

# Teacher Evaluations

## ARS§15-536(D), (E)

D. A certificated teacher who is currently a continuing teacher as defined in section 15-538.01 but who has been designated after an evaluation conducted according to the requirements pursuant to section 15-537 in the lowest performance classification for the current school year shall become a probationary teacher as defined in section 15-536 for the subsequent school year and shall remain a probationary teacher until that teacher's performance classification is designated in either of the two highest performance classifications.

E. For the purposes of this section, "probationary teacher" means a certificated teacher who is not a continuing teacher.

## ARS§15-537(A)

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 and that results in at least one evaluation of each certificated teacher by a qualified evaluator each school year. 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.

## ARS§15-537(B)(1), (2), (3), (4)

B. The school district governing board shall adopt teacher evaluation policies in a public meeting. Before the adoption of teacher evaluation policies, the school district governing board shall provide opportunities for public discussion on the proposed policies. The policies shall describe:

1. Incentives for teachers in the highest performance classification, which may include multiyear contracts not to exceed three years. The policies shall specify that the offer and acceptance of a multiyear contract does not exclude that teacher from the application of section 15-538.01, 15-540, 15-541 or 15-549 and that the teacher may accept a multiyear contract offer or decline and accept a one year contract.
2. 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 section 15-241.
3. Protections for teachers who are transferred to schools that are assigned a letter grade of D or F pursuant to section 15-241.
4. Protections for teachers if the principal of the school is designated in the lowest performance classification.

## ARS§15-537(C)(1), (2)

C. By school year 2015-2016, the policies prescribed in subsection B of this section shall describe:

1. Performance improvement plans for teachers designated in the lowest performance classification.
2. Dismissal or nonrenewal procedures pursuant to section 15-536 or 15-539 for teachers who continue to be designated in the lowest performance classification. The procedures shall require that the school district issue the preliminary notice of inadequacy of classroom performance no later than the second consecutive year that the teacher is designated in one of the two lowest performance classifications unless the teacher is in the first or second year of employment with the school district or has been reassigned to teach a new subject or grade level for the preceding or current school year.

## ARS§15-537(D)

D. A teacher who has been employed by the school district for the major portion of three or more consecutive school years and who is currently 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 school district has issued a preliminary notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher pursuant to section 15-539 and the governing board has approved the new placement as in the best interests of the pupils in the school. A teacher who continues to be designated in one of the two lowest performance classifications shall not be permitted to transfer to another school. A teacher shall not be transferred more than once pursuant to this subsection.

## ARS§15-537(E)(1), (2), (3), (4), (5)

E. The governing board shall prescribe specific procedures for the teacher performance evaluation system, 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 qualified evaluator. There shall be at least sixty calendar days between the first and last observations. The last observation may follow the issuance of a preliminary notice of inadequacy of classroom performance and be used to determine whether the teacher has corrected inadequacies and has demonstrated adequate classroom performance. An observation shall not be conducted within two instructional days of any scheduled period in which school is not in session for one week or more. Within ten business days after each observation, the qualified evaluator shall provide written feedback to the teacher.
2. Specific and reasonable plans for the improvement of teacher performance as provided in subsection H of this section.
3. Appeal procedures for teachers who disagree with the evaluation of their performance, if the evaluation is for use as criteria for establishing compensation.
4. Training requirements for qualified evaluators.

5. A plan for the appropriate use of quantitative data of student academic progress in evaluations of all certificated teachers. The plan may make distinctions between certificated teachers who provide direct instruction to students and certificated teachers who do not provide direct instruction to students. The plan may include data for multiple school years and may limit the use of data for certificated teachers who have taught for less than two complete school years.

#### **ARS§15-537(F)**

F. The governing board may waive the requirement of a second classroom observation for a continuing teacher whose teaching performance based on the first classroom observation places the teacher in one of the two highest performance classifications for the current school year, unless the teacher requests a second observation.

#### **ARS§15-537(G)**

G. The results of an annual evaluation conducted as provided in this section shall be in writing or provided in electronic format to the certificated teacher and a copy shall be transmitted or provided in an electronic format to the certificated teacher within five days after completion of the evaluation. The certificated teacher may initiate a written reaction or response to the evaluation.

