

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 751

**PRINTER NO.** 1055

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

June 13, 2019

**PRIME SPONSOR**

Senator Aument

**DESCRIPTION**

Senate Bill 751 amends the Public School Code to revise the educator evaluation system.

State Rating Tool

The legislation establishes that each professional employee and temporary professional employee shall be rated through the use of the rating tool to be approved by the Department of Education (department) in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators, including research and collaboration conducted by the department. The rating system shall be used in determining whether a professional employee shall be dismissed for unsatisfactory teaching performance.

Classroom Teachers

The legislation provides that beginning in the 2021-2022 school year, the evaluation of the effectiveness of teachers shall be as follows, as compared to the old system.

<b>Teacher and Building Specific Data Available (Grades 3-8)</b>			
Old		New	
Classroom Observation & Practice Models	50%	Classroom Observation & Practice Models	70%
Planning & Preparation	20%	Planning & Preparation	20%
Classroom Environment	30%	Classroom Environment	30%
Instruction	30%	Instruction	30%
Professional Responsibilities	20%	Professional Responsibilities	20%
Student Performance	50%	Student Performance	30%
Building-level Data <i>(student testing performance, graduation &amp; attendance rate)</i>	30%	Building-level Data <i>(student testing performance, graduation &amp; attendance rate)</i>	33%
Teacher Specific Data <i>(student testing performance, IEP Progress, Local Rubrics)</i>	30%	Teacher Specific Data <i>(student testing performance, value added assessment, IEP Progress, Local Rubrics,</i>	67%
Employer Selected Data <i>(district-designed measures, student projects, industry-certification exams)</i>	40%	<i>Employer selected data)</i>	

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

Teacher and No Teacher Specific Data Available			
Old		New	
Classroom Observation & Practice Models	50%	Classroom Observation & Practice Models	70%
Planning & Preparation	20%	Planning & Preparation	20%
Classroom Environment	30%	Classroom Environment	30%
Instruction	30%	Instruction	30%
Professional Responsibilities	20%	Professional Responsibilities	20%
Student Performance	50%	Student Performance	30%
Building-level Data <i>(student testing performance, graduation &amp; attendance rate)</i>	30%	Building-level Data <i>(student testing performance, value-added assessment, graduation &amp; attendance rate)</i>	33%
Teacher Specific Data <i>(IEP Progress, Local Rubrics)</i>	30%	Teacher Specific Data <i>(IEP Progress, Employer selected data)</i>	67%
Employer Selected Data <i>(district-designed measures, student projects, industry-certification exams)</i>	40%		

Temporary Professional Employee		
Old	New	
Used appropriate rating tool based on designation and availability of data	Classroom Observation & Practice Models	100%
	Planning & Preparation	20%
	Classroom Environment	30%
	Instruction	30%
	Professional Responsibilities	20%

Teacher and No Building Specific Data Available (IUs)			
Old		New	
Classroom Observation & Practice Models	65%	Classroom Observation & Practice Models	80%
Planning & Preparation	20%	Planning & Preparation	20%
Classroom Environment	30%	Classroom Environment	30%
Instruction	30%	Instruction	30%
Professional Responsibilities	20%	Professional Responsibilities	20%
Student Performance	35%	Teacher Specific Data	20%
Teacher Specific Data <i>(IEP Progress, Local Rubrics)</i>	43%	IEP Progress	50%
Employer Selected Data <i>(district-designed measures, student projects, industry-certification exams)</i>	57%	Employer Selected Data <i>(district-designed measures, student projects, industry-certification exams)</i>	50%

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

The legislation provides that no later than June 30, 2020, the department shall develop and submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin a rating tool for professional employees and temporary professional employees service as classroom teachers. The rating tool shall take effect beginning with the 2021-2022 school year, and any changes shall be made by the State Board of Education.

It provides for multiple classroom walk-throughs in order to gather evidence to support increased weight on teacher observation.

### Principals

The legislation provides that beginning in the 2021-2022 school year, the evaluation of the effectiveness of a principal shall be calculated with 70% of the total overall rating reflected in the areas of planning and preparation, school environment delivery of service and professional development utilizing a PDE-approved rating tool. The remaining 30% shall be divided into performance goals (20%) and building-level data (10%).

The legislation specifics that in an evaluation without any building level-data, the planning and preparation, school environment, delivery of service and professional development shall comprise 80% of the score with the remaining 20% being performance goals.

