R.S. 15-537.01 is a new statute which addresses the posting of best practices for teacher and principal evaluation systems. This statute requires that by **September 15, 2012**, the Department of Education shall identify and prominently post on the website maintained by the Department the best practices for the implementation and assessment of principal and teacher evaluation systems. The best practices which are posted are to be derived from at least the following Arizona public schools:

- One large school district located in a county with a population of at least eight hundred thousand persons.
- One small school district located in a county with a population of at least eight hundred thousand persons.
- One school district located in a county with a population of fewer than eight hundred thousand persons.

Note: This material is written for informational purposes only, and not as legal advice.

- One charter school.

The best practices posted by the Department of Education pursuant to the above shall include detailed information on

- 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.

A.R.S. 15-538.01, provides, subject to statutory references, that the governing board shall offer to each certificated teacher who has been employed more than the major portion of three consecutive years and who is under contract of employment with the school district for the current year a contract renewal for the next ensuing school year unless the teacher has been given notice of the board's intent not to offer a contract and to dismiss the teacher as provided in section ARS 15-539. The legislature added that the governing board shall offer a contract to each certificated teacher who is not designated in the lowest performance classification pursuant to A.R.S. 15-203(A)(38) and was offered a contract in the prior year pursuant to A.R.S. 15-536 unless the teacher has been given notice of the board's intent not to offer a contract and to dismiss the teacher as provided in section A.R.S. 15-539.

A.R.S. 15-539 references the exception provided in A.R.S. 15-536 for a certificated teacher who is beginning the teacher's fourth year of employment and who has been designated in one of the two lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the school district for the current school year.

This statute now adds to the governing board's responsibility to develop a definition of inadequacy of classroom performance the requirement to ensure that the definition aligns with the performance classifications adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38).

A.R.S. 15-977, Classroom Site Fund; Definitions, directs that beginning in school year 2014-2015, individual teacher performance as measured by the teacher's performance classification pursuant to A.R.S. 15-203(A)(38) shall be a component of the school district's portion of the forty per cent allocation for teacher compensation based on performance and employment related expenses and that the individual teacher performance component shall account for thirty-three per cent of the forty per cent allocation for such **compensation** . ◆ -----

Locals should be involved in defining the performance based pay system so that teachers who are in a performance classification, other than ineffective receive the full 33% of the classroom site fund performance based pay. Locals also should work on developing a fair, effective appeal process. Locals should also be aware that Governing Boards could vote to modify this 33% pursuant to A.R.S. § 15-977(E).

Session Laws, Section 11, which is not chaptered, contains two specific dates of significance and information related to teacher and principal evaluations as follows:

Notwithstanding A.R.S. 15-203(A)(38), a school district governing board or a charter school governing body may elect to postpone the full implementation of the required teacher and principal evaluation until the 2013-2014 school year if a majority of the governing board or a majority of the governing body votes to postpone the evaluation implementation at a public meeting and adopts a plan at the public meeting that includes

- All of the following, which shall be adopted before September 30, 2012
 - o A timeline for the evaluation to be implemented by the beginning of the 2013-2014 school year.
 - o A plan for engaging teachers and other interested stakeholders.
 - o A plan to determine how the evaluations will guide professional development.
- All of the following, which shall be adopted before December 31, 2012
 - o An instrument or instruments considered for the evaluation.
 - o The percentage of the outcome of the evaluation in accordance with the framework adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38), as amended.

Session Laws, Section 12, which also is not chaptered, addresses a pilot evaluation instrument that complies with the framework adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38), as amended, for school districts and charter schools. The pilot evaluation instrument may be developed by the State Department of Education and may be pilot tested in the school districts and charter schools that choose to participate in the pilot program in school year 2012-2013.

Refer to Addendum B for the dates of significance from HB 2823.

Policy Advisory No. 449. Policy IHAL -Teaching About Religion.

Policy IHAL is presented as a new ASBA policy document; it is response to House Bill 2563 with subsequent language established in A.R.S. 15-717.01. The language establishes that the State Board of Education "shall include in history or English arts standards, or both", specific concepts related to the history and literature of the Old Testament and the New Testament. Language is clear that this does not require pupils who do not enroll in the elective course prescribed in the bill to receive instruction on the historical study of biblical text.

