



**GOVERNING BOARD AGENDA ITEM  
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

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**DATE OF MEETING:**       **August 13, 2013**

**TITLE:   Review of Proposed Revisions to Governing Board Policies and District Regulations Developed through the FY 2014 Meet and Confer Process and Pertaining to Section G of the District Policy System, Regarding Personnel**

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**BACKGROUND:**   Over the course of last school year, representative teams from both the District administration and the Amphitheater Education Association met and conferred regarding several employment-related policy matters for district staff. The teams met on several occasions. A substantial portion of the work undertaken by these teams was necessitated, even required, by the Arizona Legislature's passage of House Bill 2823, which mandated significant change to teacher evaluation and related policies.

The work of the meet and confer teams for policy had to be suspended at one point last year, to allow timely work on matters of compensation. The policy work resumed after the compensation recommendation was presented to the Governing Board.

The policies or regulations proposed for revision by the joint teams, and an explanation for each policy document, are set forth below. In addition to the proposals for specific revision of policies or regulations, the teams also reached agreements for cooperative efforts to address certain issues or concerns. Those items are also detailed below.

In the sections which follow, the typical procedure for noting changes to policy documents is followed: additions to policy are indicated by blue text and deletions by red text.

**Regulation GCM – Professional Staff Workload**

This regulation was studied because of the differences that exist among the workdays of teachers working at different school levels. These differences are driven, in part, by variances in the instructional time requirements at each school level (elementary, middle and high). The teams recognized that these differences made the computation of contracts for part time personnel complicated and sometimes inconsistent between the school levels.

Although the regulation had long expressly provided that the computation of a part-time contract FTE would be based upon the respective portion of a 40-hour work week, the application of this language could be inexact because of variances in such factors as the length of a course period at each respective level. This is more of an issue for middle and high school situations, where the school day is divided into specific and finite segments (class periods) that do not always lend themselves to simple division. It was proposed and is recommended that modification be made to become more specific in the determination of FTE for middle and high school personnel, as that is where the potential for disparity was evident.

The attached proposal therefore defines the workday of middle and high school teacher's based upon the number of class periods assigned to them, which the teams believe can assure more consistent FTE assignments across the District.

The team also proposes another change that reflects the more inherent meaning of a “professional workday”. Concern was expressed that, from time to time, confusion arises about the implications of a professional, salaried employee leaving early or arriving late (for less than a four hour block, which is deducted from applicable leave time). Based upon this concern and the need for consistency between supervisors, a revision is proposed that will make clear allowance for the occasional occurrence of brief part time absence without risk of penalty, while still assuring against abuse of such allowance. It was additionally agreed that the District would develop training for administrators to additionally ensure consistence and a balanced approach to the issues.

### **GCO/GCO-R – Evaluation of Professional Staff Members**

This policy set, and the need for and the specifics of their revision, are driven by House Bill 2823. This bill mandated extensive changes to long standing evaluation structures and protocols for certificated teachers, as that term is defined by statute. These changes follow those previously directed by the state legislature in previous session laws.

The bill, among other things requires that the following terms and conditions be included in each school district’s evaluation structures, policies and procedures for the 2013-2014 school year:

- Extension of the probationary teacher period to any teacher beginning the teacher's fourth year of employment 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.
- Provision that teachers affected by the foregoing extension of probationary status shall not have the right to a hearing pursuant to ARS 15-539(G) prior to dismissal.
- Opportunities for public discussion on the evaluation policies (which are afforded in Amphitheater by virtue of the meet and confer process as well as call to the audience).
- Incentives for teachers in the highest performance classification (highly effective), including multiyear contracts not to exceed three years, with allowance for any such teacher to decline a multiyear contract (without loss of employment), but without any protection from normal termination procedures.
- Protection for teachers if the principal of the school is designated in the lowest performance classification.

Beginning in 2015-2016, the policies described in the four last bullets above will also need to include the following:

- Support and consequences for teachers designated in the lowest performance classification (ineffective).
- 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 by policy to use 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 must require that the school district governing board initiate

inadequacy notice and dismissal process pursuant to A.R.S. 15-539 no later than the second consecutive year in which the teacher is designated in the lowest performance classification.

