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2 91st General Assembly  
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4

*As Engrossed: H2/10/17*  
**A Bill**

HOUSE BILL 1424

5 By: Representatives Vaught, Barker, Cavanaugh, Sturch, G. Hodges  
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE ARKANSAS CODE CONCERNING THE  
9 TEACHER EXCELLENCE AND SUPPORT SYSTEM; TO AMEND  
10 PROVISIONS OF THE ARKANSAS CODE CONCERNING  
11 ADMINISTRATOR EVALUATION; AND FOR OTHER PURPOSES.  
12

13  
14 **Subtitle**

15 TO AMEND THE ARKANSAS CODE CONCERNING THE  
16 TEACHER EXCELLENCE AND SUPPORT SYSTEM;  
17 AND TO AMEND PROVISIONS OF THE ARKANSAS  
18 CODE CONCERNING ADMINISTRATOR EVALUATION.  
19

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code §§ 6-17-2803 – 6-17-2809 are amended to read  
24 as follows:

25 6-17-2803. Definitions.

26 As used in this subchapter:

27 ~~(1) “Artifact” means a documented piece of evidence chosen by~~  
28 ~~the teacher being evaluated, the evaluator, or both, that:~~

29 ~~(A) Relates to the evaluation rubric; and~~

30 ~~(B) Represents output from one (1) or more of the~~  
31 ~~following, without limitation:~~

32 ~~(i) Lesson plans or pacing guides aligned with the~~  
33 ~~state standards;~~

34 ~~(ii) Self-directed or collaborative research~~  
35 ~~approved by an evaluator;~~

36 ~~(iii) Participation in professional development;~~



~~(iv) Contributions to parent, community, or professional meetings;~~  
~~(v) Classroom assessments, including:~~  
~~(a) Unit tests;~~  
~~(b) Samples of student work, portfolios, writing, and projects;~~  
~~(c) Pre-assessments and post-assessments; and~~  
~~(d) Classroom-based formative assessments;~~  
~~(vi) District-level assessments, including:~~  
~~(a) Formative assessments;~~  
~~(b) Grade or subject-level assessments;~~  
~~(c) Department-level assessments; and~~  
~~(d) Common assessments;~~  
~~(vii) State-level assessments, including:~~  
~~(a) End-of-course assessments;~~  
~~(b) Statewide assessments of student achievement; and~~  
~~(c) Career and technical assessments; and~~  
~~(viii) National assessments, including:~~  
~~(a) Advanced placement assessments;~~  
~~(b) Norm-referenced assessments; and~~  
~~(c) Career and technical assessments;~~

(1) "Artifact or artifacts" means materials that document the teacher's professional practice;

(2)(A) "Data" means:

(i) Teacher performance data;

(ii) Student performance data; or

(iii) Overall school performance data.

(B) "Data" may include multiple measures of student growth, school quality, or student success.

(3) "Direct observation" means the evaluator observes the teacher leading or facilitating instruction while:

(A) Physically present inside or outside the teacher's classroom; or

(B) Using appropriate technology to observe.

~~(2)(A)-(4)(A)~~ (4)(A) "Evaluation" means the process under this

1 subchapter used to:

2 (i) Assess with evidence what a teacher should know  
3 and be able to do as measured by the domains and performance ratings of an  
4 evaluation framework; and

5 (ii) Promote teacher growth through professional  
6 learning.

7 (B) "Evaluation" does not include a teacher's performance  
8 relating to competitive athletics and competitive extracurricular activities;

9 ~~(3)(5)~~ "Evaluation framework" means a standardized set of  
10 teacher evaluation domains that provide the overall basis for an evaluation;

11 ~~(4)(6)~~ "Evaluation rubric" means a set of performance components  
12 for each teacher evaluation domain in the evaluation framework;

13 ~~(5)(7)~~ "Evaluator" means a person licensed by the State Board of  
14 Education as an administrator who is designated as the person responsible for  
15 evaluating teachers and who is an employee of the school district in which  
16 the evaluations are performed;

17 (8)(A) "Evidence" means:

18 (i) Direct observations;

19 (ii) Indirect observations;

20 (iii) Artifacts; and

21 (iv) Data.

