



# EVALUATION CONCERNS

*A Comprehensive  
Approach to Helping  
Teachers*



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*arizonaea.org/helpdesk*  
(877) 828-1983



## Introduction

Evaluations are becoming more and more significant to teachers. Evaluations can now determine part of teacher performance pay and can even be used to remove continuing status from veteran teachers. This booklet provides practical suggestions for local association leaders to help their colleagues with performance evaluation concerns. Often peer consultation and assistance lead to successful resolution of the concerns. Occasionally evaluation issues involve complex legal issues, such as discrimination, which should be reviewed by your AEA Organizational Consultant, [arizonaaea.org/helpdesk](http://arizonaaea.org/helpdesk), or an AEA lawyer.

This booklet is not intended to provide legal advice on specific problems. Changes in laws and cases may modify the information provided.

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## The Initial Interview

When a teacher comes to you with an evaluation concern, you often do not know whether it is a true evaluation problem, what led to the concern, where the teacher is in the evaluation process, whether proper procedures were followed, and what should be done to help. Occasionally teachers get upset over even positive evaluations. However, occasionally, administrators abuse the evaluation process. Your role as an advocate is to determine the nature of the concern and then, if appropriate, to help the teacher resolve the evaluation concern.

You should analyze these circumstances through a review of documents and an interview with the teacher. You need time to review the evaluation system; the teacher must provide documentation; and time limits may affect the recourse available. Set an appointment for the next day or two. Instruct the teacher to bring the last three evaluations, any written communication, and any improvement plan that may be in place.

Inform the teacher that copies of these documents are in the personnel record. If the teacher does not come to the interview with the documents you requested, be straightforward about it being impossible to help without reviewing the record. In the interim, review the evaluation system and pay close attention to: 1) pre- and post-conference requirements; 2) the duration and number of observations required; 3) process timelines; 4) the definition of inadequacy; 5) appeal rights; 6) rights to a different evaluator; 7) the process used to determine a score and to convert the score into a rating; and 8) improvement plan requirements.

During the interview, you need to determine:

1. Where the teacher is in the evaluation process. If the teacher has received a preliminary notice of inadequate performance, the matter also should be reviewed by [arizonaaea.org/helpdesk](http://arizonaaea.org/helpdesk) or your AEA Organizational Consultant.
2. Whether and to what extent the evaluation process complies with district policy. Are there any procedural errors?
3. If performance ratings are inadequate based on your district's current definition of inadequacy in board policy.
4. What recourse is available and appropriate, such as second evaluator, new observation, grievance, rebuttal or appeal?
5. What is the consequence of the rating, i.e. on a RIF Rubric, on teacher classification, on performance pay, or on references?

6. What occurred in the observation or interactions with the evaluator that caused the evaluator to reach these conclusions? People very often have their own ideas about why they got the ratings they did. You need to reach your own conclusion.
7. How to help the teacher. This may include multiple tracks of action, but should always include one track directed toward achieving satisfactory ratings.

An "Evaluation Review" form is provided in this section to assist in reviewing the procedural steps. Gathering the information needed to complete the Evaluation Review form will help get all the information needed to review the process.

To determine what caused poor ratings or negative comments, you will need to probe more deeply. The following questions are useful:

- "What do you think the evaluator had in mind when s/he wrote this or gave you this rating?"
- "Tell me what went on during the observation."
- "What did the students do?"
- "What did you do?"
- "Tell me about your instructional day."

Encourage the teacher to consider what can be done to achieve satisfactory performance. You may need to overcome fear, anger, or a lack of understanding of job responsibilities. Often people are capable of doing what they are told to do, but they do not feel the supervisor has the right to give the Direction; think the supervisor is out to get them; or just resent being told to do things differently.

The "Things to Say" section of this booklet provides some statements to overcome this resistance. Other sections provide practical information about writing rebuttals and dealing with improvement plans. The Association's objective in helping teachers with evaluation problems is to have quality instructors in every classroom. This objective is consistent with AEA's mission of keeping the promise of quality public education.

Finally, the Appendix summarizes several statutory provisions pertaining to teacher performance evaluation systems. The Appendix also compares the statutory criteria for probationary teachers and continuing teachers.



