



Teaching Quality—Evaluation and Effectiveness

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Teacher Evaluation: New Approaches for a New Decade

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The 2009 study [The Widget Effect](#), a review of teacher evaluation practices in 12 diverse districts in four states, found that over 99% of tenured teachers in districts using a thumbs up/thumbs down (i.e., “satisfactory” or “unsatisfactory”) evaluation system received a positive rating. In districts with a wider selection of rating options, 94% of teachers still earned one of the top two ratings, and less than 1% were rated “unsatisfactory”. Amazingly, the authors revealed that even in schools not making adequate yearly progress (AYP), a remarkably small percentage of tenured teachers garnered “unsatisfactory” ratings.¹

Legislation highlighted in this *Issue Brief*, by date:

[LA: May 27, 2010](#)
[CT: May 26, 2010](#)
[CO: May 20, 2010](#)
[AZ: May 10, 2010](#)
[ME: April 12, 2010](#)
[NV: Feb. 28, 2010](#)
[TN: January 16, 2010](#)
[IL: January 15, 2010](#)
[CA : January 7, 2010](#)
[MI: January 4, 2010](#)
[OH: July 17, 2009](#)

Other recent [research](#) by the National Council on Teacher Quality (NCTQ) has found that states have relatively little say in how teachers are evaluated (in 20 states, the state “has no role in the evaluation instrument”; just nine states require districts to use a state-developed evaluation tool). Few states require classroom effectiveness to be factored into teachers’ performance evaluations. According to the NCTQ, only 16 states require evaluations to “include *any* objective measures of student learning” [emphasis added] and just four states (Florida, South Carolina, Tennessee and Texas) “require evidence of student learning to be the preponderant criterion for teacher evaluation”.²

Whether spurred by the hope of Race to the Top funds or the research that students in ineffective teachers’ classrooms do not make the academic gains of children taught by more effective educators, a number of states have enacted legislation in the last year to amend teacher evaluation policies. The summaries that follow provide highlights of these new provisions.

Whether spurred by the hope of Race to the Top funds or the research that students in ineffective teachers’ classrooms do not make the academic gains of children taught by more effective educators, a number of states have enacted legislation in the last year to amend teacher evaluation policies. The summaries that follow provide highlights of these new provisions.

Student Achievement Data as an Element of Evaluation

Until recently, data linking classroom teachers to their students’ academic progress over a school year were unavailable. However, unique teacher identifiers in state data systems are now making such data accessible to school and district leaders, and student-growth components in data systems are allowing administrators and other evaluators to gauge whether teachers are helping students achieve a year’s academic progress — or more, or less — in a school year, allowing for more equitable evaluations of teachers serving substantial numbers of at-risk students.

State policies vary on whether use of student achievement data in teacher evaluations is optional or mandatory — and where it is mandatory, the percentage of the evaluation that must be based on student data. States in the following section are grouped by whether use of student data is optional or required, and if mandatory, what proportion of the evaluation rests on student performance data.

Note: Regardless of whether use of student performance data is optional or mandatory in teacher evaluations, policies typically make clear that student data cannot be the sole criterion on which teachers are evaluated.

Optional Use of Student Achievement Data

California [S.B. 1](#) (2010) allows the state's CALPADS data system (solely or in conjunction with data from any other data system) to be used by local education agencies to evaluate teachers and administrators and when making employment decisions.

The same California legislation establishes structures and processes to assist schools identified as “persistently lowest-achieving.” It directs regional consortia to provide technical assistance to local education agencies that have one or more persistently lowest-achieving schools. One of the areas in which regional consortia may provide technical assistance is in developing, in consultation with teachers and principals, a rigorous, transparent and equitable evaluation system for teachers and principals that includes the use of student growth data and other factors such as multiple observation-based assessments that all schools implementing the turnaround or transformation model may use.

Enacted by **Maine** legislators in 2010, [SP 704 \(LD 1799\)](#) permits districts to use student assessments as part of teacher and/or principal evaluations, but requires districts choosing to do so to use department-established models for evaluating teachers' and principals' professional performance. The legislation also requires that the department models include multiple measures.