The proposed revisions to Policy GCO and Regulation GCO-R incorporate many of the required terms and conditions mandated by HB 2823 which are described above. For example, the revisions include the mandated extension of the probationary period for “developing” and “ineffective” teachers who are beginning their fourth year of employment and the exclusion of the right to a hearing normally attendant to a teacher in their fourth year.

To balance the addition of the newly mandated terms which may be viewed as negative, the teams recommend the deletion of other already existing provisions in this policy set that pertain to specific termination procedures. The rationale for their deletion from this policy set is their existence elsewhere – in other policies - - the thought of the teams being that Policy GCO and its regulation should have as positive a tone as possible because their purpose is to describe evaluation, not termination, protocols.

The policy and regulation are also recommended for revisions that will comport with the changes made to the ATPES system, as policy and the more specific procedures of ATPES must be reconciled and consistent. For example, the proposed revisions would also include the statutory mandates that there be 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 and that there be at least sixty calendar days between the first and last observations. By separate agenda item this evening, the Governing Board will also review ATPES manual changes that are relevant to this policy and regulation.

#### **GCMF – Professional Staff Duties and Responsibilities**

State law now also mandates that each governing board, by policy, prescribe that teachers make student learning the primary focus of their professional time. The teams jointly recognize this goes without saying for the Governing Board and for every teacher. Nonetheless, a revision to GCMF is proposed which would include this term. Also included here is another mandate: that teachers be protected from liability when engaged in instruction about (not in or of) religion made in good faith.

#### **GCK – Professional Staff Assignments and Transfers**

HB 2823 also included requirements for policy affecting the transfer and assignment of teaching staff. For example, the bill mandates that policy provide for:

- 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.
- Prohibition of the transfer of 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 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 being in the best interests of the pupils in the receiving school.
- Provision that a teacher meeting the description in the bullet section just above cannot be transferred more than once.

- Consideration of 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. 15-203(A)(38)

Policy GCK is therefore presented by the teams with proposed revisions that would establish both mandated transfer eligibility restrictions as well as incentives. The incentives include a stipend (contingent on state funding, reduction in force and corrective action protections, multi-year contracts, reimbursement of NBCT fees or tuition costs, and additional leave time).

#### **Agreement for Increased Communication of Workplace Harassment and Climate Policies**

The teams discussed that employees may be unaware of currently existing District policies and regulations governing workplace conduct of employees which affect the climate of the workplace for all of its stakeholders. The teams agreed that there should be additional communication regarding the same. Specifically, it was agreed that the District would work with AEA to develop a document of some form which could operate to condense and summarize pertinent district policies for dissemination and which might also be included in staff handbooks or similar materials. Each work site would also be responsible for posting this summary document and for reviewing it at the start of each school year. The Human Resources Department would also add the document to its existing review of pertinent District policies and regulations.

#### **Agreement for Increased Communication Regarding District Committee Opportunities**

The teams discussed a lack of knowledge and awareness of opportunities for staff to serve on committees that are formed from time to time to provide input into decisions that must be made or actions that must be carried out. The teams agreed that when such committees are being formed, appropriate staff should be notified. As they are notified of the formation of the committee, staff should also be informed of the specific needs, time commitments, purposes and goals of the committee. Because some staff do not understand the representative nature of such committees and that there are no limits to their size, it was agreed that staff should be advised that committee membership is necessarily limited to ensure effectiveness and that they may not be selected for participation. It was also proposed that, whenever possible, the work of committees be shared with those affected by it, recognizing some committees (such as hiring committees) require confidentiality. Finally, it was agreed that communication of committee membership opportunity might be facilitated through a general announcement at the beginning of each school year.

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**RECOMMENDATION:** This item is presented for the Board's initial review; no action is required at this time. These revisions will be submitted to the Board for approval at a subsequent meeting.

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**INITIATED BY:**



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Todd A. Jaeger, Associate to the Superintendent

Date: August 7, 2013



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Patrick Nelson, Superintendent