# Evaluation Review

Name \_\_\_\_\_

Local Association \_\_\_\_\_

Site \_\_\_\_\_ Date \_\_\_\_\_

E-mail \_\_\_\_\_

### Teacher Status

- Probationary: Year 1 2 3
- Probationary after being reverted from Continuing Status following a performance classification of *ineffective*.
- Continuing Status: # of years in District \_\_\_\_\_

Subject/Grade Level \_\_\_\_\_ Years at current subject/grade level \_\_\_\_\_

Phone (w) \_\_\_\_\_ (h) \_\_\_\_\_ (cell) \_\_\_\_\_

Previous evaluation history: \_\_\_\_\_

\_\_\_\_\_

1st Obs. date \_\_\_\_/\_\_\_\_/\_\_\_\_ 2nd Obs. date \_\_\_\_/\_\_\_\_/\_\_\_\_

Additional Observations? Dates: \_\_\_\_\_

Overall rating \_\_\_\_\_

Evaluator name \_\_\_\_\_ Trained & qualified evaluator  Y  N

### District definition of inadequacy

Is performance inadequate by definition?  Y  N

Improvement Plan  Y  N Dated \_\_\_\_/\_\_\_\_/\_\_\_\_ Expiration of Plan: \_\_\_\_/\_\_\_\_/\_\_\_\_

Preliminary notice of inadequacy  Y  N Date rec'd. or postmarked \_\_\_\_/\_\_\_\_/\_\_\_\_

Was policy followed?	Y	N		Y	N
Observation/Evaluation Timelines	<input type="checkbox"/>	<input type="checkbox"/>	Evaluation Conference	<input type="checkbox"/>	<input type="checkbox"/>
Observation Duration	<input type="checkbox"/>	<input type="checkbox"/>	Transmission of Completed Form	<input type="checkbox"/>	<input type="checkbox"/>
Number of Observations	<input type="checkbox"/>	<input type="checkbox"/>	Alternate Evaluator Requested	<input type="checkbox"/>	<input type="checkbox"/>
Observation Report	<input type="checkbox"/>	<input type="checkbox"/>	Rebuttal Submitted	<input type="checkbox"/>	<input type="checkbox"/>
Pre-Observation Conference	<input type="checkbox"/>	<input type="checkbox"/>	Other Appeal Procedure	<input type="checkbox"/>	<input type="checkbox"/>
Post-Observation Conference	<input type="checkbox"/>	<input type="checkbox"/>			

What is the concern?  
\_\_\_\_\_  
\_\_\_\_\_

Supporting evidence  
\_\_\_\_\_  
\_\_\_\_\_

What does member want to do?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Things to Say

The following pages list phrases which may help members understand the need to address evaluation concerns. The phrases are organized into categories for convenience, and some phrases may apply to more than one category.

Much of the work involved with helping teachers with evaluation problems is getting teachers to focus on how to be rated as effective teachers. The only thing over which we have complete control is our actions. Getting adults to accept responsibility for their actions involves making them comfortable with doing so and keeping them focused on doing so.

Review the phrases before meeting with the teacher to develop ways of encouraging improved classroom performance. The phrases are not intended to be used verbatim, but instead as concepts you may need to convey.

A final word of caution: It is not effective, no matter how much pleasure you may derive from it, to say, "You blithering bonehead. If you would just do what you're told to do, you wouldn't have this problem!"

### Protect Right to Valid Assessment/Understand System/Defend Against Dismissal

- Valid and accurate may not be the same. Arizona law requires a valid assessment, which may be satisfied by complying with the procedural requirements of the evaluation system.
- There are a number of ways to address this problem, and they usually work best when done together. We need to write a rebuttal to be on record as disagreeing. We may be able to file a grievance and seek a remedy to address any procedural violations. Equally important, we need to demonstrate we can do what we are being told to do.
- If you have not received a preliminary notice, it does not seem that the intent is to try to dismiss you at this time. **NOTE:** However, if a teacher is a continuing status teacher and given an ineffective performance classification, then the teacher will lose continuing status and revert to probationary status for the next school year.
- Your evaluations are confidential by law. They stay in your personnel file at the district office, and only people with a need to know may review them. However, school districts and charters schools can obtain your performance classification and the evaluation report for employment purposes.
- I am supposed to assist and advise you with your best interests in mind. It is difficult for me to understand why we would want to challenge an evaluation that says you meet or exceed expectations in every category. Perhaps a better strategy is to attach a response to the comments you find objectionable.

- Not doing as you are directed is a choice you can make, but having made that choice, you must be prepared to accept the consequences.
- I agree that evaluation systems are not perfect. This system has been approved by the Governing Board, has been filed with the State, and was explained to every teacher at the beginning of the year. The time to question the validity of an evaluation system is before that system applies to you. Doing so after the fact leaves your motives in question.
- There may be some procedural flaws in what the supervisor has done. Let us consider how those errors have impacted the evaluation and seek a remedy to address that harm. Substantial deviation from the process is required to invalidate the entire process.
- Your signature on the evaluation means only that you have read it and received a copy. It does not mean you agree. Refusing to sign may be insubordination, which can be cause for dismissal. You can sign the evaluation and note that a rebuttal is to be attached, but you do need to sign the document.