Similarly, **Nevada** [S.B. 2](#) (2010) lifts the prohibition on using student achievement data to evaluate the performance of or take disciplinary action against teachers, but specifies that such data may not be used as the sole criterion in such evaluations.

Student Achievement Data Required – the Extent Not Specified

Connecticut [S.B. 438](#) (2010) calls for the expansion of the statewide public school information system by July 2013. The expanded system must track and report data on student, teacher, and school and district performance growth, for use in evaluating teachers' and students' educational performance and growth. Student data will reflect performance on statewide mastery examinations. Local superintendents must evaluate teachers on multiple indicators of student academic growth. The legislation additionally directs the state board, in consultation with a newly-created Performance Evaluation Advisory Council, to adopt guidelines for a model teacher evaluation program, to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. The guidelines must include:

- Methods for assessing student academic growth
- How factors that may influence teacher performance ratings (e.g., student characteristics, student attendance and student mobility) will be controlled for in the system
- Minimum requirements for teacher evaluation instruments and procedures.

Michigan [S.B. 981](#) (2010) requires local boards to adopt and implement a “rigorous, transparent and fair performance evaluation system” for all teachers and administrators that uses data on student growth as a “significant factor.” “Student growth” for these purposes must be measured by national, state or local assessments and other objective criteria.

As part of its “Performance Evaluation Reform Act of 2010”, **Illinois** [S.B. 315](#) requires districts to incorporate into all teachers' (tenured and probationary) evaluation plans the use of data and student growth indicators as a “significant factor” in rating their performance. The new provisions direct the state board to adopt rules establishing certain “fairness factors” for districts to build into their evaluation plans, such as:

- The methods for measuring student growth, including:
 - Limitations on the age of useable data
 - The amount of data needed to reliably and validly measure growth for the purpose of teacher and principal evaluations
 - Whether and when annual state assessments may be used as one of multiple measures of student growth

- The definition of “significant factor” for purposes of including consideration of student growth in performance ratings
- Establishing minimum requirements for district teacher and principal evaluation instruments and procedures
- Establishing a model evaluation plan in which student growth must comprise 50% of the performance rating (districts are required to use the model only under specified circumstances)
- Controlling for such factors as:
 - Student characteristics (including students receiving special education services and English language learner services)
 - Student attendance
 - Student mobility.

The legislation provides that state board rules may not preclude Chicago from using the state assessment as the sole measure of student growth for purposes of teacher and principal evaluations.

Student Achievement Data Required – 33-50% of Evaluation

Arizona [S.B. 1040](#) (2010) directs the state board of education, by December 15, 2011, to adopt a model framework for a teacher and principal evaluation instrument. Quantitative data on student academic progress must account for between 33-50% of the evaluation outcomes (as well as best practices for professional development and evaluator training). Beginning in the 2012-13 school year, districts and charter schools must annually evaluate teachers and principals using an instrument meeting the data requirements established in the state board model.

Student Achievement Data Required – 50% or More of Evaluation

Colorado [S.B. 191](#) (2010) calls for the development of a teacher evaluation system in which at least 50% of the evaluation is determined by the academic growth of the teacher’s students. The evaluation system is expected to use “multiple, fair, transparent, timely, rigorous and valid methods” and include multiple measures of student performance in conjunction with student growth expectations. The “quality standards” used to measure teachers may include interim assessment results or evidence of student work, provided that all are rigorous, comparable across classrooms, and aligned with state model content standards and performance standards. The new evaluation system is to be implemented statewide in the 2013-14 school year (based on 2012-13 testing). Expectations of student academic growth must take diverse factors into consideration, including student mobility, special education status and classrooms in which 95% of the student population meets the statutory definition of “high-risk student.”

Louisiana [H.B. 1033](#) (2010) requires that 50% of teacher and administrator evaluations be based on evidence of growth in student achievement using a value-added assessment model for grade levels and subjects for which value-added data are available. For staff for whom value-added data are not available (due to their grade- level and subject assignment), the state board must establish measures of student growth. The value-added assessment model must take into account such student factors as special education status, eligibility for free/reduced lunch, and student attendance and discipline.

The legislation makes clear that annual evaluations of charter school teachers and administrators are to follow the same general outline as evaluations of their traditional school counterparts: based on evidence of growth in student achievement using the value-added assessment model, or using state board-determined measures of student growth, for teachers in subjects and grade levels for which value-added data are unavailable.

