

January 8, 2010



ALLIANCE LEGISLATIVE REPORT (96-41)

LEGISLATORS RETURN NEXT WEEK

The Illinois General Assembly returns to Springfield next week for a brief legislative stint in the Capitol. Lawmakers are only scheduled to work three days in January, the 12th through the 14th. Some legislative committees will be meeting on Monday. The light legislative schedule is due to the early primary election, scheduled for February 2.

“RACE TO THE TOP” LEGISLATION PROPOSED

As was highlighted in the last Alliance Legislative Report, the Illinois State Board of Education (ISBE) is preparing to apply for federal “Race to the Top” grant funding. This report can be found at: (<http://www.iasb.com/govrel/alr9640.cfm>). The federal Department of Education deadline for applying for the grants is January 19. In an effort to strengthen the State’s “Race to the Top” application, the ISBE plans to pass legislation next week during the legislative session.

The first piece of ISBE legislation, the “Performance Evaluation Reform Act of 2010”, is being prepared as an amendment to **SB 315**. The bill, sponsored by **Representative Linda Chapa La Via (D-Aurora)** in the House of Representatives, is scheduled for a hearing on Monday, January 11, at 4:00, in Room 114 of the Capitol.

The bill states that “effective teachers and school leaders are a critical factor contributing to student achievement” and that “many existing district performance evaluation systems fail to adequately distinguish between effective and ineffective teachers and principals”. Specifically, the bill:

- allows for other qualified individuals besides administrators to perform teacher evaluations, including peer evaluations by other teachers and evaluations by department chairs
- requires evaluators to receive training on the evaluation of certified personnel prior to undertaking any evaluation and at least once during each certificate renewal cycle
- requires that any evaluator undertaking an evaluation after September 1, 2012 to first successfully complete a pre-qualification program provided or approved by the ISBE
- requires that school districts, in good faith cooperation with its teachers/collective bargaining representative, incorporate the use of data and indicators on student growth as a significant factor in rating teaching performance and teacher evaluation plans. This requirement is phased in as follows:
 - at least 300 schools in the Chicago Public School system by September 1, 2012 and the remaining Chicago schools by September 1, 2013
 - for all schools that receive a “Race to the Top” grant (those that submitted the Memorandum of Understanding) or that receive a federal School Improvement Grant, by the date specified in the MOU (teachers and principals)
 - for the lowest performing 20% of school districts, by September 1, 2015
 - for all other school districts by September 1, 2016
- requires that a joint committee of equal representation of district personnel and teachers meet to agree on the incorporation of the use of data and student growth in teacher evaluation plans. If no agreement is reached within 180 days, the district shall implement the model evaluation plan

that contains criteria set in the bill and in forthcoming rules and regulations developed by the ISBE

- requires that, by September 1, 2012, all school districts shall evaluate all non-tenured teachers at least annually and evaluate tenured teachers at least once every two years (except that tenured teachers who have been rated as “needs improvement” or “unsatisfactory” must be evaluated at least once in the year following the receipt of such rating)
- requires that, after September 1, 2012, all tenured teachers be rated as “excellent”, “proficient”, “needs improvement”, or “unsatisfactory”
- requires that, within 30 days after the completion of a tenured teacher evaluation rating of “needs improvement”, a professional development plan must be developed addressing the areas which need improvement
- requires that principal evaluation plans for principals on a single-year contract must take place by March 1 (instead of February 1)
- requires that, by September 1, 2012, principal evaluation ratings must be “excellent”, “proficient”, “needs improvement”, or “unsatisfactory”
- requires that, after September 1, 2012, the use of data and student growth must be used as a significant factor in rating a principal
- requires the ISBE to develop and implement a data collection and evaluation assessment and support system by September 30, 2011 – if Illinois receives a “Race to the Top” grant; September 1, 2012 if Illinois does not receive the grant
- requires school districts to submit teacher and principal performance evaluation data and information to the ISBE
- states that if the ISBE does not have the assessment and support systems in place in a timely manner, and if sustainable federal or state funding is not provided, all implementation dates are postponed
- prohibits school districts from seeking to waive or modify requirements regarding the use of student performance data as part of teacher or principal evaluations or the new rating system categories for teachers or principals
- ***amends the Personnel Record Review Act by adding the phrase “provided that disclosure of performance evaluations under the Freedom of Information Act shall be prohibited”, exempting evaluations from being obtained with a FOIA request***

PROPOSAL #2

The second ISBE “Race to the Top” initiative is titled the “Effective Workforce and Innovations in Underperforming Schools Act”. It could be added by amendment to **SB 616**. The bill is intended to provide incentives for high quality teachers to move to a low performing school in an effort to increase student achievement. Specifically, the bill:

- repeals the Salary Incentive Program for “Hard-to-Staff” Schools
- defines “Illinois Priority School” as a school that is within the bottom 5% of achievement of all schools as designated by the State Superintendent
- allows for the ISBE to adopt a rule to define “highly effective” teacher
- allows a school district with an “Illinois Priority School” to establish a teacher probationary period of less than four years for a “highly effective” teacher who agrees to teach in a priority school
- requires a school district to grant a “highly effective” teacher or administrator a leave of absence for up to two years if he/she leaves to teach in an “Illinois Priority School”. After two years, the teacher or administrator may return to the original school district to perform in a similar position he/she left. Tenure and retirement benefits for the teacher or administrator, upon return, would not be affected negatively.

- allows for special waiver privileges for “Illinois Priority Schools”
- exempts any additional salary the teacher or administrator might earn at the “Illinois Priority School” from the Pension Code’s 6% salary cap

PROPOSAL #3

The third ISBE “Race to the Top” proposal amends the alternative certification provisions of the School Code. Again, these provisions may be added to **SB 616**. Specifically, the bill:

- allows alternative teacher certification programs to be provided by “various types of qualified providers, including both institutions of higher education and other providers operating independently”
- allows the ISBE, in “cooperation with one or more not-for-profit organizations” which “support excellence in teaching” to approve courses of study for alternative certification

LENGTHY NEGOTIATIONS

The Alliance organizations’ executive directors have been involved in dozens of hours of discussions and negotiations with the Governor’s office, the ISBE, and other education stakeholders over the past several months regarding the proposals. Countless improvements have been made to the “Performance Evaluation Reform Act” proposal, based on Alliance recommendations, which benefit local school districts.

Some of the changes pushed by the Alliance secured school district management rights, accounted for the longer phase in of the evaluation criteria, and required the ISBE to have a system of support in place and adequate funding before school districts would have to comply with the bill’s provisions.

LEGISLATIVE ACTION

The ISBE is striving to have the bills, at least the “Performance Evaluation Reform Act”, approved next week by the legislature. This will be no easy task. For most legislators, Monday afternoon’s House Elementary and Secondary Education Committee hearing will be the first time they have heard anything about the “Race to the Top” proposals. Committee members will be required to vote on the bills after that initial presentation and discussion. The bills will then require action by the full House of Representatives. If approved by the House, the bills will be sent to the Senate for similar committee action and floor action. This is all to be completed within 48-72 hours.

The legislative report is written and edited by the lobbyists of the Illinois Association of School Boards to provide information to the members of the organizations that comprise the Statewide School Management Alliance.

**Alliance Legislative Reports:
Bill Text/Status: Illinois General Assembly**

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