

SUMMARY OF NO. 11-20

This proposed law would require that school districts use model "educator evaluation standards" issued by the state Board of Elementary and Secondary Education, or adapt such standards for use, in evaluating teachers, principals, and administrators. Such evaluations would be used in decisions to hire, grant professional teacher status, transfer, promote, demote, lay off, or dismiss educators.

A school district and its teachers' union, if any, would decide whether to (1) implement a model evaluation system to be designed by the state Department of Elementary and Secondary Education using the Board's standards, or (2) develop another system consistent with those standards. If the district and union, after good faith collective bargaining, could not agree on another system, and until any agreed-upon alternative was approved by the Department, the district would implement the model system. The proposed law would replace the current law under which evaluation standards may be set by collective bargaining at the local level, or by binding arbitration if the district and union cannot agree.

Any educator who received an unsatisfactory rating would either (1) be placed on an improvement plan for up to 1 year; or (2) at the educator's request, could request a second evaluator, who the school district would choose from a list set up by the

school district and the teachers' union, if any. All evaluators would have to take a training program set up by the Department.

If the second evaluator disagreed with the original evaluation, the superintendent would decide whether to require an improvement plan. After completion of an improvement plan, an evaluator would decide if the educator had achieved proficiency in all previously unsatisfactory areas, and an educator could request a second evaluator on that issue. If the second evaluator disagreed with the first, the superintendent would make the final decision. Under the proposed law, if a teacher with professional teacher status was dismissed for incompetence or failure to meet performance standards, or had received 2 overall unsatisfactory ratings in 5 years, the district would not have to offer a second improvement plan.

The proposed law provides that to be eligible for professional teacher status in a district, a teacher would have to serve full-time in that district for 3 years and be rated proficient or exemplary, on each standard and overall, in the third year. If a teacher did not obtain such ratings, the superintendent could, at the principal's recommendation, give the teacher a 1-year extension. A teacher could also obtain professional teacher status if the teacher recently held that status in another district, had voluntarily resigned from or was honorably dismissed by the other district, and had been rated at

least proficient, on each standard and overall, in the first year in the new district. A superintendent could no longer award professional teacher status based only on the recommendation of a principal in whose school a teacher had served for a year. The proposed law would eliminate the requirement that a teacher without professional teacher status be automatically appointed for the next school year unless notified otherwise by June 15th.

If a teacher with professional teacher status was dismissed for any reason and requested that an arbitrator review the dismissal, the arbitration hearing would have to begin within 75 days of the notice of dismissal and end within 120 days of the notice. At the arbitration hearing, evaluation documents would be treated as substantial evidence of the grounds for dismissal. In deciding whether the grounds for dismissal had been proven, the arbitrator would not consider a teacher's seniority or length of service. A school district and teachers' union could agree to have teacher dismissals reviewed by a panel of teachers and principals with a history of exemplary performance ratings, instead of an arbitrator, but the proposed law's other requirements for arbitration hearings would still apply.

The proposed law would require that decisions about hiring, transfers (including transfers when a regional school district is formed or dissolved), and layoffs, be based mainly on

certifications, merit and ability, including evaluations, and other factors related to job performance and the best interests of the students. Experience and seniority would be secondary. If 2 educators had equal certifications, merit and ability, and evaluations, seniority would be the deciding factor.

The proposed law would require that in hiring and transfers, the principal and educator must agree on the placement. The school district and the union would collectively bargain about how much paid leave, up to 1 year, to give a teacher who could not find an agreed-upon position in the district.

The proposed law would eliminate the current requirements that no professional teacher may be either (1) laid off due to a reduction in force or reorganization, if there is a teacher without such status for whose position the professional teacher is certified, or (2) displaced by a more senior professional teacher, unless that teacher is qualified for the junior teacher's position. The proposed law would eliminate certain educator transfer rights that apply when a regional school district is formed or dissolved.

The proposed law would take effect on January 1, 2013. It would not affect existing collective bargaining agreements, but would have to be followed in future agreements.