EVALUATION OF PROFESSIONAL STAFF MEMBERS

How does this impact RIF's?

The process of evaluation for certificated professional staff members shall lead to improvement of the quality of instruction and the strengthening of the abilities of the professional staff.

Certain elements in an effective evaluation process shall be emphasized:

This is not defined in statute; policies should define evaluation, evaluation report, and other terms.

- **Evaluation** shall be a cooperative endeavor between evaluator and evaluatee.
- Open communication shall be considered essential.
- The agreed-upon purpose of evaluation shall be to work toward common goals for the improvement of education. This shall include attention to student and staff success, which shall include all certificated staff members.
- Evaluation shall be continuous, flexible, and sensitive to need for revision.
- The result of evaluation(s) shall be courses of action for the improvement of instruction. These courses of action shall be set in motion by specific recommendations mutually reviewed by the evaluator and the evaluatee.
- Evaluation shall be considered one aspect of effective management, rather than a discrete entity.
- Effective evaluation depends on accurate information; therefore, input from all appropriate sources shall be used.
- Evaluation(s) shall be based on, but not limited to, the following:
 - Student learning is the primary focus of the teacher's professional time.
 - Job expectations within the District.
 - Instruments for assessment.
 - Personal observation.

Opportunity: Have locals define how Districts and the evaluations can ensure that student learning is the primary focus of the teachers' time.

This is an area to add protections. ARS 15-537 A. The governing board of a school district shall establish a system for the evaluation of the performance of certificated teachers in the school district that meets the requirements prescribed in section 15-203, subsection A, paragraph 38. The objectives of the teacher performance evaluation system are to improve instruction and maintain instructional strengths. The governing board shall involve its certificated teachers in the development and periodic evaluation of the teacher performance evaluation system.

15-203(A)(38) By school year 2013-2014, school districts and charter schools shall Adopt definitions for the performance classifications adopted by the state board of education in a public meeting and apply the performance classifications to their evaluation instruments IN A MANNER DESIGNED TO IMPROVE PRINCIPAL AND TEACHER PERFORMANCE. for charter holders, the principal evaluation instrument applies to each charter school's instructional leader whose primary responsibility is to oversee the academic performance of the charter school. this paragraph does not apply to an officer, director, member or partner of the charter holder. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.

Opportunity: If evaluations impact pay, then there has to be an appeal process
What is your district's appeal? What is due process?
ASBA didn't include model language but this is a chance to create protections
Suggestions:
Tie to grievance procedure or a committee of 2 teachers and an administrator?
Add independent evaluator
What do you want to be able to appeal?
Observations or evaluations
Make sure appeal goes to someone

Opportunity: the District's Board must adopt evaluations instruments designed to improve teacher performance.

There is a difference in each category and the ultimate rating. The statutes do not define the number of categories, ie classroom management. This is district based, and you can negotiate more than 1.

Opportunity: how does district define ineffective and how does it work with State Board definitions?

Evaluation of Classroom Teachers and Other Certificated Non- administrative Staff Members

The District evaluation instrument will utilize the required elements of the model framework for a teacher and principal evaluation instrument adopted by the State Board of Education on or before December 31, 2012, that includes quantitative data on student academic progress that accounts for between thirty-three percent (33%) and fifty percent (50%) of the evaluation outcomes. The model framework shall include four (4) performance classifications, designated as highly effective, effective, developing, and ineffective. The model framework includes guidelines for school districts and charter schools to use in their evaluation instruments.

Definitions for the above performance classifications adopted by the State Board of Education shall be adopted by the School District in a public meeting by school year 2013-2014. The performance classifications are to be applied to the evaluation instruments in a manner designed to improve principal and teacher performance. At least annually, the School District Governing Board shall discuss at a public meeting its aggregate performance classifications of principals and teachers.

