



# SENATE MAJORITY POLICY OFFICE

## BILL ANALYSIS

**Bill Number:** House Bill 4627 -- Enrolled -- O'Brien

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### HIGHLIGHTS

- Districts would have to dismiss a teacher or administrator who has been rated ineffective on three annual evaluations.
- Schools would have to ensure their performance evaluations include rating teachers as “highly effective,” “effective,” “minimally effective” and “ineffective” unless they have a current system that rates them otherwise.
- Schools would also have to implement a policy on the hiring and dismissing of personnel necessitated by any reduction in personnel or programs. Under that policy, the predominant factor to be considered would have to be teacher effectiveness.
- Schools would be required to implement performance evaluations based on recommendations of a Governor’s Council.
- Parents would have to be notified if their child is assigned to an ineffective teacher.

### SHORT SUMMARY:

House Bill 4627 (enrolled) amends the Revised School Code to require schools to develop and implement policies for hiring and dismissing teachers when there is a reduction in personnel or programs. It also requires schools to rate teachers using specific terms (for those who are not already rating them using other terms). A Governor’s Council is created in the bill to develop certain criteria for a statewide evaluation tool. Schools are also required to implement performance evaluations based on the Governor’s Council’s recommendations unless they have evaluations in place pursuant to current law.

### BACKGROUND:

Teacher evaluations are now required under the School Code. A more uniform statewide standard of teacher evaluation would be developed under this bill. A Governor’s Council is charged not only with that task, but also with defining what effective teaching looks like.

Too often, under current law, when a reduction in personnel or programs is necessitated, teachers are dismissed simply because they are the last ones hired. These decisions are based on a dubious standard (longevity) rather on one that truly matters (performance). Furthermore, research shows this type of action also results in disproportionate harm to districts with high numbers of low-income students because those districts tend to have a higher population of new teachers (who make less money and so more of them have to be laid off). Even though these newer teachers may be more effective than longer-serving teachers, students are being deprived of their talents. The bill requires that these decisions be based on teacher performance and not on longevity (except to break a tie).

### SENATE ANALYSIS:

For anyone considered a teacher under the Teacher Tenure Act, all of the following apply when conducting a reduction in personnel or programs or in a recall or hiring after such a reduction by a district or ISD:

- The board could not adopt or implement a policy that provides that the length of service is the primary factor in personnel decisions resulting in the elimination of a position.
- The district or ISD would have to implement a policy that provides

that all personnel decisions resulting in the elimination of a position are based on effectiveness.

- Effectiveness would be measured by the School Code performance evaluation. Personnel decisions would have to be based on the following:
  - ✓ Individual performance would have to be the majority factor in making the decision, and would have to be based on evidence of student growth (the predominant factor), on pedagogical skills, classroom management abilities, rapport with parents, the ability to withstand the strain of teaching, and teacher attendance and any disciplinary record.
  - ✓ Significant relevant accomplishments and contributions above the normal expectations and demonstration of exceptional performance.
  - ✓ Relevant special training and integration of that training in instruction.
- Length of service could not be a factor in a personnel decision, except for when used as a tie-breaker.

If a collective bargaining agreement is in effect as of the effective date of this legislation, and if it prevents compliance with the requirement to implement this policy, it would not apply until the collective bargaining agreement expires.

If a teacher were to bring an action against a school district based on the requirements in this section, the teacher's only remedy would be an order of reinstatement that would begin 30 days after a decision by a court. The remedy could not include lost wages, lost benefits or any other economic damages.

(Section 1248)

If the school's performance evaluation system (under section 1249 of the School Code) does not already include the rating of teachers as "highly effective," "effective," "minimally effective," and "ineffective," the school district or ISD would have to revise the evaluation system to do so within 60 days of the effective date of this legislation (unless it has an alternative already in place – see below).

By the end of the 2013-2014 school year, the performance evaluation system would have to include at least an annual year-end evaluation for teachers.

The annual year-end evaluation would have to:

- For 2013-2014, base at least 25% of the evaluation on growth and assessment data.
- For 2014-2015, base at least 40% of the evaluation on growth and assessment data.
- For 2015-2016, base at least 49% of the evaluation on growth and assessment data.
- The above data would have to be measured using the Governor's Council's evaluation tool described below.
- If available, the evaluation would have to be based on the most recent three years of student growth and assessment data, or on available student growth and assessment data if there are not three years' worth.
- Include specific performance goals.
- The district or public school academy would have to adopt and implement the state evaluation tool for teachers recommended by the Governor's Council (see below) unless it already has a local evaluation tool that is consistent with the evaluation tool it could use that tool.

