



# TEACHER EVALUATION SYSTEMS LEGAL PARAMETERS AND FUTURE DIRECTION

**By:**

Jennifer MacLennan, Esq., Gust Rosenfeld PLC

**Presenting with:**

Dr. Denise Birdwell, Superintendent,  
Higley Unified School District No. 60

Ms. Nancy Schwander, Assistant Superintendent,  
Pendergast Elementary School District No. 92

Janice Palmer, Arizona School Boards Association



## BACKGROUND

- As recently as 1995, the United States was still tied for first in the proportion of young adults with a college degree.
- By 2000, the United States slipped to 9th; by 2006 our country was at 14th, which is below the average for the industrialize world.
- Higher math performance at the end of high school translates into a twelve percent increase in future earnings.



## BACKGROUND

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- In 2006, the United States ranked 25th in math and 21st in scientific achievement.
- Research shows that teacher quality, more than any other school based variable drives student achievement



# LEGAL PARAMETERS

## A.R.S. Section 15-537

- Governing boards shall prescribe specific procedures for teacher performance evaluation systems which shall have the following elements:
- A reliable instrument which includes specific criteria for each area of a teacher's classroom responsibilities.
- An assessment of the competencies of teachers as it relates to the criteria.



## LEGAL PARAMETERS

- A specified minimum number and minimum duration of actual classroom observations of the teacher demonstrating teaching skills.
- Specific and reasonable plans for improvement of teacher performance.
- Appeal procedures for teachers who disagree with the evaluation if the evaluation is used as a criterion for establishing compensation.



## LEGAL PARAMETERS

- Arizona law requires that school districts perform at least two evaluations on non-continuing (probationary) teachers and at least one evaluation per year for a continuing (plus three years) teacher.
- Districts must have “qualified evaluators” designated and trained.
- Evaluations must be in writing and given to teachers within five day after completion.
- Teachers may initiation a written response or reaction.



## LEGAL PARAMETERS

- Each evaluation shall include recommendations for areas of improvement if the teacher's performance warrants improvement.
- After transmittal of the evaluation, a board designee shall meet with the teacher to make specific recommendations regarding areas of improvement.
- The board designee shall provide assistance and opportunity for improvement.
- The board designee shall follow up with the teacher after a reasonable period of time to ascertain if the teacher has demonstrated adequate classroom performance.



# RELEASE OF EVALUATIONS

- Copies of teacher evaluations are confidential by law. This is one of the only exemptions to the Arizona Public Records Act, which typically requires disclosure. Records may only be released as follows:
  - To the teacher
  - To authorized district officers for personnel matters
  - In connection with any hearing related to personnel matters
  - For introduction into evidence in a court action between the governing board and the teacher if the teacher's competency is at issue and the evaluations were an exhibit at the underlying hearing



## GUIDANCE FROM ARIZONA ATTORNEY GENERAL

- Failure to evaluate a teacher is a dereliction of statutory duty but does not preclude terminating a teacher for reasons other than inadequacy of classroom performance. Ariz. Att'y Gen. Op. 179-124 (1974).
- A school district may allow for the withholding of annual salary increments based upon inadequate classroom performance. Ariz. Att'y Gen. Op. 178-205 (1978).



## GUIDANCE FROM ARIZONA ATTORNEY GENERAL

- In determining whether a teacher is competent, school districts should be guided by common meaning of the terms – whether the individual has the requisite ability, aptitude or skill to teach the subjects which are required. Ariz. Att’y Gen. Op. 179-309 (1979).
- A school district may only terminate or dismiss a teacher in conformity with applicable tenure laws. Ariz. Att’y Gen. Op. 184-026(1984).



## RANKING EMPLOYEES

- In 1979, the Arizona Attorney General's office addressed Paradise Valley Unified School District's practice of having principals rank their teaching staff. Ariz. Att'y Gen. Op. 179-18 (1979).
- The principals were required to rank their subordinates using their professional judgment. Those lists were then used to result in a list of names to present to the Board for non-renewal.



# RANKING EMPLOYEES

- The Attorney General opined that the contemplated ranking system violated Arizona law because it was an unlawful evaluation system.
- The ranking system was not based upon “specific criteria” as required by A.R.S. Section 15-537 and thus was found to be in violation of the title 15.
- The Attorney General’s office noted that any ranking system runs the risk of having an adverse impact upon protected persons, thereby subjecting the district to potential lawsuits.



## EEOC GUIDELINES QUOTED

In view of the possibility of bias inherent in subjective evaluations, supervisory ranking techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities might obtain unfairly low performance criterion scores for reasons other than supervisory prejudice, as when, as new employees, they have had less opportunity to learn job skills. The general point is that all criteria need to be examined to insure freedom from factors which would unfairly depress the scores of minority groups.