#### **ARS§15-537(H)**

H. Each evaluation shall include recommendations as to areas of improvement in the performance of the certificated teacher if the performance of the teacher warrants improvement. After transmittal of an evaluation, the qualified evaluator or another board designee shall confer with the teacher to make specific recommendations as to areas of improvement in the teacher's performance. The qualified evaluator or other board designee shall provide professional development opportunities for the certificated teacher to improve performance and follow up with the teacher after a reasonable period of time for the purpose of ascertaining that the teacher is demonstrating adequate performance.

#### **ARS§15-537(I)(1), (2), (3), (4)(a), (b)**

I. 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 or shown to any person except:

1. To the certificated teacher who may make any use of it.
2. To authorized district officers and employees for all personnel matters regarding employment and contracts and for any hearing that relates to personnel matters.
3. To school districts and charter schools that inquire about the performance of the teacher for prospective employment purposes. A school district or charter school that receives information about a certificated teacher from the evaluation report and performance

classification shall use this information solely for employment purposes and shall not release to or allow access to this information by any other person, entity, school district or charter school.

4. For introduction in evidence or discovery in any court action between the governing board and the certificated teacher in which either:

(a) The competency of the teacher is at issue.

(b) The evaluation and performance classification were an exhibit at a hearing, the result of which is challenged.

### **ARS§15-537(J)**

J. Any school district policy pertaining to the transfer of teachers from one school to another school in a school district shall take into consideration the current distribution of teachers across all of the performance classifications and the needs of the pupils in the school district.

### **ARS§15-538(A)**

A. The governing board of any school district shall give any certificated teacher notice of intention to dismiss or not to reemploy if such intention is based on charges of inadequacy of classroom performance. The governing board or its authorized representative, at least forty-five instructional days before such notice, shall give the teacher written preliminary notice of inadequacy of classroom performance, specifying the nature thereof with such particularity as to furnish the teacher an opportunity to correct inadequacies and maintain adequate classroom performance as defined by the governing board pursuant to section 15-538, subsection C. A notice of the governing board's intention to dismiss or not to reemploy for inadequacy of classroom performance shall not be issued until the district has completed an observation at the conclusion of a performance improvement plan issued pursuant to subsection B. The governing board may delegate to employees of the governing board the general authority to issue preliminary notices of inadequacy of classroom performance to teachers pursuant to this section without the need for prior approval of each notice by the governing board. In all cases in which an employee of the governing board issues a preliminary notice of inadequacy of classroom performance without prior approval by the governing board, the employee shall report its issuance to the governing board within ten school days. The written notice of intention to dismiss or not to reemploy shall include a copy of any valid evaluation pertinent to the charges made.

### **ARS§15-538(B)**

B. The preliminary notice of inadequacy of classroom performance shall be accompanied by a performance improvement plan designed to help the teacher correct inadequacies and demonstrate adequate classroom performance.

### **ARS§15-538(C)**

C. The governing board shall adopt a definition of inadequacy of classroom performance that aligns with the performance classifications. The governing board's definition may set standards that exceed the standards of the performance classifications and applies to notices issued pursuant to sections 15-536 and 15-537 and this section. The governing board shall develop its definition of inadequacy of classroom performance in consultation with its certificated teachers. The consultation may be accomplished by holding a public hearing, forming an advisory committee or providing teachers the opportunity to respond to a proposed definition.

### **ARS§15-539(C)**

C. Except as provided in section 15-536, the governing board shall give a certificated teacher written preliminary notice of inadequacy of classroom performance pursuant to section 15-538 if its intention to dismiss is based on charges of inadequacy of classroom performance. If within the time specified in the written preliminary notice of inadequacy of classroom performance the teacher does not demonstrate adequate classroom performance, the governing board shall dismiss the teacher either within ten days of the service of a subsequent notice of intention to dismiss or by the end of the contract year in which the subsequent notice of intention to dismiss is served unless the teacher has requested a hearing as provided in subsection F of this section. If the teacher demonstrates adequate classroom performance during the period allowed to correct such deficiencies as specified in the written preliminary notice of inadequacy of classroom performance, the governing board may not dismiss the teacher for the reasons specified in the written preliminary notice of inadequacy of classroom performance. If the governing board of a school district has received approval to budget for a career ladder program, the governing board may define inadequacy of classroom performance by establishing a single level of performance that is required of all teachers or by establishing more than one required level of performance. If more than one 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.