

# Arkansas

<b>Law Analyzed</b>	Act 1209
<b>Date Passed</b>	2011
<b>Overall Rating</b>	5.5

Arkansas' Act 1209, passed in March 2011 with bipartisan support and signed by Governor Mike Beebe (D), builds on a variety of teacher evaluation work previously underway in the state, including a teacher evaluation pilot. The law establishes a Teacher Excellence and Support System (which allows for a mix of local and state development), and requires the State Board of Education to promulgate rules for the system by September 2012. A preliminary version of those rules has been released for public comment, but has not yet been finalized.

Arkansas' law has some significant strengths, including a process to expeditiously dismiss teachers who receive one of the two lowest ratings and fail to improve after receiving support. The law also requires schools to publicly report on the aggregate performance of their teachers and takes strong steps to ensure that the evaluation system informs ongoing professional development and provides teachers with meaningful feedback to improve. The law requires pre- and post-conferences between evaluators and teachers. All teachers (not just weak ones) must have professional growth plans based on evaluation and professional development that counts toward certification renewal must to link to that plan. The greatest weakness of Arkansas' law is that it requires annual summative evaluation only for novice and untenured teachers, and for those in "intensive support status." Other teachers may be evaluated as infrequently as once every three years, although they do receive abbreviated formative evaluations in other years. Arkansas' law does not end seniority-based layoffs, encourage performance-based compensation, ensure mutual consent hiring, hold teacher preparation programs accountable for their graduates' performance, or prevent students from being consecutively taught by ineffective teachers. These are all areas for improvement in subsequent law or regulations.

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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Novice teachers, probationary teachers, and teachers who successfully complete intensive support status within the current or immediately preceding school year are evaluated annually. Other teachers receive a full summative evaluation at least once every three years, but must have an abbreviated formative evaluation in other years.	
Are principals, as well as teachers, evaluated?	Act 1209 does not require principal evaluations. The state is currently piloting a principal evaluation system and draft principal evaluation legislation that mirrors the teacher evaluation system and is expected to be introduced in the 2013 legislative session.	
Is evidence of student learning a factor in teacher evaluations?	Yes. The law requires the State Board to define rules that require annual evidence of student growth from artifacts and external assessment measures. In tested content areas, external assessment measures must constitute one-half the artifacts considered. If external assessment measures do not exist for a content area, the Department of Education shall determine the type of artifact that may be used. Proposed rules would preclude teachers who do not meet a certain growth threshold from receiving the highest rating, and lower by one category ratings of teachers who fail to meet the growth threshold for two consecutive years.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines four levels of teacher performance: distinguished, proficient, basic, and unsatisfactory.	
Are parents and the public provided clear information about teacher effectiveness?	Yes. Beginning in the 2017-18 school year, school performance reports must include the number of teachers in the school who are identified as proficient and above under the Teacher Excellence and Support System. The law does not require parents to be notified of their individual child's teacher's rating.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address. The state has been doing field runs linking teacher effectiveness to teacher preparation programs and plans to provide such information on its website for each teacher prep program.	

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Is tenure linked to effectiveness?	Arkansas does not have teacher tenure. All teachers are covered by the Fair Dismissal Act, but there is no tenure.	<input checked="" type="radio"/>
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. A teacher who is identified as “unsatisfactory” in an entire category of the evaluation framework or rated “unsatisfactory” or “basic” in the majority of descriptors in a category is placed in “intensive support status” for a period not to exceed two semesters (may be extended two additional semesters if the teacher is making progress) and given specific goals and tasks. If the teacher does not meet their goals, the superintendent shall recommend termination or nonrenewal of the teacher’s contract. If the school has complied with evaluation requirements, it is entitled to a rebuttable presumption that it has a substantive basis for termination or nonrenewal under the Arkansas Teacher Fair Dismissal Act. The burden of proof is on teacher to rebut.	<input checked="" type="radio"/>
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law does not address.	<input type="radio"/>
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	<input type="radio"/>

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Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not address.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Permitted but not required.	<input type="checkbox"/>