In accordance with state law, the District shall involve its certificated teachers in the development and periodic evaluation of the teacher performance evaluation system. The following elements will be a part of the evaluation system:

- A copy of the evaluation system shall be given to each teacher in the District.
- The Board shall receive from the Superintendent recommendations for qualified evaluators prior to naming evaluators.
- The best practices for professional development and evaluator training adopted by the State Board of Education.
- The Board will designate qualified evaluators by name or position at a Board meeting each year.

Inadequacy of Classroom Performance

A teacher's classroom performance is inadequate if the teacher receives a rating of *unsatisfactory* *ineffective* in one (1) **or** more of the [use either] components [or] indicator statements performance classifications pursuant to A.R.S. 15-203 and set forth in the District's teacher evaluation system. A teacher's classroom performance is also inadequate if the teacher receives a rating of *Needs improvement* *developing* in three (3) or more of the performance classifications pursuant to A.R.S. 15-203 and [use either] components [or] indicator statements set forth in the District's teacher evaluation system.

If the District receives approval to budget for a career ladder program, more than one (1) evaluation system may be developed as authorized in A.R.S. 15-539. If more than one (1) level is established, the same level of performance for minimum adequacy shall be required of all teachers who have completed the same number of years of teaching in the District.

Prior approval by the Board is not required for each notice of inadequacy. The **(title(s) of authorized officials), is (are)** authorized to issue notices of inadequacy of classroom performance, subject to approval by the Superintendent. When a notice is issued without prior Board approval, the Board shall be notified within five (5) days of such issuance.

Evaluation of Administrators and Psychologists

The District shall establish a system for the evaluation of the performance of principals, other school administrators, and psychologists. The District will seek advice from District administrators and psychologists in the development of this performance evaluation system.

The Board shall make available the evaluation and performance classification pursuant to A.R.S. 15-203 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 ♦

Adopted: date of Manual adoption

15-538.01
15-539 *et seq.*
15-544
15-549
15-918.02
15-977

CROSS REF: GCF - Professional Staff Hiring
G CJ- Professional Staff Noncontinuing and Continuing Status
GCK - Professional Staff Assignments and Transfers
GCMF - Professional Staff Duties and Responsibilities
GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members
GDO - Evaluation of Support Staff Members

Note the following is required to be discussed in a public meeting, but it is not in the model policy. Locals need to craft the discussion so it meets their needs:

1. The principal evaluation instrument
2. Alignment of professional development to the principal evaluations
3. Incentives for principals in the 2 highest performance classifications
4. Transfer and contract process for principals in the lowest performance classification
5. How teachers can learn the ratings to obtain the protections in 15-537(B)(4). "PROTECTIONS FOR TEACHERS IF THE PRINCIPAL OF THE SCHOOL IS DESIGNATED IN THE LOWEST PERFORMANCE CLASSIFICATION."

EVALUATION OF PROFESSIONAL STAFF MEMBERS

Purpose

A formal process of evaluating all certificated personnel will be implemented. The purpose of evaluation shall be the improvement of the quality of instruction. Such a process, to achieve the greater measure of success, shall be predicated on the assumption that the evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

1. Opportunity to limit activities not related to student learning
2. Opportunity to devote prep time, extra duties, etc?

- Evaluations document the extent to which the teacher makes student learning the primary focus of the teacher's professional time.
- Evaluations determine how well the objectives held by the school are being carried out. The success of the educational program is dependent upon the quality of classroom instruction, supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting personnel to be aware of their strengths and weaknesses in order to improve.
- Evaluations provide a basis for planning in-service training and supervisory activities. Such activities can be most effective when they are based upon clear evidence of need as shown by evaluation studies.
- Evaluations provide the basis for administrative decisions. Such decisions may include the employment of personnel, their assignment, the granting of continuing status, promotion, demotion, or termination.
- Evaluations aid in determining the adequacy or inadequacy of classroom performance.

Definitions

When used in this regulation:

Opportunity: How can locals affect application of standards to improve performance?

