

**PETRARCA, GLEASON,
BOYLE & IZZO, LLC**
ATTORNEYS AT LAW

Principal & Teacher Evaluations Fourth Reminder of Actions Required by PERA and Senate Bill 7

Action required on the first day of student attendance. Action required on or before September 1, 2012.

PRINCIPAL/ASSISTANT PRINCIPAL EVALUATION

The Performance Evaluation Reform Act (“PERA”) requires that on and after September 1, 2012, data and indicators of student growth be a “significant factor” in the performance evaluation of “principals.” Subsequent legislation has included “assistant principals” within this requirement. Rules adopted by the Illinois State Board of Education (“ISBE”) define “significant factor” as a minimum of 25% of the principal/assistant principal overall evaluation in the 2012-13 and 2013-14 school years, and a minimum of 30% in the 2014-15 school year and thereafter. Principal/assistant principal practice must be at least 50% of

the overall evaluation. On and after September 1, 2012, principals/assistant principals must be evaluated at least once each school year.

The title “assistant principal” is defined by ISBE rule as:

...an administrative employee of the school district who is required to hold an administrative certificate...or a professional educator’s license endorsed for either general administration or principal, and who is assigned to assist the principal with his or her duties in the overall administration of the school.

In our opinion, this definition is broad enough to encompass most, if not all, building level administrators. Other administrators, beyond the building level, are not required to be evaluated in accordance with PERA.

On and after September 1, 2012, a principal/assistant principal must be evaluated by a “qualified evaluator.” A qualified evaluator is a superintendent or designee who has completed the five prequalification training modules available on the ISBE website for the evaluation of principals/assistant principals

and who has passed the State-developed assessments appropriate to each of the training modules. Although the training modules were late to arrive, the training modules are now available. Only a “qualified evaluator” may evaluate the performance of a principal/assistant principal after September 1, 2012.

The ISBE rules provide that on the first day students are required to be in attendance, the school district/joint agreement shall provide a written notice to each principal and assistant principal that a performance evaluation will be conducted that school year. If the principal or assistant principal is hired or assigned to the position after the start of the school year, the written notice must be given not later than 30 days after the contract is signed or the assignment is made. The written notice shall include:

1. a copy of the rubric to be used to evaluate student growth and professional practice; and
2. a summary of the manner in which student growth and professional practice measures will be used to obtain an evaluative rating.

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The legal impact of failing to provide the required notice on the first day of student attendance is, as yet, unknown; we suggest that you comply with the requirement as provided by the ISBE rules.

TEACHER EVALUATION

The inclusion of data and indicators of student growth in the evaluation of teachers is not required until the PERA implementation date which, for most school districts, is September 1, 2016. Nonetheless, on and after September 1, 2012, a teacher must be evaluated by a “qualified evaluator.” As with the evaluation of principals/assistant principals, a qualified evaluator is an administrator or, with the agreement of the teachers’ exclusive bargaining representative another teacher, who has completed the prequalification training modules available on the ISBE website for the evaluation of teachers and has passed the state-developed assessments appropriate to each of the training modules. Only a “qualified evaluator” may evaluate the performance of a teacher after September 1, 2012.

The training modules were late to arrive and, therefore, the ISBE has altered the required prequalification training

schedule. As a result, training modules one through three must be completed by September 1, 2012 or by the beginning of the evaluation of teachers within the local school district/joint agreement. Training module four must be completed by November 1, 2012. Training module five, which concerns the incorporation of data and indicators of student growth need not be completed until November 1 of the school year in which the student growth component is implemented in the local school district/joint agreement.

The extension until November 1, 2012 for completion of training module four is, in our opinion, troublesome. Training module four concerns measurement, evaluation and reflection in order to determine performance ratings for teachers. Commencing the observation and data gathering process for teacher evaluation prior to the completion and successful passage of the assessment of module four, may lead to challenges to the validity of the evaluation and performance rating of teachers. Rather than risk such challenges, we recommend that teacher evaluators complete module four before commencing evaluations. Obviously, if completion is delayed until on or about November 1, 2012, the timeframe to complete teacher evaluations will be substantially

compressed. We suggest your immediate attention to completing training modules one through four.

Like the evaluation of principals/assistant principals, the ISBE rules provide that on the first day students are required to be in attendance, the school district/joint agreement shall provide a written notice to each teacher scheduled for evaluation that school year stating that a performance evaluation will be conducted. If a teacher is hired after the start of the school year, the written notice must be given not later than 30 days after the contract is executed. The written notice shall include:

1. a copy of the rubric to be used to rate the teacher against identified standards and goals, and other tools to be used to determine the performance rating; and
2. a summary of the manner in which measures of student growth (only for those school districts/joint agreements implementing student growth) and professional practice will be used to obtain an evaluative rating; and
3. a summary of the procedures related to the provision of professional development for teachers who receive a “needs improvement” or “unsatisfactory” rating.

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Again, the legal impact of failing to provide the required notice on the first day of student attendance is, as yet, unknown; we suggest that you comply with the requirement as provided by the ISBE rules.

If we can be of further assistance, please contact one of our attorneys in our Flossmoor office – (708) 799-6766 or in our Oak Brook office – (630) 928-1200.