### Understand Supervisor's Responsibility to Judge and Direct

- I understand you believe this evaluation is inaccurate, and we need to make that clear. For the moment, this is your supervisor's impression of your classroom performance. We need to change that impression, and we should not do anything to make that task more difficult. Instead, think about things you can do to change the perception.
- Just as you must evaluate student performance, it is your supervisor's job to evaluate your performance.
- Help me understand why you would choose not to do what you are being asked to do.

### Understand Employee's Responsibility to Accept Direction

- Let us stay focused on creating a record of compliance and competence. It is easier to prove that you are doing a good job than to show that the supervisor is doing a bad job. Even showing that the supervisor is doing a bad job does not show that you are doing a good one. All we need to do is demonstrate that you are doing a good job.
- An employee has the responsibility to carry out job duties as directed unless doing so would result in imminent or serious harm. Is there something about what you are being asked to do that fits this exception?
- The best way to bring this chapter to a close is to demonstrate you can do what your supervisor wants done.

- The moral high ground often does not pay very well. You have been around long enough to know the world is not perfect. I do not think it is in your best interest to sacrifice your career to prove a point.
- My role is to assist you. I am not going to do things on your behalf that will not help your cause. I will not be a party to you losing your job.
- We need to stay focused on the official record. That is the basis for decision making. Anything we believe but cannot prove will not help us. I am willing to review any evidence you have to support your claim. Until we have evidence, we should stay focused on getting good information into the official record.

### **Eliminate Anxiety or Anger/ Focus on Performance**

- I am unclear as to how simply disputing the evaluation will help you achieve satisfactory ratings. If your long-term objective is to keep your job, then I am concerned about neglecting actions that will produce an effective rating.
- The best way to prove the supervisor wrong is to do what they say you cannot do.
- I am uncomfortable with challenging this evaluation by saying others do it too. It seems to be agreeing with the supervisor's findings about your performance.
- Creating a record of misconduct by others does not respond to the issue of your conduct. I am reluctant to go down a path that confirms the supervisor's judgment.
- Filing a grievance over procedural problems is a separate activity. We cannot fail to work on these other things because we have filed a grievance.
- I am uncomfortable taking action based on reports from the faculty lounge. Anytime someone with verifiable evidence is willing to come forward, we need to look at it. Until then, we should not rely on information that is not on the record.
- We have a better chance of saying you can do it and proving so by doing it. We have full control over your actions. Let us think about actions over which we have the greatest control.

## **Rebuttals**

Written rebuttals to bad evaluations are very important and required in every case where you wish to challenge the evaluation or contest the content. Rebuttals are written so that the employee's reactions and additional information are on the record. The rebuttal refutes misconceptions, erroneous statements, and misleading comments in the evaluation. In addition, the rebuttal may be helpful in a dismissal proceeding, or it simply may correct the record or provide additional information for the evaluator's further review. Before writing any rebuttal, review any contract provisions and governing board policies on employee evaluations. Often there are timelines for submitting rebuttals. Check the policy for those time limits.

Consider the following steps in writing a rebuttal:

### **1. Analyze the evaluation.**

- Obtain an overview of the evaluation. For example, is it negative, slanted, or self-serving for the evaluator?
- Document areas that are negative or violate governing board policy or state law. Substantial violation of evaluation policy may create a need to file a grievance for procedural violations.
- Attempt to find a pattern or context of items checked on the evaluation form and written in the narrative.
- Select those items that need correction by rebuttal.

### **2. Neutralize all items that need rebuttal.**

- Dispute findings in a factual and unemotional way without attacking the evaluator.
- Give reasons for the items evaluated negatively.
- Give rationales for work performance and other items that have been criticized. For example, refer to class size, constraints, available materials or district resources.
- Mention any failures on the part of the evaluator to appropriately and specifically relate performance criteria.

### **3. Equalize the results.**

Structure the response to strengthen performance and weaken the negative items on the evaluation. Consider some of the following ideas:

- Stress preparation, motivation, and skills.
- Focus on objectives, procedures, and attainment.
- Connect performance with job description or curriculum.
- Mention the evaluator's failure to help or demonstrate.
- Be critical of, but do not reject, recommendations.
- Review prior observations and evaluations, and use them to your advantage.



**4. Begin and end in a positive way if possible.****5. Do not submit a rebuttal with spelling, grammar, or punctuation errors. The statements below provide some broad categories that may be used to introduce your response to each negative item.**

- The objectives, goals, standards, or rules cited are too broad or vague.
- The cited facts in the evaluation are inaccurate.
- The evaluation fails to consider constraints, such as pupil background, overcrowding, school or site conditions.
- The evaluator is not trained and qualified to evaluate in my field or lacks an understanding of current acceptable work practices, board policy, or law.