## USE OF EFFECTIVENESS IN A RIF

- House Bill 2011 opens the door to allow school districts to use teacher effectiveness in determining who is selecting for a reduction in force.
- Law no longer allows adoption of policies re tenure and seniority
- Districts should revise Governing Board Policy GCQA regarding reductions in force prior to use of teacher effectiveness



## USE OF EFFECTIVENESS IN A RIF

- Districts that desire to use teacher effectiveness as a criterion in a reduction in force must carefully develop evaluation systems that are as objective as possible
- Goal is to explain the business justification for a particular teacher's selection.
- Criteria must be applied uniformly



# ONE DISTRICT'S EVALUATION TOOL





# ONE DISTRICT'S EVALUATION TOOL

<b>Rubric for Learning Climate</b>		
The teacher creates and maintains a learning environment that is safe, orderly, and supports the development of students' abilities to meet Arizona's Academic Content Standards.		
<b>Learning Climate Rubric Score</b>		<b>5</b>
		<b>Exceeds Standards</b>
	O	P
a1		
a2		
b1		
b2		
b3		
<b>Learning Climate Rubric Score</b>		<b>3</b>
		<b>Proficient in Standards</b>
	O	P

**Rubric for Learning Climate**

The teacher creates and maintains a learning environment that is safe, orderly, and supports the development of students' abilities to meet Arizona's Academic Content Standards.

Learning Climate Rubric Score			5	Exceeds Standards
	O	P	<p>a. The Learning Climate is effective, safe, functional and highly productive when students:</p> <ol style="list-style-type: none"> <li>1. Demonstrate and promote respect towards their teacher(s) and peers.</li> <li>2. Independently analyze, make decisions and successfully manage their academic and/or social goals.</li> </ol> <p>b. The teacher consistently sustains a Learning Climate that is functional, productive, and...</p> <ol style="list-style-type: none"> <li>1. Exhibits respect, warmth and friendliness, using positive verbal and non-verbal interactions that enhance student learning.</li> <li>2. Displays, references, explicitly teaches, and implements classroom and school-wide procedures, routines that assist with conflict resolution to minimize disruptions.</li> <li>3. Incorporates student decision-making of classroom, time, and materials to enhance an effective learning environment.</li> </ol>	
a1				
a2				
b1				
b2				
b3				
Learning Climate Rubric Score			3	Proficient in Standards
	O	P	<p>a. The Learning Climate is effective, safe, functional and productive when students...</p> <ol style="list-style-type: none"> <li>1. Demonstrate respect towards their teacher(s) and peers.</li> <li>2. Demonstrate self-discipline and responsibility for completing assigned classroom learning activities.</li> </ol> <p>b. The teacher sustains a Learning Climate that is functional, productive, and...</p> <ol style="list-style-type: none"> <li>1. Exhibits respect, warmth and friendliness, using positive verbal and non-verbal interactions with students.</li> <li>2. Displays and consistently references classroom and school-wide procedures, routines, or expectations for student and academic behaviors, attending to disruptions.</li> <li>3. Organizes classroom, time, and materials to maintain an effective learning environment.</li> </ol>	
a1				
a2				
b1				
b2				
b3				
Learning Climate Rubric Score			2	Approaching Standards
	O	P	<p>a. The Learning Climate is functional when students:</p> <ol style="list-style-type: none"> <li>1. Demonstrate respect towards their teacher(s).</li> <li>2. Demonstrate responsibility for completing assigned classroom learning activities.</li> </ol> <p>b. The teacher maintains a functional Learning Climate and...</p> <ol style="list-style-type: none"> <li>1. Exhibits respect and friendliness, using positive verbal interactions with students.</li> <li>2. Displays and sometimes references classroom and school-wide procedures, routines, or expectations for student and academic behaviors, attending to disruptions.</li> <li>3. Provides access to classroom resources.</li> </ol>	
a1				
a2				
b1				
b2				
b3				
Learning Climate Rubric Score			1	Developing
	O	P	<p>a. The Learning Climate is minimally functional because students:</p> <ol style="list-style-type: none"> <li>1. Demonstrate occasional respect for their teacher(s).</li> <li>2. Demonstrate evidence they seldom complete assigned classroom learning activities.</li> </ol> <p>b. The teacher attempts to provide a functional Learning Climate and...</p> <ol style="list-style-type: none"> <li>1. Exhibits respect, using positive and negative verbal and non-verbal interactions with students.</li> <li>2. Rarely displays or references classroom and school-wide procedures, or expectations for student behaviors and attends to disruptions by stopping whole class instruction without resolving the situation effectively.</li> <li>3. Provides some access to classroom resources.</li> </ol>	
a1				
a2				
b1				
b2				
b3				
Learning Climate Rubric Score			0	Unsatisfactory
	O	P	<p>a. The Learning Climate is not functional because students do not...</p> <ol style="list-style-type: none"> <li>1. Demonstrate respect towards their teacher(s) or peers.</li> <li>2. Demonstrate self-discipline or complete assigned classroom learning activities.</li> </ol> <p>b. The teacher does not attempt to provide a Learning Climate and does not...</p> <ol style="list-style-type: none"> <li>1. Exhibit respect using positive verbal/non-verbal interactions with students</li> <li>2. Display or reference expectations for student behaviors and attend to disruptions.</li> <li>3. Organize classroom, time, and materials to maintain learning environment.</li> </ol>	
a1				
a2				
b1				
b2				
b3				



# IS TENURE DEAD?

- No. School districts are still required to place continuing teachers on an improvement plan and to adopt a statement of charges if that teacher will not be renewed due to inadequate classroom performance. Those teachers are still entitled to a hearing;
- Probationary teachers who are non-renewed due to inadequate classroom performance are not entitled to a hearing.
- House Bill 2011 did not change a school district's obligation to evaluate and process the termination of teachers for inadequate classroom performance, other than changing the timelines.