22 (B) "Evidence" should:

23 (i) Facilitate a professional dialogue for the  
24 teacher and evaluator; and

25 (ii) Provide essential evidence of the teacher's  
26 classroom practices;

27 ~~(6) "External assessment measure" means a measure of student~~  
28 ~~achievement or growth that is administered, developed, and scored by a person~~  
29 ~~or entity other than the teacher being evaluated, except that the assessment~~  
30 ~~may be administered by the teacher being evaluated if the assessment is~~  
31 ~~monitored by a licensed individual designated by the evaluator;~~

32 ~~(7) "Formal classroom observation" means an announced visit to a~~  
33 ~~classroom that:~~

34 ~~(A) Is preceded by a pre-observation conference to discuss~~  
35 ~~the lesson plan and objectives;~~

36 ~~(B)(i) Is conducted by an evaluator for at least seventy-~~

1 ~~five percent (75%) of the class period either by observing the teacher;~~

2 ~~(a) In the classroom;~~

3 ~~(b) Through the use of three hundred sixty-~~  
4 ~~degree video technology; or~~

5 ~~(c) For a teacher in a digital learning~~  
6 ~~environment, through the use of other appropriate technology.~~

7 ~~(ii) The length of time for a formal classroom~~  
8 ~~observation of a teacher teaching in a block schedule or in a class period~~  
9 ~~lasting longer than sixty (60) minutes may be adjusted to allow for an~~  
10 ~~observation for forty five (45) minutes or more of the teacher's class~~  
11 ~~period;~~

12 ~~(C) Facilitates a professional dialogue for the teacher~~  
13 ~~and evaluator; and~~

14 ~~(D) Provides essential evidence of the teacher's classroom~~  
15 ~~practices;~~

16 ~~(8) "Formative assessment" means an evaluation of a student's~~  
17 ~~learning that is given before the student completes a course of instruction~~  
18 ~~to foster the student's development and improvement on a specific strand~~  
19 ~~within the course of instruction;~~

20 ~~(9) "Informal classroom observation" means an observation~~  
21 ~~conducted by an evaluator for the same purpose as a formal classroom~~  
22 ~~observation but may be:~~

23 ~~(A) Unannounced; or~~

24 ~~(B) For a shorter period of time than a formal classroom~~  
25 ~~observation;~~

26 (9) "Formative year" means a year other than a summative  
27 evaluation year in which the teacher and the school collaboratively engage in  
28 supporting the teacher's growth in effective teaching practices and  
29 professionalism, aligned with the teacher's needs identified in the teacher's  
30 professional growth plan;

31 (10) "Indirect observation" means the evaluator observes systems  
32 that operate as a result of a teacher's research, planning, and  
33 implementation inside or outside of the classroom;

34 ~~(10)(11)~~ (11) "Intensive support status" means the employment status  
35 administered under this subchapter that is assigned to a teacher under § 6-  
36 17-2807;

1           ~~(11) “Interim teacher appraisal” means a form of evaluation,~~  
2 ~~other than a summative evaluation, that:~~

3                   ~~(A) Provides support for teaching practices; and~~

4                   ~~(B) Uses standards for teacher growth and performance that~~  
5 ~~are consistent with the evaluation rubrics for the teacher evaluation domains~~  
6 ~~of a summative evaluation;~~

7           (12) “Novice teacher” means a teacher having less than ~~one (1)~~  
8 three (3) school year years of public school classroom teaching experience;

9           ~~(13) “Post-observation conference” means a conference between~~  
10 ~~the teacher and evaluator following a formal classroom observation to~~  
11 ~~discuss:~~

12                   ~~(A) The evaluator’s observations; and~~

13                   ~~(B) Artifacts presented by the teacher after the formal~~  
14 ~~classroom observation;~~

