



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

DATE OF MEETING: **September 4, 2012**

TITLE: **Study of House Bill 2823 Regarding Evaluation Systems for Teachers and Principals and Timeline for Implementation of New Evaluation Systems**

BACKGROUND: At its June 19, 2012 meeting, the Governing Board was presented with information regarding House Bill 2823 which was passed in the second regular session of the 2012 Arizona Legislature and signed into law by Governor Brewer on April 12, 2012. That presentation described the myriad of provisions found in HB 2823, as well as some of the existing provisions found in A.R.S. 15-203 established by prior legislation (SB 1040, May 2010).

A copy of the June 19 presentation is again attached for the Board's convenience. This evening's specific agenda item is presented for a limited purpose: to study and obtain Board approval of Amphitheater's timeline for "full" implementation of the teacher and principal evaluation system as contemplated by HB 2823. But to understand the basis for this agenda item, a review of the legislation and status is necessary.

The Board will recall that the underlying legislation requires a new statewide teacher evaluation system that is comprised of 33%-50% student progress measures and 50%-67% observation or evidence of teaching performance. These components of evaluation will combine to result in a single effectiveness rating for the evaluated educator: Highly Effective, Effective, Developing, or Ineffective. These ratings, under mandatory statutory and policy provisions, ultimately become factors in determining such matters as performance based compensation and placement, as well as promotion, transfer and dismissal decisions.

This new approach to educator evaluation in Arizona has evolved over time and originated with requirements set out in A.R.S. §15-203 (SB 1040, May 2010) and the formation of a State Task Force charged with developing a framework for the new evaluation systems. Our former Superintendent, Dr. Vicki Balentine, served as chair of that Task Force, of course. The Task Force ultimately issued the Arizona Framework for Measuring Educator Effectiveness ("the Framework"), which was approved by the State Board in April 2011. (A copy of the Framework is attached for the Board's convenience and reference).

As the significant work on the Framework progressed, the Arizona Legislature studied HB 2823, which substantially expanded on the initial requirements of A.R.S. 15-203. HB 2823 compelled specific elements of evaluation, changes to "due process statutes", and modification of district policies applicable to principals and teachers, all on various timelines.

The complexity and intersection of the relevant laws, the Framework, and other state level actions with our own District level functions can make understanding it all very difficult. So, the following table has been created to merge the requirements of both the former and latest law into what is, hopefully, one coherent summary -- together with the timelines applicable to various provisions of the law.

Provisions of A.R.S. §15-203 & HB 2823	Mandated Timelines
<ul style="list-style-type: none"> • 50-67% of evaluation shall be based on teacher and principal observation instruments with at least 4 performance-levels and aligned standards-based rubrics. • 33-50% of evaluation shall be based on school level student academic progress as measured by AIMS. • All district and charter schools begin developing assessments for all teaching content areas. • Teachers must be observed at least twice per year as part of the evaluation process through a complete and uninterrupted lesson, with the first and last observation be separated by at least 60 calendar days, and written observation results provided within 10 business days. • Persons conducting observations and evaluations must be trained to do so. • A teacher’s performance classification and evaluation may be shared with school districts and charter schools inquiring about employment. • Requires teacher transfer policies to take into consideration current distribution of teachers across all performance classifications. • Prohibits transfers (to another school) of continuing teachers who are in the lowest performance classification for two consecutive years unless the teacher has been given notice of inadequate classroom performance, is subject to an improvement plan, and the governing board approves the transfer. • Requires governing boards to adopt a definition of “inadequacy of classroom performance” (used for non-renewal and dismissal notice purposes) which aligns with the four state board determined performance classifications. 	2012-2013
<ul style="list-style-type: none"> • AZDOE must post best practices for implementation and assessment of teacher evaluation systems to include the following: <ul style="list-style-type: none"> ○ Implementation process for teacher/principal evaluation systems. ○ Evaluation weightings. ○ Qualitative and quantitative elements used. ○ Methods by which the evaluations guide professional development. ○ Types of decisions for which the evaluations are used. ○ An evaluation instrument that complies with the teacher-principal evaluation framework for districts and charter schools that can be piloted for school year 2012-2013. 	By September 15, 2012

Provisions of A.R.S. §15-203 & HB 2823	Mandated Timelines
<ul style="list-style-type: none"> • Governing boards may elect to “postpone” “full” implementation of the required evaluation system until the 2013-2014 school year if the Board votes to do so and approves a plan that includes the following: <ul style="list-style-type: none"> ○ A timeline to “full” implementation by the 2013-2014 school year. ○ A plan for engaging teachers and other interested stakeholders. ○ A plan to determine how the evaluations will guide professional development. 	
<ul style="list-style-type: none"> • If a governing board determines to “postpone” “full” implementation of the required evaluation systems until 2013-2014 school year, the governing board must adopt all of the following: <ul style="list-style-type: none"> ○ An instrument or instruments considered for the evaluation. ○ The percentage of the outcome of the evaluation in accordance with the teacher-principal evaluation framework. 	By December 31, 2012
<ul style="list-style-type: none"> • State Board must adopt four performance classifications of “highly effective,” “effective,” “developing,” and “ineffective” and associated guidelines for school districts and charters to use in developing their evaluation instruments. 	Not later than December 2012
<ul style="list-style-type: none"> • 50-67% of evaluation shall be based on teacher and principal observation instruments with at least 4 performance-levels and aligned standards-based rubrics. • 33-50% of evaluation shall be based on school level student academic progress as measured by AIMS. • All district and charter schools shall continue developing assessments for all teaching content areas. • District governing boards must adopt policies for principal evaluations that include: <ul style="list-style-type: none"> ○ The four performance classifications. ○ Alignment of professional development opportunities to the evaluation. ○ Incentives for principals in the two highest classifications, including multi-year contracts and/or incentives to transfer to D or F schools. ○ Transfer and contract limitations for principals in the lowest performance classification. • District governing boards to adopt policies for teacher evaluation that describe: 	2013-2014