- *Instructional day* will mean a day in which pupils are scheduled to attend school for instructional time.
- **Performance** classifications means the four (4) performance classifications, designated as highly effective, effective, developing, and ineffective, included in the model framework for a teacher and principal evaluation instrument adopted by the State Board of Education pursuant to A.R.S. 15-203. The performance classifications are to be applied to the evaluation

The SBE has not yet completed the definitions and won't until January 2013.

in a manner designed to improve principal and teacher performance. At least annually, the School District Governing Board shall discuss at a public meeting its aggregate performance classifications of principals and teachers.

Teacher Evaluation

Teacher evaluation shall include all classroom teachers and other certificated nonadministrative staff members. Such evaluation shall be based on Policy GCO and the procedures outlined in the following.

Evaluators. Qualified evaluators shall be designated by the Board. The evaluator shall be responsible for the final written and official statement of evaluation, which shall be in writing, and a copy shall be transmitted to the certificated teacher within five (5) days after completion of the evaluation. [A.R.S. 15-537]

The administration is responsible for an in-service training program for evaluators. This program shall incorporate a philosophy, procedure, and techniques that ensure effective implementation of the evaluation plan.

The best practices for professional development and evaluator training adopted by the State Board of Education should be referenced as the State Board has the authority to periodically make adjustments to align with the model framework for teacher and principal evaluations with assessment data changes at the state level.

~~Classroom visitations~~ Observations by **Evaluator**. ~~Formal observations shall be spaced and of sufficient duration (minimum of thirty [30] uninterrupted minutes) so as to ensure that the evaluators have an opportunity to grasp an overall concept of a person's performance over a full schedule.~~

~~Formal observations may sometimes be prearranged through initiation by either the observer or the teacher. Formal observations shall be defined as those that are written and provide an opportunity for a follow up conference.~~

The Governing Board prescribes that the teacher performance evaluation system pursuant to A.R.S. 15-203(A)(38) shall include at least two (2) actual classroom observations of the certificated teacher demonstrating teaching skills in a complete and uninterrupted lesson by the person observing the teacher. There shall be at least sixty (60) calendar days between the first and last **observations.**

Informal observations may be made at the discretion of the administrator.

Procedural steps in the process of evaluation:

15-537(E)(1) The governing board shall prescribe specific procedures for the teacher performance evaluation system PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH 38, which shall include at least the following elements:

1. At least two actual classroom observations of the certificated teacher demonstrating teaching skills in a complete and uninterrupted lesson by the person observing the teacher. THERE SHALL BE AT LEAST sixty CALENDAR DAYS BETWEEN THE FIRST AND LAST OBSERVATIONS. Within ten business days after each observation, the person observing the teacher shall provide written FEEDBACK to the teacher.

Opportunities:

1. define lesson
2. distinguish between evaluation and observation
3. provide ability to respond to observation summary in addition to evaluation
4. Will an observation impact pay?

- At the beginning of the school year, the principal shall meet with the school's faculty for the purpose of orienting the teachers to the total evaluation plan. This shall include whether the evaluation is used as a criterion for establishing a teacher's compensation.
- Self-evaluation for the teacher shall be urged.
- As described above an observation(s) in the classroom shall be completed.
- An opportunity for a conference shall follow each formal observation- visitation.
 - A written record shall be made of each formal observation, with a copy to the observed.
 - The official evaluation shall be reduced to writing and signed by both the teacher and the evaluator. The teacher's signature shall not mean concurrence. The teacher shall be allowed ten (10) days to write and submit any comments, which shall be attached to the **evaluation**.
 - A copy of the written evaluation shall be transmitted to the teacher within five (5) days after completion of the evaluation, Within ten (10) business days after each observation, the person observing the teacher shall provide written feedback to the teacher and a copy shall be retained for the principal's file. A third copy shall be placed in the teacher's personnel file and made available to authorized District officers and employees.
 - The official evaluation shall be reduced to writing and signed by both the teacher and the evaluator. The teacher's signature shall not mean concurrence. The teacher shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.
 - **Teacher** evaluations are confidential, do not constitute a public record, and shall not be released or *shown* to any person except for the explicit purposes set out in A.R.S. 15 537. Copies of the evaluation report and performance classification of a certificated teacher retained by the Governing Board and the Department of Education are confidential, do not constitute a public record and shall not be released to any person except to those stipulated in the statute which allows release to school districts and charter schools that inquire about the performance of the teacher for employment purposes.