- The evaluator did not rely on firsthand observations.
- The evaluator failed to observe me for a sufficient amount of time to make a valid judgment.
- The evaluation fails to consider extenuating and mitigating circumstances.
- Insufficient consideration was given to my good motives or effort.

Finally, seek advice from your local association, [arizonaaea.org/helpdesk](http://arizonaaea.org/helpdesk), and/or your Organizational Consultant in drafting a rebuttal to a bad evaluation.

*A sample rebuttal might look like this:*

To:  
From:  
Date:  
Re: Response to evaluation dated \_\_\_\_\_

Please see that this response is attached to any file copies of the evaluation referenced above.

First, thank you for the marks I received on my evaluation in the “satisfactory” level of performance column. I am pleased that I meet the appropriate standards in these areas.

I do not believe the evaluation accurately reflects my performance because the cited facts are inaccurate and the class activity was misconstrued.

Item 1.A. Classroom Management

Mrs. E. Valuator rated my performance as unsatisfactory in this area and comments, “Tying children to the chairs is not an acceptable behavior management technique.” Children were not tied to their chairs for purposes of behavior management. At the time Mrs. E. Valuator stopped in, we were rehearsing a play. Mrs. E. Valuator incorrectly assumed that children were bound to their chairs with soft cotton straps for disciplinary reasons. She did not speak to me after the observation to verify her assumption or use a post-observation conference as required by policy.

Item 6.B. Instructional Methods

Mrs. E. Valuator correctly notes that closure for the lesson was not completed. However, the lesson was interrupted by an unscheduled fire drill. Closure is a regular part of my lessons and is evident in all but the most unusual circumstances.

My desire is to provide the highest quality instruction to my students. While I disagree with the findings in the evaluation, I will gladly implement any recommendations. I would welcome the opportunity to discuss these issues.



## Improvement Plans

Good improvement plans are developed collaboratively and relate specific recommendations directly back to items from the evaluation. They include a completion date and measurable, objective standards for judging completion.

Reference	Task	Evidence	Completion
Item 1 C	Observe Mary Smith to get ideas for nonverbal behavior management techniques	Notes from observation with three nonverbal techniques identified	[SPECIFIC DATE]

*(An example of a good improvement plan is included in the Appendix.)*

Bad improvement plans are usually developed in isolation by the supervisor. They identify expectations and how those expectations will be reviewed with little obvious correlation to any specific item in the evaluation. They include little information about what the teacher is to do.

- Improve classroom management
- Observe Mary Smith
- Focus on classroom instruction

Successful assistance usually just requires helping the teacher keep and provide documentation needed to demonstrate completion. Occasionally, it is necessary to actually provide instructional assistance. Documentation should be professional. For example, type a chronological log of activities identified by the item numbers in the improvement plan with appropriate attachments. This requires keeping an ongoing log, not trying to make one up after-the-fact.

Meeting weekly or bi-weekly with the teacher to review progress is essential to stay on track and provide encouragement. Set up a timetable that anticipates completion of all items prior to the deadline. Submit the log of activities with a cover letter. *(See sample shown below.)*

Supplement the log of activities with examples of successes, such as samples of student work or thank you letters from parents.

*Sample log of activities with a cover letter.*

To:  
 From:  
 Date:  
 Re: Completion of Improvement Plan

Attached is a copy of my activity log and supporting documentation to show completion of the improvement plan dated \_\_\_\_\_. I have learned a great deal through this experience and believe you will see results upon your next observation. Please let me know if you believe additional steps are needed so that I may finish any outstanding items on the plan.

Dealing with a bad improvement plan takes a little more time and some attention to strategy, but the process can be equally successful. Some people prefer to shift the accountability for taking action to the supervisor, doing nothing because they have not been told what to do or making repeated visits to argue about what is to be done. This reaction does not usually result in any more detail in the plan, but it does upset the supervisor.

Generally, it is better to meet with the teacher and ask, "What are two things you can do to satisfy this item?" It may be necessary to provide specific ideas to generate a constructive response. The goal is to produce a document listing what actions the teacher will take to satisfy the improvement plan. This document should be professional and should be submitted with a cover letter within 10 working days of receiving the improvement plan:

Now you have a good improvement plan. Absent any changes from the supervisor, the teacher can log and document actions for satisfying the plan. It becomes very difficult for the supervisor to say the plan was not completed if s/he does not respond to your initial memo and improvement strategies. Equally important, the teacher has taken responsibility for instructional quality and is focused on doing things that will improve instruction.