# POTENTIAL AREAS OF FUTURE REGULATION

- The 2009 Governors Education Symposium recommended that state officials ask the following questions to explore potential areas for future regulation:
- Does our state use longitudinal data systems to provide evidence of the need to assess teacher effectiveness?
  - Nineteen states have a data system with that capacity but only two use value added data to assess teacher effectiveness.



## POTENTIAL AREAS OF FUTURE REGULATION

- Is instructional effectiveness the main criterion in each teacher evaluations?
- Suggestions included standardizing evaluation instruments. Instruments should not be structured so that teachers can obtain satisfactory ratings even if there is no evidence that they are advancing student performance. The symposium suggested that evaluation instrument include objective evidence of student learning, which need not be limited to test scores. Other suggestions include periodic diagnostic assessments, benchmark assessments and review of student work using rubrics and descriptors



## POTENTIAL AREAS OF FUTURE REGULATION

- Does our state provide support, but not indefinitely, to those teachers that receive negative evaluations?
- Arizona is among one of the twenty-six states that require that a teacher be placed on an improvement plan upon receipt of an unsatisfactory evaluation. State law allows districts to determine what constitutes an unsatisfactory.



## POTENTIAL AREAS OF FUTURE REGULATION

- Are tenure decisions meaningful?
- Suggestions included a review of meaningful data regarding teacher effectiveness before tenure is extended and stretching the tenure decision to five years so that more data can be accumulated. Another idea was providing a large increase in pay upon reaching tenure.



## POTENTIAL AREAS OF FUTURE REGULATION

- Has the state closed any loopholes which would allow teachers who have not met licensure requirements to teach?
  - Suggestions included requiring teachers to pass all requisite examinations before they enter the classroom.
- Does the state hold teacher training programs accountable?
  - States could regulate the teacher preparation programs to hold those universities and colleges accountable for their admissions standards, program content and quality of the graduates.



CAN YOU NAME HER?



GUST  
ROSENFELD



## MICHELLE RHEE

- Michelle Rhee, the Chancellor of the Washington D.C. public school system, has implemented a value added teacher evaluation system that is being closely watched by the Obama administration and by educators across the country.
- Rhee, a Teach for America teacher, had express permission from Congress to forego bargaining with the Washington Teacher's Union regarding the teacher evaluation system.



## WASHINGTON'S SYSTEM

- Rhee hired Thomas J. Kane from the Harvard Graduate School of Education and Mathematics, a research firm to develop a new evaluation system
- It is a value added model, which attempts to measure the growth of students in a classroom
- Concept is to evaluate teachers based on academic growth of students



## WASHINGTON DC AS THE PETRI DISH

- Elements of the system being tested this school year in Washington include:
  - multiple measures of performance,
  - use of “impartial master teachers” to perform the evaluations, and
  - a value added approach



## VALUE ADDED MODELS

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Value added systems use statistical modeling to project rates of test score growth in a given year for individual students, allowing for factors such as past performance and economic status.



## VALUE ADDED MODELS

- Concerns with the value added model include statistically unreliable small student samples (i.e. across a school is more reliable than across a class), the amount of time data that would need to be gathered to be reliable, and the ability of that system to distinguish those teachers in the middle.



## OTHER VALUE ADDED SYSTEMS

- Secretary of Education Arne Duncan brought on board Brad Jupp of the Denver Public Schools.
- Mr. Jupp helped develop ProComp, which is a differentiated pay system for teachers.
- His role with the Department of Education is to advise regarding teacher effectiveness.



## ORIGINAL SYSTEM

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- The original model was developed in Tennessee by Dr. William Sanders
- His system has been used in Tennessee since 1992

# VALUE ADDED MODELS





## RACE TO THE TOP

- Arizona has submitted its application to participate in Race to the Top.
- Many local school districts submitted memorandum of understanding to the Arizona Department of Education



## RACE TO THE TOP – ALL LEA'S WILL

- Develop teacher and principal evaluations that incorporate student growth
- Make student growth data at least 50% of teacher and principal evaluation criteria
- Provide professional development on how to administer and interpret new evaluations



## RACE TO THE TOP – ALL LEA'S WILL

- Provide site-based professional development on how to use data to inform classroom practice
- Ensure teacher ratings distribution is in line with overall LEA Performance
- Use new evaluations to inform performance-based compensation, promotion, retention, tenure, removal ineffective teachers/principals
- Enhance equitable distribution of highly effective teachers/principals



Thank You