



ARIZONA SCHOOL BOARDS ASSOCIATION

Quality leadership and advocacy for children in public schools

What Arizona School Board Members Need to Know About House Bill 2011: Teacher Retention and Recall, Salaries and Contracts

House Bill 2011 took effect on Nov. 24, 2009. It includes several significant changes to the law regarding teacher retention and recall, salaries and contracts, and teacher performance that dramatically boost local control.

These changes were priorities for the Arizona School Boards Association during the 2009 session. (HB 2011 was actually passed in the special session that immediately followed the close of the 2009 regular session.) In order to determine its priorities for each legislative session, the Arizona School Boards Association conducts an intensive delegate assembly process which allows all member school boards to have a voice – and a vote – on positions. The ASBA Political Agenda is the result of this inclusive process and reflects the final votes taken on each position. Governmental Relations staff then uses these positions to determine ASBA's position on legislation – including HB 2011. Thus, these important changes represent the voices of over 250 school boards across Arizona.

- The changes provide governing boards with far greater flexibility in teacher retention and recall, salaries and contracts.
- Ultimately, these changes will enable district leadership to staff classrooms with not only the most effective teachers, but also those whose skills and experience best match their students' needs.
- The changes also provide governing boards with the flexibility to make prudent financial decisions that put the academic needs of all students first.

These changes are consistent with current and future national education reforms that focus on the measured effectiveness of teachers.

- Guidelines set forth in the Race to the Top reflect these changes.
- Other states are certain to follow; it's not a matter of "if" they will make similar changes, but "when" they will do so.

It must be noted that these changes are being strenuously opposed by the teachers' union.

- The Arizona Education Association is pursuing legislative and legal action. On Jan. 5, 2010, the Arizona Supreme Court denied AEA's petition for special action. The AEA will re-file their case in a lower court; however, the pending litigation does not change the fact that the law has changed, and *we are now operating under that law*. A final legal resolution in the courts could take up to two years.
- The changes have also become a political issue that could affect those running for school board or other public offices in the year ahead.
- You or the board on which you serve may have heard opposition from teachers in your local community.
- It's important to remember that AEA has a role to play, albeit a narrow one focused on supporting teachers. You as school board members, however, are entrusted with a broader responsibility - determining what is in the best interest of the district as a whole, with your sharpest focus on students, not adults.

- There has also been the claim that these changes were done under a cloud of secrecy. In fact, the vast majority of the individual changes made in the bill did receive a public hearing and opportunity for public testimony during the legislative process. What's more, these changes came to the surprise of no one – including the AEA – that had followed the legislative process and publicly contemplated by the Legislature for more than five months.

For all these reasons, it is critical that you familiarize yourself with these changes and understand how they will improve both student success and the financial well-being of your district.

TENURE/SENIORITY – RETENTION & RECALL

CHANGE: Tenure (or seniority) cannot be used as a determining factor for reduction in force or retention.

CHANGE: In the case of a recall after a reduction in force, tenure (or seniority) does not need to be considered when choosing which teachers to recall.

MYTH: This enables school districts to haphazardly fire teachers who are at the top of the pay scale with many years of experience. This also violates the principle of local control.

FACT: It's in no one's best interest to let go effective teachers - even if they are at the top of the pay scale. Highly effective teachers benefit from these changes.

This is a step towards more comprehensive and fair evaluation of teachers, which will focus on teacher performance and effectiveness. Not only does this further professionalize teaching, it enables governing boards to make prudent financial decisions that put academic achievement and the needs of students first. Sensitivity is needed in dealing with these issues; change of any kind is difficult, and this diminished role of tenure represents a significant cultural shift for teachers.

While ASBA did not initiate the prohibition to seniority being taken into account in retention policies, ASBA actively supported the ability of districts to put students first by gaining this flexibility in which districts can still take into account overall teaching experience and experience in teaching a particular subject when making decisions that best suit the needs of their students. Further, these changes put Arizona at the forefront of the national reform movement and in a stronger position to receive one of the Races to the Top grants.

TENURE/SENIORITY – SALARIES

CHANGE: If salary reductions are necessary, districts can choose to reduce salaries of some tenured employees and not others; seniority cannot be considered when making this choice.

MYTH: Those teachers at the top of the pay scale will have their salaries reduced first so districts can save money.

FACT: Districts do not want to cut salaries. Yet, Arizona is facing one of the worst economic recessions in history. At the same time, many districts are experiencing a shortage of quality teachers in math, science and special education, and they need the flexibility to make any reductions to ensure districts are able to keep these teachers that specialize in high-need areas rather than be forced to impose a blanket salary reduction, regardless of teacher effectiveness or subject area expertise.

CONTRACTS

CHANGE: School districts may determine the date that they will offer teachers contracts for the coming year. (It had been set at April 15.)

CHANGE: School districts now may issue teacher contracts at any time. (Previously it was required to be done between March 15 and May 15.)

MYTH: Teachers have lost job security.

FACT: Teaching is a profession, not just a job. With the professionalization and respect teachers deserve, there is a responsibility in doing what it takes to help students achieve. State mandates are being replaced with the ability of locally-elected governing boards to create deadlines for their own districts and to make prudent financial decisions that put academic achievement and the needs of students first.

TEACHER PERFORMANCE

CHANGE: The time allowed for teachers with inadequate performance to make improvement has been shortened from 85 working days (17 instructional weeks, almost one-half year of the academic year) to 60 working days (12 instructional weeks, still more than an academic quarter).

CHANGE: The time allowed for teachers who have been dismissed for cause to request a hearing has been shortened from 30 days to 10 days.

MYTH: Arizona doesn't care about teachers.

FACT: Arizona cares very much about our students and wants to do everything possible to ensure the most effective teachers are in our classrooms. Once again, this is a step forward in professionalizing teachers. A teacher that isn't performing must be given the notice and time to improve; however, it is not acceptable to allow an adult who isn't performing to sacrifice a student's future.