

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 57
SENATE BILL 1255

AN ACT

AMENDING SECTION 15-537, ARIZONA REVISED STATUTES; RELATING TO
CERTIFICATION AND EMPLOYMENT OF TEACHERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-537, Arizona Revised Statutes, is amended to
3 read:

4 15-537. Performance of certificated teachers; evaluation
5 system; alternative performance evaluation cycle;
6 confidentiality

7 A. The governing board of a school district shall establish a
8 system for the evaluation of the performance of certificated teachers in
9 the school district that meets the requirements prescribed in section
10 15-203, subsection A, paragraph 38 and that results in at least one
11 evaluation of each certificated teacher by a qualified evaluator each
12 school year **OR AS PROVIDED IN SUBSECTION B OF THIS SECTION**. The
13 objectives of the teacher performance evaluation system are to improve
14 instruction and maintain instructional strengths. The governing board
15 shall involve its certificated teachers in the development and periodic
16 evaluation of the teacher performance evaluation system.

17 B. A SCHOOL DISTRICT MAY USE AN ALTERNATIVE PERFORMANCE EVALUATION
18 CYCLE PURSUANT TO THIS SUBSECTION SUBJECT TO THE FOLLOWING:

19 1. THE GOVERNING BOARD SHALL ADOPT POLICIES FOR AN EXPEDITED
20 PERFORMANCE REVIEW DURING THE YEARS IN WHICH A TEACHER IS NOT UNDERGOING A
21 FORMAL PERFORMANCE EVALUATION PURSUANT TO SUBSECTION A OF THIS SECTION.
22 THE EXPEDITED PERFORMANCE REVIEW POLICIES MAY CLASSIFY TEACHER PERFORMANCE
23 IN CATEGORIES THAT INCLUDE TEAMWORK AND SUPPORT FOR LOWER-PERFORMING
24 TEACHERS.

25 2. THE GOVERNING BOARD SHALL ALLOW ONLY TEACHERS WHO HAVE BEEN
26 EVALUATED AND DESIGNATED IN THE HIGHEST PERFORMANCE CLASSIFICATION FOR AT
27 LEAST THREE CONSECUTIVE YEARS BY THE SAME SCHOOL DISTRICT UNDER THE
28 EVALUATION SYSTEM ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION TO
29 PARTICIPATE IN THE ALTERNATIVE PERFORMANCE EVALUATION CYCLE.

30 3. IF AN EXPEDITED PERFORMANCE REVIEW UNDER THIS SUBSECTION
31 DETERMINES THAT THE TEACHER IS NOT IN THE HIGHEST PERFORMANCE
32 CLASSIFICATION, THE TEACHER SHALL BE REMOVED FROM THE ALTERNATIVE
33 PERFORMANCE EVALUATION CYCLE AND BE REVIEWED ON THE EVALUATION SYSTEM
34 ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION.

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

40 1. Incentives for teachers in the highest performance
41 classification, which may include multiyear contracts not to exceed three
42 years. The policies shall specify that the offer and acceptance of a
43 multiyear contract does not exclude that teacher from the application of
44 section 15-538.01, 15-540, 15-541 or 15-549 and that the teacher may

1 accept a multiyear contract offer or decline and accept a ~~one-year~~
2 ONE-YEAR contract.

3 2. Incentives for teachers in the two highest performance
4 classifications to work at schools that are assigned a letter grade of D
5 or F pursuant to section 15-241.

6 3. Protections for teachers who are transferred to schools that are
7 assigned a letter grade of D or F pursuant to section 15-241.

8 4. Protections for teachers if the principal of the school is
9 designated in the lowest performance classification.

10 ~~C. D. By school year 2015-2016,~~ The policies prescribed in
11 subsection ~~B- C~~ of this section shall describe:

12 1. Performance improvement plans for teachers designated in the
13 lowest performance classification.

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

23 ~~D. E.~~ E. A teacher who has been employed by the school district for
24 the major portion of three or more consecutive school years and who is
25 currently designated in the lowest performance classification for two
26 consecutive school years shall not be transferred as a teacher to another
27 school in that school district unless the school district has issued a
28 preliminary notice of inadequacy of classroom performance and approved a
29 performance improvement plan for the teacher pursuant to section 15-539
30 and the governing board has approved the new placement as in the best
31 interests of the pupils in the school. A teacher who continues to be
32 designated in one of the two lowest performance classifications shall not
33 be permitted to transfer to another school. A teacher shall not be
34 transferred more than once pursuant to this subsection.

35 ~~E. F.~~ F. The governing board shall prescribe specific procedures for
36 the teacher performance evaluation system, which shall include at least
37 the following elements:

38 1. At least two actual classroom observations of the certificated
39 teacher demonstrating teaching skills in a complete and uninterrupted
40 lesson by the qualified evaluator. There shall be at least sixty calendar
41 days between the first and last observations. The last observation may
42 follow the issuance of a preliminary notice of inadequacy of classroom
43 performance and be used to determine whether the teacher has corrected
44 inadequacies and has demonstrated adequate classroom performance. An
45 observation shall not be conducted within two instructional days of any

1 scheduled period in which school is not in session for one week or more.
2 Within ten business days after each observation, the qualified evaluator
3 shall provide written feedback to the teacher.

4 2. Specific and reasonable plans for the improvement of teacher
5 performance as provided in subsection ~~H~~ I of this section.

6 3. Appeal procedures for teachers who disagree with the evaluation
7 of their performance, if the evaluation is for use as criteria for
8 establishing compensation.

9 4. Training requirements for qualified evaluators.

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

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

22 ~~G~~ H. The results of an annual evaluation conducted as provided in
23 this section shall be in writing or provided in AN electronic format to
24 the certificated teacher, and a copy shall be transmitted or provided in
25 an electronic format to the certificated teacher within five days after
26 completion of the evaluation. The certificated teacher may initiate a
27 written reaction or response to the evaluation.

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

38 ~~I~~ J. Copies of the evaluation report and performance
39 classification of a certificated teacher retained by the governing board
40 and the department of education are confidential, do not constitute a
41 public record and shall not be released or shown to any person except:

42 1. To the certificated teacher who may make any use of it.

43 2. To authorized district officers and employees for all personnel
44 matters regarding employment and contracts and for any hearing that
45 relates to personnel matters.

1 3. To school districts and charter schools that inquire about the
2 performance of the teacher for prospective employment purposes. A school
3 district or charter school that receives information about a certificated
4 teacher from the evaluation report and performance classification shall
5 use this information solely for employment purposes and shall not release
6 THIS INFORMATION to or allow access to this information by any other
7 person, entity, school district or charter school.

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

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

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

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

APPROVED BY THE GOVERNOR MARCH 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018.