Tennessee [S.B. 7005A - H.B. 7010A](#) (2010) creates the “teacher evaluation advisory committee.” This committee is to consist of 15 members, including the commissioner of education (as chair), the executive director of the state board of education, and the chairs of the house and senate education committees. The committee is charged with recommending to the state board guidelines and criteria for the annual evaluation of all teachers and principals, including a local-level evaluation grievance procedure (to be used only to challenge the data used in the evaluation or the adherence to evaluation policies adopted in accordance with state law).

Fifty percent of the evaluation criteria developed by the committee must be student achievement data, 35% of which must be student growth data as reported by the Tennessee Value-Added Assessment System (TVAAS) or a comparable student growth measure, if no such TVAAS data is available, and 15% of which must be based on other measures of student achievement. The “other measures” must be selected from a list developed by the committee and selected by the board. For each evaluation, the teachers or principals being evaluated are to reach consensus with the evaluator(s) on which such measures are used. If the person being evaluated and the evaluator are unable to agree on the measures to be used, the evaluator must choose the evaluation measures.

Other mandatory criteria for the teacher and principal evaluations include: (1) review of prior evaluations, (2) personal conferences to include discussion of strengths, weaknesses and remediation, and (3) classroom or position observation followed by a written assessment (for teachers only). The new evaluation system must be adopted by July 2011 and be implemented during the 2011-12 school year.

Standardizing evaluation procedures

Illinois’ “Performance Evaluation Reform Act of 2010” ([S.B. 315](#)) creates a statewide (standardized) definition of an “evaluator” — as an administrator or other individual who has passed a prequalification program. If an “other individual” is the evaluator and is in the same collective bargaining unit as the district’s teachers, he/she cannot evaluate teachers in that district. (Special rules apply to Chicago.)

Tenured teachers receiving a “needs improvement” or “unsatisfactory” performance rating must be evaluated at least once in the school year after they receive such a rating. Tenured teachers are otherwise evaluated at least once every two years, both under existing and new provisions.

Yet “standardization” does not wipe out local control. Districts continue to establish teacher evaluation plans, but the policy requires that local plans meet state board-set criteria, and that local plans describe:

- How student growth data and indicators will be used in the evaluation process
- How this information will relate to evaluation standards
- The assessments or other student performance indicators to be used in measuring student growth and the weight each will have
- The methodology that will be used to measure student growth
- The criteria other than student growth that will be used in evaluating the teacher and the weight each will have.

Colorado [S.B. 191](#) (2010) standardizes “effectiveness” by directing the newly-formed State Council for Educator Effectiveness to recommend to the state board a definition of “effectiveness” (upon which the state board must adopt rules by September 2011). The definition of “effectiveness” must include criteria to be used to differentiate between at least three performance standards (“highly effective”, “effective” and “ineffective”, though the council must consider whether additional performance standards should be established). Further, the system of evaluation must address:

- Evaluation rubrics and tools that are deemed fair, transparent, rigorous and valid
- Evaluations conducted using sufficient time and frequency (at least annually) to gather adequate data on which to base the ratings in the evaluation
- Multiple additional quality standards (in addition to student academic growth) that are rigorous, transparent, valid and fair.

Just as in Illinois, the new legislation does not eliminate local control. Each local board of education will still be responsible for ensuring its performance evaluation system is aligned with state expectations.

Louisiana [H.B. 1033](#) (2010) calls for the state superintendent to convene an Educator Evaluation Advisory Committee that must, among other duties, make recommendations to the state board on “the adoption of standards of effectiveness.”

Guidance to help local boards develop new evaluation systems

Colorado [S.B. 191](#) (2010) directs the state board to adopt policy changes to support district use of evaluation data for decisions related to compensation, promotion, retention, removal and professional

development [§ 22-9-105.5.(g)]. To further support local implementation, the department of education must, by November 2011, make available a resource bank that identifies assessments, processes, tools and policies that may be used in the development of an evaluation system that meets the state-set criteria. This resource bank must include resources appropriate to districts and cooperative service districts of different sizes, demographics and locations, and the department must update the resource bank at least annually to reflect new research and ongoing experience in the state.