15           ~~(14) “Pre-observation conference” means a conference between the~~  
16 ~~teacher and evaluator to discuss goals and planned outcomes for a classroom~~  
17 ~~lesson before a formal classroom observation;~~

18           ~~(15) “Probationary teacher” means the same as probationary~~  
19 ~~teacher under § 6-17-1502;~~

20           ~~(16) “Professional development plan” means the professional~~  
21 ~~development plan under § 6-17-704 that encompasses all professional~~  
22 ~~development required by rule, under law, and by a school district, public~~  
23 ~~school, or education service cooperative for a teacher;~~

24           ~~(17)~~(13) “Professional growth plan” means ~~the component of a~~  
25 ~~professional development plan that is~~ an individual teacher’s plan designed  
26 to meet the specific growth needs of a the teacher identified under the  
27 Teacher Excellence and Support System;

28           ~~(18)~~(14) “Statewide assessment of student achievement” means a  
29 ~~statewide benchmark exam, end-of-course assessment, or a summative assessment~~  
30 an evaluation of student achievement based on Arkansas academic standards  
31 ~~administered through:~~

32                   ~~(A) The Arkansas Comprehensive Testing, Assessment, and~~  
33 ~~Accountability Program Act, § 6-15-401 et seq.; or~~

34                   ~~(B) A program of common core assessments administered~~  
35 ~~under rules of the state board~~ under the state’s comprehensive assessment  
36 system;

1           ~~(19) “Summative assessment” means an evaluation of student~~  
 2 ~~achievement given at the completion of a course of instruction that~~  
 3 ~~cumulatively measures whether the student met long term learning goals for~~  
 4 ~~the course;~~

5           ~~(20)~~(15) “Summative evaluation” means an evaluation of a  
 6 teacher’s performance that:

7           ~~(A) evaluates~~ Evaluates all domains of the evaluation  
 8 framework ~~that supports;~~

9           ~~(B) Is supported by evidence of the teacher’s professional~~  
 10 practice;

11           ~~(A)(C) Improvement~~ Supports improvement in the teacher’s  
 12 teaching practices and student achievement; and

13           ~~(B)(D) A~~ Informs a school district’s employment decision  
 14 concerning the teacher; and

15           ~~(21)(A)~~(16)(A) “Teacher” means a person who is:

16                   (i) Required to hold and holds a teaching license  
 17 from the state board as a condition of employment; and

18                   (ii) Employed in a public school as a:

19                           (a) Classroom teacher engaged directly in  
 20 instruction with students in a classroom setting;

21                           (b) Guidance counselor;

22                           (c) Library media specialist;

23                           (d) Special education teacher; or

24                           (e) Teacher in another position identified by  
 25 the state board.

26           (B) “Teacher” also includes a licensed or nonlicensed  
 27 classroom teacher employed in a position under subdivision (16)(A)(ii) of  
 28 this section at a:

29                   ~~(i) public~~ Public charter school under a waiver of  
 30 teacher licensure requirements granted by the state board in the charter; or

31                   ~~(ii) School district under a waiver of teacher~~  
 32 licensure requirements granted by the state board under § 6-15-103 or under  
 33 the District of Innovation Program, § 6-15-2801 et seq.

34           (C) “Teacher” does not include a person who is employed  
 35 full time by a school district or public school solely as a superintendent or  
 36 administrator; ~~and~~

1           ~~(22) “Tested content area” means a teaching content area that is~~  
2 ~~tested under a statewide assessment of student achievement.~~

3  
4           6-17-2804. Administrative agency responsibilities.

5           (a) The State Board of Education shall promulgate rules for the  
6 Teacher Excellence and Support System consistent with this subchapter.

