

Regular Session, 2014

HOUSE BILL NO. 890

BY REPRESENTATIVE JOHNSON

TEACHERS/EVALUATION: Provides relative to the evaluation of teachers and administrators

1 AN ACT

2 To amend and reenact R.S. 17:3881(A) and 3883(A)(1), (2), (6)(a)(introductory paragraph),
3 (c), and (d) and (B)(3) and to enact R.S. 17:3883(A)(5)(d) and (e) and (6)(a)(x),
4 relative to the evaluation of teachers and administrators; to provide relative to
5 legislative intent; to provide relative to the powers and duties of the State Board of
6 Elementary and Secondary Education; to require that the state board report certain
7 information annually to the House Committee on Education and the Senate
8 Committee on Education; to provide for state board rules relative to evaluation
9 ratings and grievance procedures; to provide for an advisory committee; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3881(A) and 3883(A)(1), (2), (6)(a)(introductory paragraph), (c),
13 and (d) and (B)(3) are hereby amended and reenacted and R.S. 17:3883(A)(5)(d) and (e) and
14 (6)(a)(x) are hereby enacted to read as follows:

15 §3881. Purpose and legislative intent

16 A.(1) It is the purpose of this Part to establish periodic evaluations of
17 performance and effectiveness, based in part on growth in student achievement ~~using~~
18 ~~a value-added assessment model as determined by the board, and continuous~~
19 ~~professional development as integral aspects of professional careers in education~~ that

is measured using methods and statistical models that have been proven to be valid and reliable through legitimate research.

(2) It is the intent of legislature that all measurements of growth in student achievement be calculated and determined in a manner that is fully demonstrated to the public, which demonstration shall include the release of all statistical models used to calculate student growth.

* * *

§3883. State Board of Elementary and Secondary Education; powers and duties

A. The board shall:

(1)(a) Establish the components of effective teaching, including measures of effectiveness, which shall be periodically reviewed and revised as necessary.

(b) Present the following to the House Committee on Education and the Senate Committee on Education, meeting jointly, at least sixty days prior to the beginning of each regular session of the legislature:

(i) Any proposed changes to measures of effectiveness. The board shall also report to such committees, meeting jointly, prior to any board vote on the proposed changes.

(ii) A report of the number of adjustments, amendments, or invalidations of effectiveness ratings and their corresponding reasons.

(2) Develop, adopt, and promulgate, in accordance with the Administrative Procedure Act, all rules necessary for the implementation of this Part. Such rules shall provide, at minimum, for the following:

(a) No teacher or administrator shall be given a performance rating of effective or ineffective based solely on one portion of the evaluation conducted pursuant to this Subpart C of this Part.

(b) The grievance procedure requirements provided in Paragraph (5) of this
Subsection.

* * *

(5) Develop and adopt grievance procedure requirements for any teacher or administrator aggrieved by any rating by a local board which results from the implementation of this Part. Such requirements shall contain, at a minimum, provisions for the following:

* * *

(d) A uniform system for receiving district and teacher requests for score amendment, score adjustment, and invalidation of any part of the effectiveness rating system, including value-added data, other measurements of student growth, and on-site observation data. All data shall be preserved for use in considering further adjustments to calculation of scores and in considering whether due process has been provided. There shall be a uniform method and time line for responding to such requests.

(e) That employee shall have the right to receive proof by documentation of any item contained in the evaluation that the employee believes to be inaccurate, invalid, or misrepresented. Any information proven to be inaccurate or invalid in the written documentation shall be removed and stricken from the employee's personnel file. If such documentation is not presented, such items shall be removed from the evaluation record and shall not be the basis of any decision regarding certification or action to be taken against the employee.

(6)(a) Require the state superintendent of education to appoint and convene an Educator Evaluation Advisory Committee to make recommendations to the board regarding the ~~development of a value-added assessment model, the identification proper method of measures of setting~~ student growth goals for grades and subjects for which value-added data is are not available ~~and for personnel for whom value-added data is not available, and the adoption of standards of effectiveness.~~ The membership of the advisory committee shall be approved by the board, and at least fifty percent of the membership shall be comprised of practicing classroom educators. The advisory committee shall include but not be limited to at least two

1 parents of public school students and the following groups or organizations as
2 follows:

3 * * *

4 (x) One member appointed by the Louisiana School Boards Association.

5 * * *

6 (c) The initial meeting of the committee shall be held not later than
7 ~~September 30, 2010~~ August 30, 2014.

8 (d) The committee shall submit its initial recommendations to the board and
9 the Senate and House committees on education by not later than ~~April 30, 2012~~
10 February 28, 2015.