Modifies language about written feedback to the teacher in 10 business days after observation

- a. Need to insert language about allowing response to observations
- b. Needs clarity as to whether teacher can respond both to observation or evaluation

You need to determine what your district is releasing and define what time period is .

Not defined in statute so an opportunity is to define what a "evaluation report" is ASA distributed a model report to districts.

Opportunity: Could define employment purposes narrowly so it only applies to after an interview, etc.

Evaluation program. The specific format for the teacher evaluation system will be developed in compliance with Policy GCO and this regulation under the leadership of the Superintendent.

Inadequate classroom performance. All teachers whose classroom performance is inadequate will be notified in accordance with the law and the contents of Policy GCO.

Frequency of written evaluations. Evaluations shall be made at least two (2) times per year for noncontinuing teachers, and at least once per year for continuing teachers.

Why is this 2? The law doesn't require it? Are there benefits?

Evaluation schedule (also see Policy GCJ):

Noncontinuing teachers (employed by the School District for less than the major portion of three [3] consecutive school years):

(FOR NONCONTINUING TEACHERS - OPTION 1]

- During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
- The first evaluation, including observation, written report, and conference shall be completed sufficiently early in the instructional year to schedule a second (2nd) evaluation and give written preliminary notice of inadequacy of classroom performance no later than January 15.
- A second evaluation shall be completed sufficiently early in the instructional year to give written preliminary notice of inadequacy of classroom performance no later than January 15.
- Not later than January 15, a noncontinuing teacher whose classroom performance is inadequate shall be given a written preliminary notice of inadequacy of classroom performance. This notice will provide the noncontinuing teacher at least ninety (90) days in which to overcome the inadequacy(ies). The notice shall specify the nature of the inadequacy(ies) with such particularity as to furnish the teacher an opportunity to correct the inadequacy(ies) and overcome the grounds for the charge. If the notice is issued without prior Board approval, the Board shall be notified within five (5) days of such issuance.
- Prior to the *intended date* to provide notice of nonreemployment, and subsequent to the ninety (90) day period during which a teacher was provided the opportunity to overcome any noticed inadequacies of classroom performance, a third evaluation shall be made.
- The Board shall authorize, as necessary, and send notice to noncontinuing teachers who will not be reemployed for the ensuing school year.
- Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the Governing Board shall offer a teaching contract for the next ensuing school year to each certificated noncontinuing teacher who is under a contract of employment with the School District for the current school year, unless the Governing Board, a member of the Board acting on behalf of the Board,

or

the Superintendent gives notice to the teacher of the Board's intention not to offer a teaching contract or unless such teacher has been dismissed pursuant to A.R.S. 15-538, 15-539, 15-541, or 15-544. Notice of the Board's intention not to reemploy the teacher shall be by delivering it personally to the teacher or by sending it by registered or certified mail to the teacher at the teacher's place of residence, as recorded in the District's records. The notice shall incorporate a statement of reasons for not reemploying the teacher. If the reasons are charges of inadequacy of classroom performance as defined by the Governing Board pursuant to section 15-539, subsection D, the Board or its authorized representative, at least ninety (90) days prior to such notice, shall give the teacher written preliminary notice of inadequacy, specifying the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for such charge. The written notice of intention not to reemploy shall include a copy of any evaluation pertinent to the charges made and filed with the Board.

A. This needs clarity that this status only applies to teachers who are in the two lowest performance categories at the end of third year.

B. Suggest a separate contract for these 4th year probationary teachers that clarifies that they are not like the 4th year continuing teachers.

- A.R.S. 15-536 is applicable to each teacher who is beginning the teacher's **fourth** year of employment and who has been designated in one (1) of the two (2) lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the School District for the current school year. Teachers covered under this statute shall not have the right to a hearing pursuant to A.R.S. 15-539(0).
- None of the above statements shall be construed to give the noncontinuing teacher the right to a hearing pursuant to 15-536 and 15-539.