The performance evaluation system must:

- Include a mid-year progress report for teachers in the first year of probation and those who received a rating of minimally effective or ineffective on their most recent annual year-end evaluation. This must be based at least in part on student achievement, aligned with the teacher's individualized development plan, and include specific performance goals and any recommended training and a written improvement plan. This could not take the place of an annual year-end evaluation.

- Include classroom observations as prescribed in the Governor's Council's evaluation tool described below, that include a review of lesson plans, that are not necessarily for an entire class period, and that occur more than once a year (unless the teacher received a rating of effective or highly effective for two consecutive years).
- Assign an effectiveness rating for each teacher of "highly effective, effective, minimally effective or ineffective" based on his or her score on the Governor's Council's state evaluation tool or a locally adopted evaluation tool.
- May exempt student growth data for a particular student if recommended by the school administrator conducting the evaluation.
- Provide that a teacher who is rated as ineffective on three consecutive annual year-end evaluations would have to be dismissed.
- Provide that if a teacher is rated as "highly effective" on three consecutive annual year-end evaluations, the district could choose to conduct biennial evaluations going forward unless the teacher again receives a rating lower than "highly effective".
- Provide that, if a tenured teacher is rated as ineffective on an annual year-end evaluation, the teacher may request and receive a review of the evaluation.
- Provide that this type of evaluation is also conducted on building-level administrators and central office-level administrators with the same percentages based on student growth for the same years. Administrators would also be evaluated on the evaluations of teachers that they or their designees conduct, the progress toward school improvement plans, pupil attendance, and student, parent and teacher feedback, using the Governor's Council's recommendations. If an administrator is rated as ineffective or minimally effective, the administrator would have to implement an improvement plan. If the administrator is rated as ineffective three consecutive times, he or she would have to be dismissed. If an administrator is rated "highly effective" three times in a row, the district could choose to evaluate that administrator on a biennial basis until the administrator receives a rating less than "highly effective."

A **Governor's Council on Educator Effectiveness** would be created in the bill. It would consist of the following six members: the Superintendent of Public Instruction (who would be a non-voting member), three designees of the Governor, a designee of the Senate Majority Leader and a designee of the Speaker of the House. These designees would have to have expertise in developing value-added models. By October 31, 2011, the council would have to contract with experts on the design and implementation of educator evaluations and with other technical experts on evaluation (as needed). The Governor's Council would also appoint an advisory council consisting of teachers, administrator and parents of students at public schools. By April 30, 2012, the Governor's council would submit a report to the state board, the Governor and the legislature that identifies and recommends the following:

- **A student growth assessment tool that is a value-added model** based on an assessment tool that is reliable and valid; that measures student growth in core areas and other subject areas; that has at least a pre-test and a post-test; and that is able to be used for students of all achievement levels.
- For teachers, may include instructional leadership abilities, teacher and student attendance, training, progress report achievement, school improvement plan progress, peer input, and student and parent feedback. The evaluation tool would have to allow for special education teachers to also be rated. The Governor's Council would have to seek input on the state evaluation tool from school districts already using such a tool.
- A state evaluation tool for administrators. In addition to student growth, this evaluation tool could include such items as attendance, graduation rates, and school improvement plan progress, among others items listed in the bill.
- Recommends parameters for the "effectiveness" rating categories for teachers and administrators.

- Recommends changes to be made in the requirements for a “professional” level teaching certificate that will ensure that a teacher is not required to complete additional postsecondary credit hours beyond the credit hours required for a “provisional” teaching certificate.
- A process for evaluating and approving local evaluation tools for teachers.

The bill contains legislative intent language that the legislature would then vote on whether to enact the recommendations put forth by the Governor’s Council.

School districts and public school academies (PSAs) that have already established a rigorous performance evaluation system pursuant to Race to the Top requirements (in current law), will be allowed to continue under their existing performance evaluation systems as long as student growth is the most significant factor, the evaluations are annual, and the evaluations are used in making decisions regarding retention and dismissal. Such models that are replicated in other schools in the future would be considered as complying with this requirement. These evaluation systems must be presented to the Governor’s Council and posted on the district’s or PSA’s website.

(Section 1249)

Beginning in 2015-2016, if a student is assigned to a teacher who has been rated ineffective on the two most recent annual year-end evaluations, the board would have to **notify the student’s parent or legal guardian that the student has been assigned to a teacher who has been rated ineffective**. This notice would have to be delivered by July 15 before the beginning of the applicable school year and would have to identify the applicable teacher.

The bill is tie-barred to House Bills 4625, 4626 and 4628.