



SENATE MAJORITY POLICY OFFICE

BILL ANALYSIS

Bill Number: House Bill 4625 Enrolled -- Rogers

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HIGHLIGHTS

- Extends the probationary period for teachers.
- The lack of an evaluation would no longer be conclusive evidence that the teacher's performance is satisfactory.
- Requires three years of effectiveness for a teacher to earn tenure.
- Moves up the timeline by which an appeals hearing must begin and end by 15 days each.
- Tenured teachers would *not* be returned to probation if they are rated as ineffective (as had been required in the House version).
- A probationary teacher who is rated effective or highly effective on his or her evaluation could not be displaced by a tenured teacher simply because the other teacher has tenure.

SHORT SUMMARY:

House Bill 4625 as enrolled extends the probationary period for teachers; shortens the time by which a teacher must be notified of the fact that his or her services will not be needed the next year; requires annual performance evaluations for probationary and tenured teachers; requires school boards to determine the format of performance evaluations and whether more than two will be conducted; strikes the provision that states that if an evaluation is not done, it is conclusive evidence that the teacher's performance is satisfactory; and requires three years of effectiveness for a teacher to earn tenure.

BACKGROUND:

It is currently very difficult to dismiss ineffective teachers because of the time demands and cost of the current Tenure Act appeals process. Currently, under the Tenure Act a tenured teacher evaluation is required only every three years and, if it is not done at all, a teacher's work is considered satisfactory. Furthermore, earning tenure has been based on a probationary period that does not necessarily prove that a teacher is effective. In addition, some tenured teachers become lax in their practices and do not give their students the quality education they deserve. These practices need to stop so that parents know their children are being instructed by effective teachers. The provisions in this bill will help achieve that goal.

SENATE ANALYSIS:

House Bill 4625 as enrolled amends the Teacher Tenure Act to extend the length of time a teacher is in a probationary period. This provision does not apply to those teachers who are tenured before the effective date of this legislation. Also, see the description below of Article II, section 3b for an exception.
(Article II, section 1)

A probationary teacher who is rated as effective or highly effective on his or her performance evaluation under the School Code could not be displaced by a tenured teacher simply because the other teacher has tenure.
(Article II, section 2a)

Under current law, at least 60 days before the end of the school year, a

probationary teacher must be provided with a written statement as to whether his or her work has been satisfactory. Under the bill, this must happen sometime before the end of the school year and the notice would be as to whether the work has been “effective” (rather than “satisfactory”). Also, under current law, if the statement is not issued, this is considered conclusive evidence that the teacher’s work is satisfactory; this provision is stricken. Furthermore, under current law, a probationary teacher or a teacher not on continuing contract must be employed the ensuing year unless notified in writing at least 60 days before the close of the school year that his or her services will be discontinued. This time frame is lowered to 15 days before the end of the school year.

The bill clarifies that a probationary teacher may be dismissed at any time.
(Article II, section 3)

Under current law, once a probationary teacher is employed by a school district for at least one full school year, the board must ensure the teacher is provided with an individualized development plan (IDP) and that the teacher is provided with at least an annual year-end performance evaluation each year during the probationary period. The bill strikes the language that starts this process *after* the teacher is employed for a full year.

Under current law, it is stated that a collective bargaining agreement could provide for more performance evaluations than one per year. Furthermore, the law does not require specific formats for the performance evaluation, the classroom observation or for providing an individualized development plan (IDP). These provisions are stricken in the bill. The bill leaves it up to the board to consult with teachers and administrators and to determine the format and the number of classroom observations (beyond two). It also requires the performance evaluation to be conducted per the requirement in the School Code (section 1249).

Under current law, if a school district does not perform a performance evaluation under the Tenure Act, that is conclusive evidence that the teacher’s performance for that school year is satisfactory. This language is stricken.
(Article II, section 3a)

Under the bill, a teacher could not be considered to have successfully completed the probationary period unless he or she has been rated as “effective or better” on his or her annual year-end performance evaluations for at least the last three years of the probationary period. If the teacher receives three consecutive “highly effective” ratings (on the annual evaluation) before the end of the five years, that teacher would be considered to have successfully completed the probationary period.
(Article II, section 3b)

Under current law, after completing a probationary period, a teacher must be continually employed by that district except as provided elsewhere in the act. The bill states that such a teacher is considered to be on continuing tenure under the act and must be continually employed, except if a teacher is removed due to performance evaluations (see below). It also clarifies that continuing tenure may only be held in accordance with the entire act.

Under current law, if a tenured teacher is hired under a contract in a position other than that of a teacher, the district may allow that person to earn tenure under the other position. Furthermore, if that contract is discontinued, that teacher must be re-hired as a teacher at the salary the teacher had under contract. If this provision is not covered in the contract, the person is considered as continuing under the contract. The bill prohibits a tenured teacher hired into a non-teaching position from earning tenure under the act while in that position. The bill also states that such an individual who returns to teaching would have to have the salary that he or she would have had if he or she had been continuously employed as an active classroom teacher.
(Article III, section 1)

Under current law, a tenured teacher must be provided with a performance evaluation at least once every three years and if it is less than satisfactory, the teacher must have an IDP. The bill changes the evaluation period to every year, states that it must be in accordance with the evaluations required in the School Code (section 1249), and changes the IDP requirement from being based on a “less than satisfactory” rating to being based on an “ineffective” rating. It also adds that the IDP must require the teacher to make progress toward IDP goals within a specified time period, not to exceed 180 days.

Under current law, the three-year (tenure act) evaluation must be based on at least two classroom observations for the period being evaluated and, if the teacher has an IDP, must include an assessment of the teacher’s progress in meeting the goals of the IDP. The bill requires the evaluation to be at the end of each year, based on “multiple” (rather than at least two) observations and would have to include an assessment of whether the teacher is meeting the goals of his or her IDP, in addition to the factors required under section 1249 of the School Code.

Once again, the board would determine the format and number of classroom observations in consultation with teachers and school administrators. Failure to conduct a performance evaluation would no longer be conclusive evidence that the teacher’s performance was satisfactory.
(Article III, section 3)

Under current law, an administrative law judge hearing in the appeals process must begin 60 days after the school board serves its answer to the teacher’s claim of appeal. The bill changes this deadline to 45 days. The hearing must conclude 90 days after the teacher’s claim of appeal is filed with the tenure commission. The bill changes this deadline to 75 days.

The bill also repeals a section that requires that a laid-off tenured teacher be recalled within three years if a position opens up for which he or she is qualified. (That is section 5 of Article IV.)

The bill is tie-barred to House Bills 4626, 4627 and 4628.