7           (b) The rules shall without limitation:

8           (1) Recognize that student learning is the foundation of teacher  
9 effectiveness, that many factors impact student learning not all of which are  
10 under the control of the teacher or the school, and that evidence of student  
11 learning includes ~~trend data and is not limited to a single assessment~~  
12 multiple measures;

13           (2) Provide that the goals of the Teacher Excellence and Support  
14 System are quality assurance and teacher growth;

15           (3) Reflect evidence-based or proven practices that improve  
16 student learning;

17           (4) Utilize clear, concise, evidentiary data for teacher  
18 professional growth and development to improve student achievement;

19           (5) Recognize that evidence of student growth is a significant  
20 part of the Teacher Excellence and Support System;

21           (6) Ensure that student growth is analyzed at every phase of the  
22 evaluation system to illustrate teacher effectiveness;

23           ~~(7) Require annual evidence of student growth from artifacts and~~  
24 ~~external assessment measures;~~

25           ~~(8)~~(7) Include clearly defined teacher evaluation domains,  
26 performance ratings, and evaluation rubric components for the evaluation  
27 framework;

28           ~~(9)~~(8) Include procedures for implementing each component of the  
29 Teacher Excellence and Support System; ~~and~~

30           ~~(10)~~(9) Include the professional development requirements for  
31 all superintendents, administrators, evaluators, and teachers to obtain the  
32 training necessary to be able to understand and successfully implement a  
33 Teacher Excellence and Support System under this subchapter; and

34           (10)(A) Include the requirements for schools and school  
35 districts to report data under this subchapter to inform public school  
36 accountability and support the state’s goal of equitable access to effective

1 teachers for all students.

2 (B) The raw data reported to and collected by the  
3 Department of Education for the purposes of this section, including all or  
4 part of the raw data that the department provides to an expert outside the  
5 department for analysis, is exempt from disclosure under the Freedom of  
6 Information Act of 1967, § 25-19-101 et seq.

7  
8 6-17-2805. Summative evaluations.

9 (a) At least one (1) time every four (4) school years, a public school  
10 shall conduct a summative evaluation for each teacher who is not a novice  
11 teacher.

12 (b) The evaluation framework for a summative evaluation for a  
13 classroom teacher shall include without limitation:

14 (1) The following teacher evaluation domains:

15 (A) Planning and preparation;

16 (B) Classroom environment;

17 (C) Instruction; and

18 (D) Professional responsibilities; and

19 (2) An evaluation rubric using nationally accepted components  
20 that consists of ~~the following at least~~ four (4) performance ratings+

21 ~~(A) Distinguished;~~

22 ~~(B) Proficient;~~

23 ~~(C) Basic; and~~

24 ~~(D) Unsatisfactory.~~

25 ~~(b) A summative evaluation shall result in a written:~~

26 ~~(1) Evaluation determination for the teacher's performance~~  
27 ~~rating on each teacher evaluation domain; and~~

28 ~~(2) Summative evaluation determination of the teacher's~~  
29 ~~performance rating on all teacher evaluation domains as a whole.~~

30 ~~(c) A summative evaluation shall use an appropriate evaluation~~  
31 ~~framework, evaluation rubric, and external assessment measurements for a~~  
32 ~~teacher who is not a classroom teacher, including without limitation:~~

33 ~~(1) A guidance counselor;~~

34 ~~(2) A library media specialist;~~

35 ~~(3) A special education teacher; or~~

36 ~~(4) Other teacher as identified by the State Board of Education.~~



1 (c) A summative evaluation shall:

2 (1) Result in a written evaluation determination for the  
3 teacher's performance on all evaluation domains as a whole;

4 (2) Use the evaluation framework and evaluation rubric  
5 appropriate to the teacher's role;

6 (3)(A) Use multiple sources of evidence of the teacher's  
7 professional practice including direct observation, indirect observation,  
8 artifacts, and data.

9 (B) Subdivision (c)(3)(A) of this section does not require  
10 that every component of the domains be evidenced by artifacts when  
11 observation or data is used.

12 (C) A school or school district may adopt policies to:

13 (i) Incorporate peer observations and student  
14 feedback that contribute to the summative rating; and

15 (ii) Substitute for the whole or any part of the  
16 summative evaluation any part of a teacher's work completed for the  
17 certification or renewal of a certification from the National Board for  
18 Professional Teaching Standards;

19 (4) Include presentations of evidence chosen by the teacher, the  
20 evaluator, or both;

21 (5) Provide an opportunity for the evaluator and teacher to  
22 discuss the review of evidence used in the evaluation; and

23 (6) Provide feedback based on the evaluation rubric that the  
24 teacher can use to improve teaching skills and student learning.