Provisions of A.R.S. §15-203 & HB 2823	Mandated Timelines
<ul style="list-style-type: none"> ○ Incentives for teachers in the highest performance classification, including multi-year contracts. ○ Multi-year terms that do not exclude provisions of law relating to due process and inadequate classroom performance and which allow a teacher to decline a multi-year contract offer in favor of a one year contract. ○ Incentives for teachers in the two highest performance classifications to work at schools designated D or F schools. ○ Protections for teachers transferred to schools designated D or F schools, and/or if the principal of the school is designated in the lowest performance classification. 	
<ul style="list-style-type: none"> ● 50-67% of evaluation shall be based on teacher and principal observation instruments with at least 4 performance-levels and aligned standards-based rubrics. ● 33-50% of evaluation shall be based on school level student academic progress as measured by AIMS. ● Teacher's individual performance under the new evaluation must be used to determine no less than 33% of the performance pay distribution. 	2014-2015
<ul style="list-style-type: none"> ● District policies must contain the following provisions: <ul style="list-style-type: none"> ○ Support and consequences for teachers 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. The policy must specify this option may be used only once for each teacher. ○ Dismissal policies, pursuant to the statutory process, for inadequate classroom performance for teachers who continue to be designated in the lowest performance classification after intervention has been provided. ○ Dismissal policies pursuant to statute for teachers who are not provided intervention, requiring that the dismissal process be implemented no later than the second consecutive year the teacher is designated in the lowest performance classification. 	2015-2016

“Full” Implementation Option for 2013-2014

As stated in the table above, the timeline under the legislation generally mandates implementation of new evaluation systems which complies with the stated requirements by the current school year. However, HB 2823 specifically allows districts and charters to delay “full” implementation of the new evaluation system until 2013-2014.

As the Board knows, the Amphitheater School District has already developed a new evaluation system which does comply with component requirements set forth in the Framework and the relevant legislation. The Governing Board has, in fact, formally adopted new systems of performance evaluation in June 2012 for both principals and teachers for the current school year, after first approving a pilot of the new systems in March 2012. Unfortunately, however, the law does not define what “full” implementation of the evaluation systems required by the framework and the laws would be.

As substantial (or even complete) as we may believe the District’s evaluation systems to be at this point, the lack of clarity as to “full” implementation is reason enough to act with caution and ensure legal compliance by taking action to delay our assurance of compliance until next school year when there may be better understanding of what was intended by “full implementation”.

The District’s approach, after all, has been to establish 2012-2013 as “Year One Implementation” for the new evaluation systems, contemplating that modifications of the systems might be required for 2013-2014.

One aspect of the ATPES¹ which we already recognize will require modification for 2013-2014 is the definition of observations for teacher evaluations. As discussed in the table above, HB 2823 mandates that evaluation system observations of teachers include at least two complete and uninterrupted lessons – a term that is not included in ATPES for Year One Implementation. Thus, at least in this respect, it is apparent ATPES would not be in “full” compliance with SB 2823 requirements for the current year.

In addition, as the summary above reflects, there are several provisions of the law which have not yet even taken effect and which, consequently, may affect the determination of whether a District has “fully” implemented the evaluation system requirements.

For example, the Arizona Department of Education is allowed until September 15, 2012 to post “best practices” for evaluation systems. These best practices are to be used by districts to aid in the implementation and assessment of a new evaluation system which complies with the law. The limited materials posted by ADE to date include an ADE caveat that they “may or may not cover all the required components,” and that they “also have not yet been thoroughly vetted by the ADE”, offering no sanctuary in relying upon them. Thus, given that ADE still has a few weeks to post the required “best practices”, their implications and relevance for guiding school district implementation for 2012-2013 are completely unknown.²

¹ Amphitheater Teacher Performance Evaluation System

² The requirement under HB 2823 that ADE provide best practices by September 15 to aid districts in implementation and assessments of evaluation systems does not coordinate with timing of the separate legal requirement that districts inform and train their teachers about the implementation of their evaluation systems *at the start of the school year*.

Obviously, the requirements of HB 2823 that certain teacher and principal evaluation policy terms be adopted by 2013-2014 (as described above) have not yet been met by Amphitheater. Similarly, the requirement that the evaluation system incorporate the four performance classifications specified by the State Board (Highly Effective, etc.) by 2013-2014 is also not yet met by the ATPES and APPES. The work of addressing these requirements will be substantially addressed through the upcoming Meet and Confer process and thereafter through Board study and approval. If "full" implementation contemplates the adoption of such policies, then this would also be additional rationale for extending the time for complete implementation until the 2013-2014 school year.

For the foregoing reasons, the Administration is recommending that the Governing Board approve formal postponement of the "full implementation" of the mandated evaluation systems until the District's Year Two Implementation, in 2013-2014, as allowed by HB 2823.

At the time of the Board's consideration of this item, an articulated plan for Year Two Implementation will be presented for consideration and study. That plan will subsequently again be presented to the Board for possible approval at its second meeting in September.

RECOMMENDATION: This Item is presented to the Board for study and discussion at this time; no action is required or proposed.

INITIATED BY:



Todd A. Jaeger, Associate to the Superintendent

Date: August 29, 2012



Patrick Nelson, Superintendent