[FOR NONCONTINUING TEACHERS- OPTION 2]

- During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
- Prior to January 10, an evaluation, including observation, written report, and conference shall be completed.
- Not later than January 15, a teacher whose classroom performance has been evaluated as being inadequate shall be given a preliminary notice of inadequacy of classroom performance. The notice will provide the noncontinuing teacher at least ninety (90) days in which to overcome the inadequacies and shall specify the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for the charge. If the notice is issued without prior Board approval, the Board shall be notified within five (5) days of such issuance.

- Prior to the *intended date* to provide notice of nonreemployment, and subsequent to the ninety (90) day period during which a teacher was provided the opportunity to overcome any noticed inadequacy(ies) of classroom performance, a second evaluation shall be made.
- The Board shall authorize, as necessary, and send notice to noncontinuing teachers who will not be reemployed for the ensuing school year.
- Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the Governing Board shall offer a teaching contract for the next ensuing school year to each certificated noncontinuing teacher who is under a contract of employment with the School District for the current school year, unless the Governing Board, a member of the Board acting on behalf of the Board or the Superintendent gives notice to the teacher of the Board's intention not to offer a teaching contract or unless such teacher has been dismissed pursuant to section 15-538, 15-539, 15-541, or 15-544. Notice of the Board's intention not to reemploy the teacher shall be by delivering it personally to the teacher or by sending it by registered or certified mail to the teacher at the teacher's place of residence, as recorded in the District's records. The notice shall incorporate a statement of reasons for not reemploying the teacher. If the reasons are charges of inadequacy of classroom performance as defined by the Governing Board pursuant to section 15-539, subsection D, the Board or its authorized representative, at least ninety (90) days prior to such notice, shall give the teacher written preliminary notice of inadequacy, specifying the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for such charge. The written notice of intention not to reemploy shall include a copy of any evaluation pertinent to the charges made and filed with the Board.
- A.R.S. 15-536 is applicable to each teacher who is beginning the teacher's fourth year of employment and who has been designated in one (1) of the two (2) lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the School District for the current school year. Teachers covered under this statute shall not have the right to a hearing pursuant to A.R.S. 15-539(G).
- None of the above statements shall be construed to give the noncontinuing teacher the right to a hearing pursuant to 15-536 and 15-539.
- *Continuing teachers (employed by the School District for more than the major portion of three [3] consecutive school years):*

a. This needs clarity that this status only applies to teachers who are in the two lowest performance categories at the end of third year.

b. Suggest a separate contract for these 4th year probationary teachers that clarifies that they are not like the 4th year continuing teachers

- Continuing teachers shall be evaluated at least once each year. If the evaluation is used as the basis of a preliminary notice of inadequacy of classroom performance, the evaluation:
 - May not be conducted within two (2) instructional days of any school break of one (1) week or more.
 - Must be conducted in accord with District procedure.
 - Must be completed in time to be included in the written preliminary notice of inadequacy of classroom performance, which may be issued by the Governing Board or its authorized representative or delegated employee at least ten (10) instructional days before the start of the statutory period of time the teacher is to be given to correct the inadequacy and overcome the grounds for the charge. In all cases in which an employee of the Governing Board issues a notice of inadequacy of classroom performance without prior approval by the Board, the employee shall report such issuance to the Governing Board within five (5) school days.
 - The written preliminary notice of inadequacy of classroom performance shall specify the nature of the inadequacy of classroom performance with such particularity as to furnish the teacher an opportunity to correct the teacher's inadequacies and overcome the grounds for the charge. The written preliminary notice of inadequacy of classroom performance shall be based on a valid evaluation according to District procedure, shall include a copy of any evaluation pertinent to the charges made and shall state the date, not less than sixty (60) instructional days, by which the teacher has to correct the inadequacy and overcome the grounds for the charge. If the teacher does not demonstrate adequate classroom performance within the allotted time the Board shall dismiss the teacher either within ten (10) days of service of a subsequent notice of intention to dismiss or by the end of the contract year in which the notice is served unless the teacher requests a hearing as provided by A.R.S. 15-539.
- All provisions of A.R.S. 15-538.01, A.R.S. 15-539, and other applicable Arizona Revised Statutes shall be complied with in the dismissal of continuing teachers.