25 ~~(d) {Repealed.}~~ At the conclusion of a summative evaluation, a public  
26 school shall assign the teacher being evaluated an overall performance  
27 rating.

28 ~~(e) A summative evaluation process shall include:~~

29 ~~(1) A pre-observation conference and post-observation~~  
30 ~~conference;~~

31 ~~(2) A formal classroom observation and may also include an~~  
32 ~~informal classroom observation;~~

33 ~~(3) Presentations of artifacts chosen by the teacher, the~~  
34 ~~evaluator, or both;~~

35 ~~(4) An opportunity for the evaluator and teacher to discuss the~~  
36 ~~review of external assessment measures used in the evaluation;~~

1           ~~(5) A written evaluation determination for each teacher~~  
2 ~~evaluation domain and a written summative evaluation determination;~~

3           ~~(6) Feedback based on the evaluation rubric that the teacher can~~  
4 ~~use to improve teaching skills and student learning; and~~

5           ~~(7) Feedback from the teacher concerning the evaluation process~~  
6 ~~and evaluator.~~

7  
8           6-17-2806. Teacher support ~~components~~ system.

9           ~~(a)(1)~~ In formative years, the Teacher Excellence and Support System  
10 aligns professional support and learning opportunities to link a teacher's  
11 professional practice with support for targeted, personalized learning.

12           (b)(1) Except as provided in subdivision ~~(a)(3)~~ (b)(3) of this  
13 section, a teacher being evaluated and the evaluator, working together, shall  
14 develop a professional growth plan for the teacher that:

15                   (A) Identifies professional growth outcomes to advance the  
16 teacher's professional skills; and

17                   (B) Clearly links ~~professional development activities and~~  
18 ~~the teacher's individual professional growth needs identified through the~~  
19 ~~Teacher Excellence and Support System~~ personalized, competency-based  
20 professional learning opportunities to the professional growth outcomes.

21           (2) The personal growth plan may include without limitation the  
22 following professional development activities:

23                   (A) Collaborating with a team of teachers on a shared plan  
24 that benefits the whole school, a content area, or a grade level;

25                   (B) Conducting self-directed research related to the  
26 teacher's professional growth plan; or

27                   (C) Completing competency-based credentialing.

28           ~~(2) The professional growth plan shall require that at least~~  
29 ~~one-half (1/2) of the professional development hours required by law or rule~~  
30 ~~for teacher licensure are directly related to one (1) or more of:~~

31                   ~~(A) The teacher's content area;~~

32                   ~~(B) Instructional strategies applicable to the teacher's~~  
33 ~~content area; or~~

34                   ~~(C) The teacher's identified needs.~~

35           (3) If the teacher and the evaluator cannot agree on a  
36 professional growth plan, the evaluator's decision shall be final.

1           (4)~~(A)~~ For a teacher in intensive support status, the evaluator  
2 or an administrator designated by the evaluator shall have final approval of  
3 the teacher's professional growth plan.

4           ~~(B) Until the teacher is removed from intensive support~~  
5 ~~status, the teacher's professional growth plan shall require that all~~  
6 ~~professional development required for licensure, except professional~~  
7 ~~development that is required by law, shall be directly related to the~~  
8 ~~individual teacher's needs.~~

9           ~~(b)(1)(c)(1)~~ In a formative year:

10           (A) The teacher shall continue to demonstrate a commitment  
11 to student learning by furthering the teacher's professional growth and  
12 development as guided by the teacher's professional growth plan; and

13           ~~(B) Interim teacher appraisals shall be used to~~ The school  
14 district shall support teachers on an ongoing basis throughout the school  
15 year ~~and~~ by:

16           ~~(A)(i) Provide a teacher~~ Providing teachers with immediate  
17 feedback about ~~the teacher's~~ teaching practices;

18           ~~(B)(ii) Engage the teacher~~ Engaging teachers in a  
19 collaborative, supportive learning process; and

20           ~~(C)(iii) Help the teacher use formative assessments to~~  
21 Helping teachers use assessment methods supported by evidence-based research  
22 that inform the teacher of student progress and ~~adapt~~ provide a basis for  
23 adapting teaching practices ~~based on the formative assessments.~~

24           (2) The ~~interim teacher appraisal process~~ formative year support  
25 may be guided in whole or in part by an evaluator or by one (1) or more of  
26 the following persons designated by the evaluator:

27           (A) A teacher designated by an administrator as a leader  
28 for the teaching content area of ~~a~~ the teacher ~~who is being evaluated;~~

29           (B) An instructional facilitator;

30           (C) A curriculum specialist; or

31           (D) An academic coach for the teacher's content area.

32           (3) An overall rating is not required during a formative year.

33           ~~(e)(d)~~ The Teacher Excellence and Support System also shall include  
34 novice teacher mentoring ~~and induction~~ for each novice teacher employed at  
35 the public school that:

36           (1) Provides training, and support, ~~and follow-up~~ to novice

1 teachers to increase teacher retention;

2 (2) Establishes norms of professionalism; and

3 (3) Leads to improved student achievement by increasing  
4 effective teacher performance.

5  
6 6-17-2807. Intensive support status.

7 (a)~~(1)~~ An evaluator ~~shall~~ may place a teacher in intensive support  
8 status if the teacher ~~has a rating of "Unsatisfactory" in any one (1) entire~~  
9 ~~teacher evaluation domain of the evaluation framework.~~

10 ~~(2) An evaluator may place a teacher in intensive support status~~  
11 ~~if the teacher has a rating of "Unsatisfactory" or "Basic" in a majority of~~  
12 ~~components in a teacher evaluation domain, as evidenced by low performance~~  
13 ratings on the evaluation rubric:

14 (1) Is not continuously improving professional practice;

15 (2) Has not demonstrated commitment to students, the  
16 school, and the profession;

17 (3) Fails to demonstrate growth or progress in  
18 professional practice after receiving targeted feedback and support; or

19 (4) Does not advance student growth or progress as  
20 demonstrated on local and state measures.

21 (b) If a teacher is placed in intensive support status, the evaluator  
22 shall:

23 (1) Establish the time period for the intensive support status;  
24 and

25 (2)(A) Provide a written notice to the teacher that the teacher  
26 is placed in intensive support status.

27 (B) The notice shall state that if the teacher's contract  
28 is renewed while the teacher is in intensive support status, the fulfillment  
29 of the contract term is subject to the teacher's accomplishment of the goals  
30 established and completion of the tasks assigned in the intensive support  
31 status.

32 (c)(1) The period of time specified by the evaluator for intensive  
33 support status shall afford the teacher an opportunity to accomplish the  
34 goals of and complete the tasks assigned in the intensive support status.

35 (2) Intensive support status shall not last for more than two  
36 (2) consecutive semesters unless the teacher has substantially progressed and

1 the teacher and evaluator elects agree in writing to extend the intensive  
2 support status ~~for up to two (2) additional consecutive semesters.~~

3 (d) The evaluator shall work with the teacher to:

4 (1) Develop a clear set of goals and tasks that ~~correlate to~~  
5 are designed to support the teacher's progress based on the professional  
6 growth plan and the evaluation framework; and

7 ~~(A) The professional growth plan; and~~

8 ~~(B) Evidence-based research concerning the evaluation~~  
9 ~~domain that forms the basis for the intensive support status; and~~

10 (2) Ensure the teacher is offered the support that the evaluator  
11 deems necessary for the teacher to accomplish the goals developed and to  
12 complete the tasks assigned while the teacher is in intensive support status.