Weekly or bi-weekly meetings for review and encouragement continue to be necessary. The log and documentation should be submitted prior to the final completion date with a cover letter as previously described.

*Sample document listing what actions the teacher will take to satisfy the improvement plan.*

To:  
From:  
Date:  
Re: Improvement Strategies

I have carefully reviewed each item in the improvement plan you provided to me on DATE. Attached is a detailed list of actions I will take to satisfy each item of the plan. Upon completion, I will provide a log and supporting documentation for your review. Please let me know as soon as possible in writing if I have misunderstood your intent as to any actions I need to take to satisfy the improvement plan.



## Talking About Helping Teachers With Evaluation Concerns

To reach AEA’s mission of keeping the promise of quality public education, our efforts with teachers who have evaluation problems must not only advocate for members, but also ensure quality instruction, build strong local and site organizations, and reach out to parents and community. This does not mean we do a little of each, but that we blend the parts to produce unified action to reach the goal of quality public education.

AEA wants every student to have a quality educator in every classroom. One of the strongest predictors of student success is having a quality educator. To achieve student success, AEA believes the purpose of evaluations is to improve instruction. Locals need to work to encourage their districts to develop evaluation policies and professional development that is designed to improve instruction.

Our approach to helping teachers must become more comprehensive in both word and deed. Helping the individual cannot be at the expense of keeping the promise of quality public education. The public’s right to define and expect quality is fundamental to the continued existence of public education. In short, we can prevent teacher dismissals for evaluation problems by defending dismissal proceedings or by making sure it is never necessary. Only the latter course will satisfy all the pressures on the system.

The following message box will help you speak effectively about our efforts from a variety of perspectives. How you define your goals has a lot to do with what you achieve and who will join with you in that effort.

	<p><b>Ensuring Quality</b></p> <ul style="list-style-type: none"> <li>• Make the Association accountable for quality teaching</li> <li>• Implement comprehensive program to assist teachers needing improvement</li> <li>• Be active in staff development programs</li> <li>• Mentor new teachers</li> <li>• Set high meaningful standards for the profession</li> </ul>	
<p><b>Reaching Out to Parents and Community</b></p> <ul style="list-style-type: none"> <li>• Work with parents to resolve conflicts</li> <li>• Help parents and community bring their issues forward</li> <li>• Help parents and community get the most out of schools</li> <li>• Recognize that our free society is the customer of public education</li> <li>• Encourage parent and community participation in evaluating schools</li> </ul>	<p><b>Quality Instructor in Every Classroom</b></p>	<p><b>Strong Local</b></p> <ul style="list-style-type: none"> <li>• Encourage collegial support as a professional organization</li> <li>• Increase member involvement in developing assessments</li> <li>• Create new opportunities for involvement in assisting members</li> <li>• Provide Association professional development as a member benefit</li> <li>• Recognize that it’s in our best interest to have a quality teacher in every classroom</li> </ul>
	<p><b>Advocacy</b></p> <ul style="list-style-type: none"> <li>• Recognize that valid assessment is key to improving instruction</li> <li>• Assist in appropriate recourse when judgments are not valid</li> <li>• Ensure that everyone is afforded access to valid performance assessment</li> <li>• Secure resources for improvement of instruction</li> <li>• Advocate for compensation that keeps good teachers in the classroom</li> </ul>	

## Appendix A: Selected Statutory Provisions

### Find Arizona Statutes at [www.azleg.gov](http://www.azleg.gov)

#### TYPES OF TEACHERS IN ARIZONA

1. A CONTINUING teacher is a certificated teacher who has been and is currently employed by the same school district for the major portion of three consecutive school years and who has not been designated as ineffective for the previous school year. A.R.S. § 15-538.01(D)
2. A PROBATIONARY teacher is a certificated teacher who either has not been employed full time for more than three consecutive years in the same district or who has lost continuing status after being designated as ineffective. A.R.S. § 15-536(E)
  - a. If a teacher loses continuing status and becomes a probationary teacher after being designated as ineffective, the teacher will not regain continuing status until the teacher is rated as “effective” or “highly effective.” A.R.S. § 15-536 (D)