### Nonteaching professional employees

<b>Non-Teaching Professional Employee</b>			
Old		New	
Classroom Observation & Practice Models	80%	Classroom Observation & Practice Models	90%
Planning & Preparation	20%	Planning & Preparation	20%
Classroom Environment	30%	Classroom Environment	30%
Instruction	30%	Instruction	30%
Professional Responsibilities	20%	Professional Responsibilities	20%
Student Performance	20%	Student Performance	10%
Building Level Data <i>(student testing performance, graduation &amp; attendance rate)</i>		Building Level Data <i>(student test performance, value-added assessment, graduation &amp; attendance rate)</i>	

### Local Rating Tools

The legislation provides that all professional employees and temporary professional employees serving as classroom teachers, principals and nonteaching professional employees may be evaluated through the use of a locally developed rating tool developed by an individual school district, intermediate unit or area vocational-technical school if approved by the department.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

### Overall Performance Rating

The legislation provides that each rating tool developed shall group the employees as one of the following, ranked from highest to lowest: distinguished, proficient, needs improvement, and failing.

The legislation provides that an overall performance rating of "distinguished" or "proficient" shall be considered satisfactory while an overall performance rating of "needs improvement" shall be considered satisfactory, except a subsequent "needs improvement" within 4 years by the same employer shall be considered unsatisfactory. An overall performance rating of "failing" shall be considered unsatisfactory.

The legislation provides that an overall rating of "needs improvement" or "failing" shall require the employee to participate in a performance improvement plan. Further, no employee shall be rated as "needs improvement" or "failing" solely based on student test scores.

The legislation requires the department to develop a rating scale to reflect student performance measures and employee observation results and establish overall score ranges for each category.

The legislation requires observation and practice evaluation results and ratings to be based on evidence. An employee may provide the evaluator with evidence or documented artifacts demonstrating their performance during the most recent rating period. The evaluator has authority to determine whether or not the evidence is relevant to the evaluation results.

The legislation provides that classroom teachers also have the opportunity to submit documented input regarding teacher-specific data measures to be included with the classroom teacher's overall rating. Classroom teachers shall have the opportunity to reflect on their success, barriers, and any supports that could be useful. Data measures may be revised mid-academic year, if agreed upon by both parties and may be reused on an annual basis provided the classroom teacher's goals are updated.

The legislation provides there shall be no limit to the number of employees who may receive an overall performance rating of "distinguished."

### Rating Tool

The legislation provides that any other rating tool in use shall be discontinued beginning with the 2021-2022 school year. The department shall develop professional development programs for employees to be evaluated and any other employees designated as evaluators. The programs shall be tailored to the specific groups of employees and shall be differentiated between evaluators and individuals being evaluated. Programs developed shall be available to all school districts, intermediate units and area vocational-technical schools by a posting on the department's website.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

The legislation provides that each temporary professional employee serving as a classroom teacher and each nonteaching temporary professional employee shall complete the appropriate professional development program during their probationary period.

The legislation provides that each principal shall complete the professional development program within the first six months of the employee's appointment as principal.

The legislation provides that schools shall incorporate training on the teacher observation and evaluation model into induction programs and each professional employee and principal shall completed a condensed version of the program every seven years.

### Operative Provisions

The legislation provides that employees rated as satisfactory shall be rated no more than once annually. Those rated as unsatisfactory shall be rated at least annually, with the first rating using the appropriate evaluation applicable to the employee and the subsequent calculated with a 70% weighting on planning and preparation, classroom environment, instruction, and professional responsibilities. The remaining 30% shall come from one of the following: locally developed school district rubrics, district-designed measures and examinations, nationally recognized standardized tests, industry certification exams, student projects and portfolios. Temporary employees shall be rated at least twice annually.

The legislation provides that no employee shall be dismissed for unsatisfactory teaching performance unless the employee has been provided a completed rating tool provided for under this subarticle, which includes a description of deficiencies in practice supported by detailed records which justify the unsatisfactory rating.

### Reporting

The legislation provides that each school district, intermediate unit and area vocational-technical school shall provide aggregate results of all evaluations to the department.

### Other Provisions

The legislation provides that the State Board of Education may develop regulations consistent with this subarticle.

The legislation provides that a collective bargaining agreement negotiated by a school district may not provide for a rating system other than the one to be established under this subarticle. It also provides that an employee's individual rating form shall not be subject to the Right-to-Know Law.

The legislation requires the department to review the revised rating system within five (5) years of implementation and submit a report of its findings to the Education Committees of the House and the Senate.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

The legislation is scheduled to take effect immediately.

### **FISCAL IMPACT:**

The enactment of Senate Bill 751 will require the Department of Education to incur additional costs to implement the new educator evaluation system and provide oversight and training related to educator evaluation. Specifically, the department estimates that it will need to hire 2 employees within the Division of Curriculum and Instruction to oversee the new system including forms, data collection, training, informing regulations and reports at a total annual cost for salary and benefits for fiscal year 2019-20 of \$115,000 (salary is \$64,000, benefits is \$51,000). The department also estimates that it will need to contract for additional support to implement the new system and provide associated training for all school districts at a cost of \$300,000 in fiscal year 2019-20 and fiscal year 2020-21.