13 (e)~~(1)~~ If the intensive support status is related to student  
14 performance, the ~~teacher shall use~~ school district shall support the  
15 teacher's practice in using student formative assessments to gauge student  
16 progress throughout the period of intensive support status.

17 ~~(2) The teacher shall be offered the support necessary to use~~  
18 ~~formative assessments under this subsection during the intensive support~~  
19 ~~status.~~

20 (f) At the end of the specified period of time for intensive support  
21 status, the evaluator shall:

22 (1) Evaluate whether the teacher has met the goals developed ~~and~~  
23 ~~completed the tasks assigned for the intensive support status~~ in the  
24 intensive support plan; and

25 (2) Provide written notice to the teacher that the teacher  
26 either:

27 (A) Is removed from intensive support status; or

28 (B) Has failed to ~~meet the goals and complete the tasks of~~  
29 progress in the intensive support status.

30 ~~(g)(1) If a teacher does not accomplish the goals and complete the~~  
31 ~~tasks established for the intensive support status during the period of~~  
32 ~~intensive support status, the evaluator shall notify the superintendent of~~  
33 ~~the school district where the teacher is employed and provide the~~  
34 ~~superintendent with documentation of the intensive support status.~~

35 ~~(2)(A)(g)(1)~~ Upon review and approval of the documentation, the  
36 superintendent ~~shall~~ may recommend termination or nonrenewal of the teacher's

1 contract.

2 ~~(B)(2)~~ A recommendation for termination or nonrenewal of a  
3 teacher's contract under this section shall be made pursuant to the authority  
4 granted to a superintendent for recommending termination or nonrenewal under  
5 The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

6 (3)(A) When a superintendent makes a recommendation for  
7 termination or nonrenewal of a teacher's contract under ~~subdivision (g)(2) of~~  
8 this section, the public school+ shall provide a written notice to the  
9 teacher.

10 ~~(A)(B) Shall provide the notice required~~ The notice shall  
11 meet the minimum requirements under The Teacher Fair Dismissal Act of 1983, §  
12 6-17-1501 et seq., but is exempt from the provisions of § 6-17-1504(b)+~~and.~~

13 ~~(B)(i)(C)(i)~~ If the public school has substantially  
14 complied with the requirements of this section, the public school is entitled  
15 to a rebuttable presumption that the public school has a substantive basis  
16 for the termination or nonrenewal of the teacher's contract under the  
17 applicable standard for termination or nonrenewal under The Teacher Fair  
18 Dismissal Act of 1983, § 6-17-1501 et seq.

19 (ii) The presumption may be rebutted by the teacher  
20 during an appeal under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et  
21 seq.

22 ~~(4)(h)~~ This section does not preclude a public school  
23 superintendent from:

24 ~~(A)(1)~~ Making a recommendation for the termination or  
25 nonrenewal of a teacher's contract for any lawful reason under The Teacher  
26 Fair Dismissal Act of 1983, § 6-17-1501 et seq.; or

27 ~~(B)(2)~~ Including in a recommendation for termination or  
28 nonrenewal of a teacher's contract under this section any other lawful reason  
29 for termination or nonrenewal under The Teacher Fair Dismissal Act of 1983, §  
30 6-17-1501 et seq.

31  
32 6-17-2808. Implementation – Applicability.

33 (a)(1) ~~Beginning in the 2014-2015 school year, a~~ A public school shall  
34 implement the Teacher Excellence and Support System, ~~§ 6-17-2801 et seq.,~~ for  
35 all teachers employed at the public school under the rules established by the  
36 State Board of Education.

1           (2)(A) This subchapter is not waived when a public school,  
 2 charter school, or school district obtains a waiver granted by the state  
 3 board from the laws and rules governing educator licensure:

4                   (i) In the charter of a public charter school;

5                   (ii) Under § 6-15-103; or

6                   (iii) Under the District of Innovation Program, § 6-  
 7 15-2801 et seq.

8           (B) However, a public school, charter school, or school  
 9 district may seek approval from the state board to opt out of the Teacher  
 10 Excellence and Support System and utilize a locally adopted system for  
 11 support, development, and appraisal of teacher performance as part of a  
 12 system of educator effectiveness that meets federal and state requirements.