#### EVALUATION ADOPTION

1. School district and charter school evaluation instruments must classify all teachers and principals into one of the four performance classifications adopted by the state board of education: highly effective, effective, developing and ineffective. A.R.S. § 15-537(A)
  - a. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers. A.R.S. § 15-537(C)
2. School districts must involve teachers in the development and periodic review of their teacher performance evaluation systems. A.R.S. § 15-537(A)
3. School districts must adopt evaluation policies in a public meeting, and provide opportunities for public discussion. A.R.S. § 15-537(C). Adopted policies must describe:
  - a. Incentives for teachers rated “highly effective.” (One incentive may include an offer of a maximum three year contract.)
  - b. Incentives for teachers rated “highly effective” and “effective” to work at schools assigned “D” or “F” grades.
  - c. Protections for teachers transferred to schools with “D” or “F” grades.
  - d. Protections for teachers working for a principal rated “ineffective.”
4. The governing board shall adopt a definition of inadequacy of classroom performance in consultation with its certificated teachers that aligns with or exceeds the four performance classifications created in A.R.S. § 15-538(C)
5. School districts must consult with teachers in developing the definition of inadequate classroom performance. A.R.S. § 15-538(C)

#### EVALUATION CONTENT AND PROCEDURES

1. Evaluation policies must describe dismissal or nonrenewal procedures for teachers continuously rated “ineffective.” School districts must issue the preliminary notice of inadequacy of classroom performance to a teacher no later

than the second consecutive year the teacher is rated as either “developing” or “ineffective,” unless the teacher is either:

- a. Working in their first or second year with a school district, or
  - b. Teaching a new subject or grade level currently or last year. A.R.S. § 15-537(D)(2)
2. The school district shall designate persons that are qualified to observe teachers and designate evaluators who are trained and qualified to evaluate teachers. A.R.S. § 15-537(F)
  3. A teacher evaluation system shall include:
    - a. Between thirty-three percent and fifty percent of a teacher’s or principal’s evaluation must include quantitative data on student academic progress. A.R.S. § 15-537(A)
    - b. At least two classroom observations of the certificated teacher demonstrating teaching skills in complete and uninterrupted lessons that are at least sixty calendar days apart. A.R.S. § 15-537(F)(1)
      - i. A school district may waive the requirement of a second classroom observation for a continuing teacher whose teaching performance on the first classroom observation for the current school year is highly effective or effective, unless the teacher requests a second observation. A.R.S. § 15-537(G)
      - ii. The second 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. A.R.S. § 15-537(F)(1)
      - iii. 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. A.R.S. § 15-537(F)(1)
    - c. Written feedback from the observer to the teacher delivered within ten days of each observation. A.R.S. § 15-537(F)(1)
    - d. Specific and reasonable plans for improved teacher performance. A.R.S. § 15-537(F)(2)
    - e. Appeal procedures for teachers who disagree with their evaluations if the evaluation is used to determine compensation. A.R.S. § 15-537(F)(3)
    - f. Training requirements for qualified evaluators. A.R.S. § 15-537(F)(4)
    - g. A plan for the appropriate use of quantitative data of student academic progress in evaluations of all certificated teachers. A.R.S. § 15-537(F)(5)
  4. A copy of the annual written evaluation shall be given to the teacher within five days after completion of the evaluation. A.R.S. § 15-537(H)
    - a. As needed, each evaluation shall include recommendations as to areas of improvement in the performance of the certificated teacher, and 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. A.R.S. § 15-537(I)

- b. 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. A.R.S. § 15-537(I)
- 5. The evaluated teacher may submit a written reaction or response to the evaluation. A.R.S. § 15-537(H)
- ii. The teacher shall have a right to a hearing if the teacher files a written request with the governing board within ten days of service of notice of dismissal. A.R.S. § 15-539(F)
- iii. The filing of a timely request shall suspend the dismissal, pending completion of the hearing.

#### RELEASE OF EVALUATION MATERIAL

Evaluations and job performance ratings are private and not releasable except to:

- 1. The evaluated teacher who may make any use of it they wish;
- 2. Authorized district employees for personnel issues;
- 3. School districts and charter schools interested in employing an evaluated teacher; or
- 4. A court where the teacher's performance is at issue. A.R.S. § 15-537(J)