- Pursuant to A.R.S. 15-538.01, the Governing Board shall offer to each certificated teacher who has been employed more than the major portion of three (3) consecutive years and who is under contract of employment with the School District for the current year a contract renewal for the next ensuing school year unless the teacher has been given notice of the Board's intent not to offer a contract and to dismiss the teacher as provided in section A.R.S. 15-539. The Governing Board shall offer a contract to each certificated teacher who is not designated in the lowest performance classification pursuant to A.R.S. 15-203(A)(38) and was offered a contract in the prior year pursuant to A.R.S. 15-536 unless the teacher has been given notice of the Board's intent not to offer a contract and to dismiss the teacher as provided in section A.R.S. 15-539.
- A.R.S. 15-539 references the exception provided in A.R.S. 15-536 for a certificated teacher who is beginning the teacher's fourth year of employment and who has been designated in one (1) of the two (2) lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the School District for the current school year.
- Subject to A.R.S. 15-538.01, 15-539, 15-540, 15-541, 15-544, and 15-549, the Governing Board shall offer to each continuing teacher under contract of employment with the District for the current year a contract renewal for the next ensuing school year unless the Governing Board, a member of the Board acting on behalf of the Board, or the Superintendent gives notice to the continuing teacher of the Board's intent not to offer a contract and to dismiss the teacher as provided in A.R.S. 15-539.

Teacher Acceptance of Contract. The teacher's acceptance of the contract must be indicated within fifteen (15) business days from the date of the teacher's receipt of the written contract or the offer of a contract is revoked.

Receipt is considered to have occurred when the written contract is:

- personally delivered,
- placed in the teacher's school-provided mailbox, including electronic mail, or
- two (2) days after being placed in a United States Postal Service mail box.

The teacher accepts the contract by signing the contract and returning it to the Governing Board or by making a written instrument which accepts the terms of the contract and delivering it to the Governing Board. If the written instrument includes terms in addition to the terms of the contract offered by the Board, the teacher fails to accept the contract.

This is horribly worded; Locals may want to reword the entire last sentence

What the new language meant to do is to create the 4th year probationary teacher; it DOES NOT allow dismissal of other continuing teachers in the bottom 2 tiers without due process.

15-538.01(A.)Subject to sections 15--539, 15-540, 15-541, 15-544 and 15--549, the governing board shall offer to each certificated teacher who has been employed by the school district for more than the major portion of three consecutive school years and who is under contract of employment with the school district for the current year or who is not designated in the lowest performance classification pursuant to section 15-203, subsection A, paragraph 38 and was offered a contract in the prior year pursuant to section 15-536 a contract renewal for the next ensuing school year unless the governing board, a member of the board acting on behalf of the board or the superintendent of the school district gives notice to the teacher of the board's intent not to offer a contract and to dismiss the teacher as provided in section 15-539.

Principals have to have evaluation systems that meet 15-203(A)(38) and GCO

The Board shall release the performance classification of principals to districts and charters and teachers need it for teachers to get protections from bad principals

Administrators and Psychologists

The systems developed for the evaluation of the performance of principals shall meet the requirements prescribed in A.R.S. 15-203(A)(38) and in Policy GCO .

The Board shall make available the evaluation and performance classification pursuant to A.R.S. 15-203(A)(38) 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.

Continuous evaluation of all aspects of the total educational program, including student progress, personnel, curriculum, and facilities, will include a formal process of evaluating all certificated administrators and psychologists. The purpose of this evaluation shall be the improvement of the quality of the educational program in the District. The evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

- Evaluations determine how well the objectives held by the school and District are being carried out. The success of the educational program is dependent upon many factors, which include the quality of classroom instruction, student evaluation, supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting administrative personnel to be aware of strengths and weaknesses in order to improve the operation of the District's programs.

The specific format for the evaluation system for certificated administrators and psychologists will be developed under the leadership of the Superintendent.