11 * * *

12 B. The board may:

13 * * *

14 (3) Continue to develop, test, and recommend changes in order to improve
15 the process and content of professional evaluation with input from appropriate
16 educator groups.

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Johnson

HB No. 890

Abstract: Provides relative to the evaluation of teachers and administrators, including BESE's powers and duties with respect to rules and reports to the legislature, and provides for reappointing an advisory committee to make certain recommendations relative to such evaluations.

Purpose & legislative intent

Present law provides that its purpose relative to the evaluation of teachers and administrators is to establish periodic evaluations of performance and effectiveness and continuous professional development as integral aspects of professional careers in education. Proposed law retains the purpose of establishing periodic evaluations of performance and effectiveness and otherwise deletes present law.

Present law provides that such evaluations shall be based in part on growth in student achievement using a value-added assessment model (commonly known as VAM) as

determined by the State Board of Elementary and Secondary Education (BESE). Proposed law retains basing evaluations in part on such growth but instead provides for measurement using methods and statistical models proven valid and reliable through legitimate research. Adds that it is the legislature's intent that such measurements be calculated and determined in a manner that is fully demonstrated to the public including release of all statistical models used.

BESE powers and duties

Present law requires BESE to establish the components of effective teaching, including measures of effectiveness, which are periodically reviewed and revised as necessary.

Proposed law deletes the requirement about periodic review and revision and further requires BESE to present the following to the House and Senate education committees, meeting jointly, at least 60 days before the beginning of each regular legislative session:

- (1) Any proposed changes to measures of effectiveness. (Also requires BESE to report to such committees prior to any BESE vote on the proposed changes.)
- (2) A report of the number of adjustments, amendments, or invalidations of effectiveness ratings and their corresponding reasons.

Present law requires BESE to develop, adopt, and promulgate rules for present law implementation. Proposed law specifically requires that these rules provide, at minimum, for the following:

- (1) A prohibition against any teacher or administrator being given a performance rating of effective or ineffective based solely on one portion of his evaluation.
- (2) The grievance procedure requirements provided in present law and proposed law.

Present law requires BESE to develop and adopt grievance procedure requirements for any teacher or administrator aggrieved by an effectiveness rating. Proposed law additionally requires that such procedures provide the following:

- (1) That there be a uniform system for receiving requests for score amendment, score adjustment, and invalidation of any part of the effectiveness rating system, including value-added data, other measurements of student growth, and on-site observation data. All data shall be preserved for use in considering further adjustments to calculation of scores and in considering whether due process has been provided. Requires a uniform method and time line for responding to such requests.
- (2) The right of the employee to receive proof of any item contained in the evaluation that he believes to be inaccurate, invalid, or misrepresented. Information proven to be inaccurate or invalid in the written documentation be removed and stricken from the employee's personnel file. Requires, if documentation is not presented, that such items be removed from the evaluation record and prohibits them from being the basis of decisions regarding certification or action taken against the employee.

Present law authorizes BESE to continue to develop, test, and improve the process and content of professional evaluation with input from appropriate educator groups. Proposed law also authorizes BESE to continue to recommend changes in order to improve such process and content.

Educator Evaluation Advisory Committee

Present law provides for the appointment and convening by the state superintendent of an Educator Evaluation Advisory Committee to make recommendations to BESE and the House and Senate education committees by April 30, 2012, on the following:

- (1) Development of a value-added assessment model.
- (2) Identification of measures of student growth for grades, subjects, and personnel for which value-added data are not available.
- (3) Adoption of standards of effectiveness.

Proposed law provides for the reappointment and reconvening of this committee, the holding of its first meeting by Aug. 30, 2014, and its submission of recommendations to BESE and such committees by Feb. 28, 2015. Deletes present law recommendation requirements and instead requires recommendations regarding the proper method of setting student growth goals for grades and subjects for which value-added data are not available.

Present law provides for a committee membership of at least 50% practicing classroom educators; at least two parents of public school students; two members of each legislative education committee appointed by the respective chairmen; one member appointed by each BESE member; and one member appointed by the Assoc. Professional Educators of La., La. Assoc. of Educators, La. Federation of Teachers, La. Assoc. of School Superintendents, La. Assoc. of Principals, and La. Assoc. of Public Charter Schools. Provides that members serve without compensation. Proposed law retains present law and adds one member appointed by the La. School Boards Assoc.

(Amends R.S. 17:3881(A) and 3883(A)(1), (2), (6)(a)(intro. para.), (c), and (d) and (B)(3); Adds R.S. 17:3883(A)(5)(d) and (e) and (6)(a)(x))