#### NONRENEWAL OR DISMISSAL PROCESS FOR INADEQUATE PERFORMANCE

- 1. The teacher is observed in a complete and uninterrupted lesson and rated as inadequate. A.R.S. § 15-537(F)
- 2. The district issues a written preliminary notice of inadequacy of classroom performance of a period of at least 45 instructional days, specifying the nature thereof with such particularity as to furnish the teacher an opportunity to correct inadequacies and maintain adequate classroom performance. A.R.S. § 15-538(A)
  - a. The preliminary notice of inadequacy of classroom performance shall be accompanied by a performance improvement plan designed
    - i. To help the teacher correct inadequacies and
    - ii. To demonstrate adequate classroom performance. A.R.S. § 15-538(B)
- 3. The district completes an observation at the conclusion of a performance improvement plan issued with the preliminary notice. A.R.S. § 15-538(A)
  - a. If the performance is adequate, then the teacher is removed off the plan, and there are no further employment consequences.
- 4. If the teacher does not demonstrate adequate performance, then at least forty-five instructional days after issuing the preliminary notice of inadequacy of classroom performance, the District will issue notice of intention to dismiss or not to reemploy that includes a copy of any valid evaluation pertinent to the charges made. A.R.S. § 15-538(A)
  - a. Nonrenewal of Probationary teachers at the end of the contract year:
    - i. The district can issue a notice of the board's intention not to reemploy the teacher for the next school year. A.R.S. § 15-536(B)
    - ii. There is no right to appeal this nonrenewal. A.R.S. § 15-536(C)
  - b. Dismissal of Continuing teachers at any time, or midyear dismissal of Probationary teachers
    - i. If the teacher does not demonstrate adequate classroom performance, the governing board shall give the teacher notice of the intention to dismiss. A.R.S. § 15-539(C)

#### EVALUATION AND TEACHER PAY

- 1. The Prop 301 performance-based compensation system must be adopted at a public hearing. A.R.S. § 15-977(B). This performance-based compensation system shall include the following elements: A.R.S. § 15-977(C):
  - a. School district and school performance
  - b. Individual teacher performance as measured by the teacher's performance classification
  - c. Measures of academic progress toward the academic standards adopted by the state board of education
  - d. Other measures of academic progress
  - e. Dropout or graduation rates
  - f. Attendance rates
  - g. Ratings of school quality by parents
  - h. Ratings of school quality by students
  - i. The input of teachers and administrators
  - j. Approval of the performance-based compensation system based on an affirmative vote of at least seventy percent of the teachers eligible to participate in the performance-based pay system
  - k. An appeals process for teachers who have been denied performance-based compensation
    - l. Regular evaluation for effectiveness
- 2. BUT NOTE: A school district governing board may modify the elements contained in A.R.S. § 15-977(C) and consider additional elements when adopting a performance-based compensation system. Any modifications or additional elements shall be made at a public hearing. A.R.S. § 15-977(E)
- 3. Pursuant to A.R.S. § 15-977(A), money from Proposition 301's classroom site fund shall be allocated as follows:
  - a. forty percent for teacher compensation increases based on performance and employment-related expenses,
    - i. The individual teacher performance classification shall account for thirty-three percent of this allocation for teacher compensation based on performance and employment-related expenses. A.R.S. § 15-977(C)(2)
  - b. twenty percent for teacher base salary increases and employment-related expenses, and
  - c. forty percent of the monies for maintenance and operation purposes for the following:
    - i. Class size reduction
    - ii. Teacher compensation increases
    - iii. AIMS intervention programs
    - iv. Teacher development
    - v. Dropout prevention programs
    - vi. Teacher liability insurance premiums. See A.R.S. § 15-977(H)
- 4. A performance-based compensation system shall include teacher professional development programs that are aligned with the elements of the performance-based compensation system. A.R.S. § 15-977(D)

## Appendix B: Sample Improvement Plan

### Plans for Instruction

Desired Performance	Evidenced By	Measurement Method	Check Points	Complete
Emergency lesson plans prepared and available	5 lesson plans, aligned with state standards for the content area, with instructional goals/objectives identified and including all materials for each lesson	Lesson plans on file with the Teacher Coach	1 plan on file by [Specific date] 3 plans on file by [Specific date] 5 plans on file by [Specific date]	
Lesson plans are aligned with state standards, include appropriate performance/learning objectives, include activities to engage different learning styles, and identify instructional materials to be used	Weekly lesson plans and copies of instructional materials are turned in by noon Friday of each week to the Teacher Coach for review and provide written suggestions for improved instructional practice if appropriate	Copy of what was submitted to Teacher Coach, initialed and dated with the date received by Teacher Coach  Principal will periodically check with the teacher to see copies initialed by Teacher Coach	[Specific date]  [Specific date]	
Makes use of advice to improve instructional practice	Incorporation of suggestions, if any, from Teacher Coach into lessons taught	Lesson plans showing modification to include suggestions from Teacher Coach	[Specific date]	
Plan for teaching state standards and for student understanding of learning performance objectives	State standards, appropriate for each lesson, and the method for introducing the learning objective(s) for each lesson will be noted in the plans	Lesson plans that note appropriate state standards and the method by which the learning objective(s) will be introduced will be available for review by the principal	Weekly through the end of May	

Resources and assistance to be provided: The principal will ensure that the teacher has a copy of a lesson plan format that calls for the items to be included and will provide one acceptable sample lesson plan as a model.