Training for evaluators – and educators

Prior to enactment of the “Performance Evaluation Reform Act of 2010” ([S.B. 315](#)), **Illinois** simply required administrators evaluating personnel to participate at least once every two years in a state board-provided inservice workshop on either school improvement or the evaluation of school personnel. (The legislation did not specify that administrators attend training before evaluating staff.) The 2010 legislation, however, clarifies that evaluators (administrators or other qualified individuals) attend training provided or approved by the state board *before* undertaking any evaluation, and at least once during each certificate renewal cycle.

The legislation also requires any evaluator undertaking an evaluation after September 2012 to first successfully complete a pre-qualification program provided or approved by the state board. The program must involve rigorous training and an independent observer's determination that the evaluator's ratings properly align to the requirements established by the state board.

Colorado [S.B. 191](#) (2010) similarly allows licensed administrators to assign a trained designee to conduct evaluations. The new evaluation system requires ongoing training (which may include joint training sessions for evaluators and educators) to ensure that all evaluators and educators have a full understanding of the system and its implementation. Under the new system, adequate training and collaborative time must be provided to ensure educators fully understand and can respond to student academic growth data.

An appeals process for tenured teachers

Under **Colorado** [S.B. 191](#) (2010), every district must provide a nonprobationary teacher who objects to an “ineffective” rating with an opportunity to appeal that rating, in accordance with whatever fair and transparent process has been developed through collective bargaining (where applicable). The appeals process must place the burden on the nonprobationary teacher to demonstrate that an “effective” rating was appropriate. [The legislation sets forth details on the process when there is an alternative procedure to be followed when there isn't a collective bargaining agreement in place. Page 21 of 33 of legislation]

The state must also develop a process of up to 90 days to allow nonprobationary teachers to appeal a second consecutive “ineffective” performance rating prior to a potential final determination regarding the “ineffective” rating.

Recognizing (and retaining) highly effective teachers

While a number of states offer rewards to school staff based on performance under state and federal accountability systems, fewer states appear to recognize great teaching as identified through the teacher evaluation process. **Louisiana** [H.B. 1033](#) (2010) offers an exception to the rule. The legislation directs the state board to determine a standard for highly effective teachers that local boards may use to recognize, reward and retain teachers who demonstrate a high level of effectiveness.

Support for *all* teachers to improve

Colorado [S.B. 191](#) (2010) also specifies that the state's new teacher evaluation system must provide each teacher with an opportunity to improve his/her effectiveness through a professional development plan linking his/her evaluation and performance standards to professional development opportunities.

Support for new and/or low-performing teachers – and consequences for lack of improvement

A provision in **Ohio's H.B. 1** (2009) directs the state board to develop a “model peer assistance and review program” in consultation with the Educator Standards Board, and to develop recommendations to expand the use of peer assistance and review programs in districts throughout the state. The model program must:

1. Allow experienced classroom teachers up to three years' release time from instructional duties to mentor and evaluate new and underperforming veteran teachers full-time through classroom observations and follow-up meetings
2. Provide professional development for new and underperforming teachers, focused on their areas of instructional weakness
3. Provide for a committee of representatives of teachers and the employer to review evaluations and make recommendations on the teachers' continued employment.

Recommendations must address:

1. Identification of barriers to expansion of peer assistance and review programs, including financial constraints, labor-management relationships and barriers unique to small school districts
2. Legislative changes that would eliminate barriers to expansion of the programs
3. Incentives to increase participation in the programs.

Michigan's S.B. 981 (2010) requires local performance evaluation systems to be used to inform multiple personnel decisions, including:

- Promotion, retention and development of teachers and school administrators, including providing relevant coaching, instruction support or professional development
- Whether to grant tenure or full certification (or both) to teachers and school administrators, using rigorous standards and streamlined, transparent and fair procedures
- Removing ineffective tenured and untenured teachers and school administrators after they have had ample opportunities to improve, and ensuring that these decisions are made using rigorous standards and streamlined, transparent and fair procedures.

Louisiana H.B. 1033 (2010) specifies that during their first three years of employment, teachers must be provided with professional development opportunities and assistance designed to enhance teaching competencies. Both new and veteran teachers must be provided targeted professional development to address deficiencies identified in the evaluation process.