Administrator/Psychologist Contract Renewal

If the administrator's contract with the School District is for more than one (1) year, but not exceeding three (3) years, on or before May 15 of the last year of the contract, the Board shall offer a contract for the next school year to the administrator unless on or before April 15 the Board gives notice to the administrator of the Board's intention not to offer a new administrative contract.

If the administrator's or psychologist's contract with the School District is for a single year, on or before May 15 of each year the Board shall offer a contract for the next school year to the administrator or psychologist unless on or before April 15 the Board gives notice to the administrator or psychologist of the Board's intention not to offer a new administrative contract or psychologist's contract.

REGULATION• ...

LEGAL REF.: A.R.S. 15-503
15-536
15-537
15-538
15-538.01
15-539
15-540
15-541
15-544
15-549

38 U.S.C. 4301 et seq., Uniformed Services Employment
and Reemployment Rights Act
A.G.O. 180-177 38-610

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Assignments

Needs to reflect student learning being primary focus

The Superintendent will determine all professional staff assignments. Such assignments shall be based on the needs of the District. In addition, no right to school, grade, or subject assignment shall be inferred from the standard teacher's **contract**.

Transfers

A teacher who has been employed by the school district for the major portion of three or more consecutive school years and who is designated in the lowest performance classification for two consecutive school years shall not be transferred as a teacher to another school in that school district unless the district has issued a notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher pursuant to A.R.S. 15-539 and the governing board has approved the new placement as in the best interests of the pupils in the school. A teacher shall not be transferred more than once pursuant to A.R.S. 15-537.

There is an additional admonition in A.R.S. 15-537 that any school district policy pertaining to the transfer of teachers from one school to another school within the school district shall take into consideration the needs of the pupils in the school district and the current distribution of teachers across all of the four performance classifications adopted by the state board of education pursuant to A.R.S. 203(A)(38).

The procedure for assignment and transfer of professional staff members will be based on the needs of the instructional program. Assignments may be changed to serve the best interests of the District and students.

Professional staff members may apply for transfer or reassignment, whether or not a vacancy exists. Generally, transfers will not be approved during the school year unless the needs of the District dictate such approval.

It shall be the policy of the Board that professional personnel be assigned on the basis of their qualifications, the needs of the District, and their expressed desires. When it is not possible to meet all three (3) conditions, personnel shall be assigned first in accordance with the needs of the District, second where the Superintendent determines the employee is most qualified to serve, and third as to expressed preference of the employees.

In the case of vacancies in new or existing positions, first consideration will be given to qualified applicants among current employees.

The Superintendent shall have the responsibility for the assignment of all personnel throughout the District.

The resolution of any conflicts over the need for a transfer shall be based on what is best for the instructional program, the needs of the students, and the overall needs of the District as defined by the Superintendent.

Adopted: date of Manual **adoption**

ARS 15-537 Requires the District Board to discuss the following, but the following IS NOT in the Board model language:

- i. Incentives for teachers in highest performance classification, including 3 year multi year contracts
- ii. Incentives for teachers in 2 highest performance classifications to work in D or F schools
- iii. Protections for teachers transferred to D or F school
- iv. Protections for teachers if the principal is in the lowest performance classification

This isn't explicit in the ASBA model language, so locals will have to push for this

Locals should clarify that transfers other than those pursuant to 15-537 are not limited

Changes required by 2015-16 that are not yet in the model policies

1. Support and consequences for teachers in the lowest performance classification
 - a. Locals need to define plans and assistance
2. An intervention option for teachers in the lowest performance classification that uses a performance plan that is pursuant to 15-539 and limited to one time use
 - a. locals need to push for all teachers to get the intervention, unless the district determines substantial evidence does not make it in the best interest of the students
 - i. if not, there should be clear criteria for intervention determinations
 1. appeal process for not offering an intervention
 - b. locals need to define intervention and who it is different for notice of inadequate performance
3. Dismissal procedures for teachers who continue to be in the lowest performance classification following the intervention
 - a. Locals need to push for notice of inadequate performance to follow intervention
4. Dismissal procedures for teachers denied an intervention and a requirement for a notice of inadequate performance for the 2nd consecutive year in the lowest classification