



Are You Ready to Be Evaluated?

By: Jill K. Osborne, Esq.

The requirements regarding performance evaluations of principals and teachers for charter schools will change due to the enactment of House Bill (HB) 2823 in April 2012. It is important to understand the modifications your schools must make in order to comply with the law.

One of the changes imposed by HB 2823 holds the State Board of Education responsible for creating and implementing a model framework to be used for teacher and principal evaluations. This framework will include four performance classifications employed to gauge staff effectiveness in schools. Each evaluated teacher and principal will be designated as highly effective, effective, developing, or ineffective. By the 2012-2013 school year, school districts and charter schools will be responsible for developing and adopting definitions to fit the four performance classifications. Additionally, schools will be required to apply the performance classifications to improve principal and teacher performance by 2013-2014.

By the 2013-2014 school year, school governing boards must adopt and implement policies for both principal and teacher evaluations. The policies must describe the instrument that will be used for the evaluations and include alignment between the evaluation instrument and professional development opportunities that will be offered. In particular for charter schools, the law recognizes that not all charter schools may have a person designated as the school principal. For charter schools that do not have a principal, the law specifies that the charter school must evaluate the instructional leader of the school using the principal evaluation system.

Additionally, HB 2823 requires school district governing boards to make evaluations and performance classifications of each principal and teacher available to other school districts and charter schools for hiring purposes. A charter school interested in hiring a principal or certified teacher could request copies of past performance evaluations from a school district in order to make a hiring decision. Copies of teacher evaluations will be confidential to all others.

The Arizona Department of Education will also be responsible for posting best practices for the implementation and assessment of principal and teacher evaluation systems by September 15, 2012. The best practices must come from one large school district, one small school district, a school district located in a small county, and one charter school. The best practices will include ways to implement the evaluation systems, evaluation weighting, the qualitative and quantitative elements that are used, and how the evaluations are applied.

HB 2823 does allow for an alternative timeline for schools to postpone implementing the requirements of the new law until the 2013-2014 school year. In order to qualify for the alternative timeline, the following items must be completed according to these guidelines:

1. A majority of the governing board votes at a public meeting to postpone implementation.
2. By September 30, 2012, a timeline for implementation, a plan for engaging teachers and others in the decision, and a plan to determine how the evaluations will guide professional development needs to be adopted.
3. By December 31, 2012, instruments for evaluation should be considered, accounting for student academic progress, including specific elements required by statute.

This article is intended to be a general discussion of HB 2823 and is not intended to provide legal advice regarding performance evaluations. School leaders should review HB 2823 and/or consult with their attorney prior to adopting new evaluation instruments.

Jill K Osborne, Esq., is a partner with the law firm of Udall Shumway PLC. Jill's practice is primarily focused in school law and employment law. She can be contacted at (480) 461-5300 or jko@udallshumway.com.