## Appendix B: Sample Improvement Plan, *continued*

### Using Learning Principles When Providing Instruction

Desired Performance	Evidenced By	Measurement Method	Check Points	Complete
Students understand the learning objective for each lesson	The student learning objective(s), aligned with state standards for the lesson, are stated verbally and reviewed at the outset of the lesson, are posted in writing, and are visible throughout the lesson	Observer present at the beginning of an instructional period will hear the student learning objectives stated and see them in writing  Lesson plans will note the student learning objectives	Weekly through the end of May	
Focused student attention on the lesson during direct instruction	A question at the levels of knowledge, comprehension, application, analysis, synthesis and evaluation will be noted for each lesson  Teacher will have a randomized list of students for each class and use that list to ask a specific student an appropriate level question by working through the list in sequence	The questions in the lesson plan  The randomized list of student names  An observer of a lesson during direct instruction, or more appropriately a check for understanding, will see questions being asked of specific students	Weekly through the end of May	
Active student engagement for a variety of learning styles	The activities to allow for student engagement will be identified in the lesson plan  Students are engaged in activity which allows the teacher to provide guided practice	Active participation strategies noted in lesson plans  An observer present during this portion of a lesson would see students participate in at least one active participation strategy	Weekly throughout May	

Resources and assistance to be provided: By [Specific date], the principal will provide the teacher with at least 10 appropriate, active participation strategies which includes an explanation of each strategy. Also by [Specific date], the principal will provide a copy of Bloom's Taxonomy of Educational Objectives.



## Appendix B: Sample Improvement Plan, *continued*

### Classroom Management

Desired Performance	Evidenced By	Measurement Method	Check Points	Complete
Students know and understand classroom rules and consequences	Classroom rules, procedures, and consequences are posted  Lesson plans for the first two weeks of school include at least three reviews of rules, procedures, and consequences.  One lesson plan each month thereafter includes a review of procedures, rules, and consequences	An observer can see classroom rules, procedures, and consequences posted in the classroom  Review of lesson plans will show the inclusion of reviews of rules, procedures, and consequences at the designated frequency	Weekly through the end of May	
Maintain student attention and focus with the most minimal interruption of instruction possible	Teacher moving around the room using proximity to eliminate misconduct and lack of attention	An observer would see the teacher move near students engaged in minor misconduct or not attending	Weekly throughout May	
Students experience sufficient success to maintain internal motivation and attention to task	Lesson plans include adjusted complexity for questioning, responsibility in active participation and on informal performance measures to move individual students from their present level to the desired level while maintaining a high level of successful performance	Notes in lesson plans will show consideration for the levels of questions or performance expected of some students as appropriate. The principal will meet with the teacher two times before the end of the school year to discuss the method and rationale for such adjustments for two students	[Specific date]  [Specific date]	
Behavioral interventions are sequentially appropriate and encourage increasing levels of student responsibility	Records of one-on-one conferences show students identifying what they will do to improve their own behavior and performance  Records of parent contact show review of the student's self-identified targets	Review of student conference notes or parent contact logs or communication	[Specific date]	

Resources and assistance to be provided: The principal will provide the teacher with copies of acceptable examples of classroom rules, consequences, and procedures by [Specific date during the plan].



## Appendix B: Sample Improvement Plan, *continued*

### Displays Professionalism in the Classroom

Desired Performance	Evidenced By	Measurement Method	Check Points	Complete
Teacher operates within the scope of a teacher's responsibilities.	Records indicate that students are held accountable for infractions of classroom rules by implementing defined consequences.  Records show referral to counseling or administration when behavior requires or when students present with problems that warrant intervention by a counselor.	Review of student classroom records  Review of referrals for intervention outside the classroom		
Teacher models and uses positive comments and reinforcement.	Teacher will provide at least 5 positive comments to specific students each class period.	An observer of an entire period will hear 5 positive comments.		

**Resources and assistance to be provided:** The principal will meet with the teacher by the end of the school year for the purpose of determining which items in this plan are complete and will indicate so in the "Complete" box on this plan.

Teacher's Signature \_\_\_\_\_ Date \_\_\_\_\_

Administrator's Signature \_\_\_\_\_ Date \_\_\_\_\_



*arizonaea.org/helpdesk*  
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## A Final Note

For more information and assistance, contact your local association, [arizonaaea.org/helpdesk](http://arizonaaea.org/helpdesk), or your AEA Organizational Consultant.

**[arizonaaea.org/helpdesk](http://arizonaaea.org/helpdesk)**

**(877) 828-1983**



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345 East Palm Lane, Phoenix, AZ 85004-1532  
(602) 264-1774 • (800) 352-5411  
Fax (602) 240-6887  
[www.arizonaaea.org](http://www.arizonaaea.org)

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