13           (3) A public school that in the 2012-2013 and 2013-2014 school  
 14 years used a nationally recognized system of teacher evaluation and support  
 15 that is substantially similar to the Teacher Excellence and Support System  
 16 may continue to use that system and is deemed to have met the requirements of  
 17 this section.

18           ~~(b)(1) Annually during a school year, a public school shall conduct a~~  
 19 ~~summative evaluation for every teacher employed in the public school who is~~  
 20 ~~a:~~

21                   ~~(A) Novice teacher;~~

22                   ~~(B) Probationary teacher; or~~

23                   ~~(C) Teacher who successfully completed intensive support~~  
 24 ~~status within the current or immediately preceding school year.~~

25           ~~(2)(A) At least one (1) time every four (4) school years, a~~  
 26 ~~public school shall conduct a summative evaluation for a teacher who is not~~  
 27 ~~in a status under subdivision (b)(1) of this section.~~

28           ~~(B) In a school year in which a summative evaluation is~~  
 29 ~~not required for a teacher under this subdivision (b)(2), the teacher:~~

30                   ~~(i) Shall focus on elements of the teacher's~~  
 31 ~~professional growth plan as approved by the evaluator that are designed to~~  
 32 ~~help the teacher improve his or her teaching practices; and~~

33                   ~~(ii) With the evaluator's approval may:~~

34                   ~~(a) Collaborate with a team of teachers on a~~  
 35 ~~shared plan that benefits the whole school, a content area, or a grade level;~~

36 ~~or~~

1 ~~(b) Conduct self-directed research related to~~  
2 ~~the teacher's professional growth plan under § 6-17-2806.~~

3 ~~(C) During the two (2) years in which a summative~~  
4 ~~evaluation is not required, a public school may conduct an evaluation that is~~  
5 ~~lesser in scope than a summative evaluation but uses the portions of the~~  
6 ~~evaluation framework and evaluation rubrics that are relevant to the~~  
7 ~~teacher's professional growth plan.~~

8 ~~(3) Annually, a public school shall assign each teacher employed~~  
9 ~~by the school an annual overall rating that is based on:~~

10 ~~(A) The teacher's professional practice, as evidenced by~~  
11 ~~the performance rating for a summative evaluation or for an interim~~  
12 ~~appraisal; and~~

13 ~~(B) Student growth, as determined by rules promulgated by~~  
14 ~~the State Board of Education.~~

15 ~~(4)(A) A teacher shall submit artifacts agreed upon by the~~  
16 ~~teacher and evaluator, or by the evaluator if the teacher and evaluator~~  
17 ~~cannot agree, as evidence of professional practice in determining the~~  
18 ~~performance rating for a summative evaluation or for an interim appraisal.~~

19 ~~(B) External assessment measures may be among the~~  
20 ~~artifacts submitted.~~

21 ~~(c)(1) A teacher shall:~~

22 ~~(A) Participate in the Teacher Excellence and Support~~  
23 ~~System under this subchapter, including without limitation in:~~

24 ~~(i) Classroom observations; and~~

25 ~~(ii) Pre-observation and post-observation~~  
26 ~~conferences; and~~

27 ~~(B)(i) Collaborate in good faith with the evaluator to~~  
28 ~~develop the teacher's professional growth plan under § 6-17-2806(a).~~

29 ~~(ii) If a teacher and evaluator cannot agree on the~~  
30 ~~professional growth plan, the evaluator's decision shall be final.~~

31 ~~(2) A failure to comply with this subsection may be reflected in~~  
32 ~~the teacher's evaluation.~~

33 ~~(d)(b)(1) Evaluators and teachers shall collaborate in good faith to~~  
34 ~~develop the teacher's professional growth plan under § 6-17-2806(a).~~

35 (2) Every teacher contract renewed or entered into after July  
36 27, 2011, is subject to and shall reference this subchapter.