While prior Louisiana legislation included a professional growth plan in each teacher and administrator's evaluation, the new legislation adds that the professional growth plan must be designed to assist each teacher and administrator in meeting the standards for effectiveness, and that the intensive assistance program for any teacher “failing to meet the standard of performance with regard to effectiveness” must be designed to address the complexity of the teacher's deficiencies.

The new Louisiana provisions pull no punches for charter school educators identified as deficient: the governing authority of a charter school is mandated to terminate the employment of any teacher or administrator determined through his/her annual evaluation to be ineffective for three consecutive years using the value-added assessment model and measures of student growth. If a charter school is found not to be in compliance with the state-mandated evaluation program, the department of education must notify the charter school governing authority and state board of such noncompliance. If within 60 calendar days of such notification the failure is not corrected, the department must notify the state board of such continued failure and recommend whatever sanctions the department deems appropriate, which may include withholding funds distributed through the minimum foundation program formula until the corrections are made. The board must act upon such recommendation within 60 calendar days after its receipt of the notification.

Before **Illinois'** “Performance Evaluation Reform Act of 2010” was enacted, the state had three rating levels for teachers — “excellent”, “satisfactory” and “unsatisfactory” — with a remediation plan required for teachers receiving an “unsatisfactory” rating. The 2010 legislation creates a fourth “needs improvement” rating. Within 30 school days after a tenured teacher receives a “needs improvement”

rating, the evaluator, in consultation with the teacher, must develop a professional development plan focused on the areas that need improvement and any supports the district will provide to address the areas identified as needing improvement. The new legislation allows dismissal of a teacher rated “needs improvement” who does not achieve a higher rating after the remediation period. (The former system had a more binary, thumbs up/thumbs down rating system, allowing “excellent” and “satisfactory” teachers to stay, and setting procedures in place for teachers unable to shake their “unsatisfactory” rating.)

Previous Illinois policy specified that tenured teachers receiving an “unsatisfactory” rating would receive a remediation plan providing for 90 school days of in-classroom remediation. The 2010 legislation ([S.B. 315](#)) permits a shorter remediation period (although only if a collective bargaining agreement provides for it).

For teachers rated “unsatisfactory,” Illinois legislation previously on the books required evaluations and ratings every 30 days during the 90-day remediation period but did not specify any parameters for these “check-in” evaluations and ratings. Under the 2010 legislation, a tenured teacher receiving an “unsatisfactory” rating must undergo a mid-point and final evaluation by an evaluator during and at the end of a remediation period. Each evaluation must assess the teacher’s performance during the time period since the prior evaluation, and the final evaluation must also include an overall evaluation of the teacher’s performance during the remediation period.

Conclusion

While one recent study found that “principals do consider teacher productivity in determining which teachers to dismiss” and “elementary teachers who were dismissed had significantly lower value-added with regard to student achievement in prior years compared with their peers who were not dismissed”, the same study reported that principals were reluctant to fire teachers, even when the system studied made it easy to do so. “The apparent reluctance of many ... principals to utilize the additional flexibility granted under the new contract may indicate that issues such as teacher supply and/or social norms governing employment relations are more important factors than policymakers have realized.”³

However, considering that many of the newly-enacted measures also amend principal evaluation practices — often giving principals greater leeway for selecting the teaching staff in their buildings, while including student achievement as a measure in principal evaluations and continued employment — these new policies may spur principals to use the teacher dismissal measures that, for whatever reason, they were reluctant to apply in the past.

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Equipping Education Leaders, Advancing Ideas

¹ Daniel Weisberg, Susan Sexton, Jennifer Mulhern, David Keeling, *The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness* (Brooklyn: The New Teacher Project, 2009), <http://widgeteffect.org/downloads/TheWidgetEffect.pdf>, (accessed May 27, 2010).

² National Council on Teacher Quality, *2009 State Teacher Policy Yearbook: National Summary* (Washington, D.C.: 2009), http://www.nctq.org/stpy09/reports/stpy_national.pdf, (accessed May 28, 2010).

³ Brian Jacob, “Do Principals Fire the Worst Teachers?” *NBER Working Paper 15715* (Cambridge: National Bureau of Economic Research, February 2010).