

Frequently Asked Questions

Act 82 of 2012 – Teacher Evaluation Requirements

Who is affected by the rating system requirements of Act 82?

- The new rating system is required for all school districts, intermediate units and area vocational-technical schools.
- Beginning with the 2013-14 school year, professional employees and temporary professional employees who provide direct instruction to students related to a specific subject or grade level [classroom teachers].
- Beginning with the 2014-15 school year, principals.
- Beginning with the 2014-15 school year, professional employees who are education specialists or who provide services other than classroom instruction [nonteaching professional employees].

How is the new rating system to be developed?

- The Secretary of Education is required to develop the complete rating tool for all professional employees and temporary professional employees, subject to the requirements of HB 1901.
- The Secretary must develop the new rating tool in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators, and include research and collaboration conducted by the department.
- The Secretary of Education must publish the new rating tool in the *Pennsylvania Bulletin* by:
 - June 30, 2013, for classroom teachers
 - June 30, 2014, for nonteaching professional employees.
 - June 30, 2014, for principals.
- After publication in the *Pennsylvania Bulletin*, changes to the new rating tool are required to be made by the State Board of Education.

What does Act 82 require to be included in the components of the classroom teachers' rating tool?

- Classroom observation and practice models related to student achievement in the following areas: planning and preparation; classroom environment; instruction; and professional responsibilities.
- Student performance, which shall comprise 50% of the overall teacher rating.

What does Act 82 require to be included in the student performance component for rating classroom teachers?

- 15% building-level data including, but not limited to, all of the following:
 - Student performance on assessments.
 - Value-added assessment system/PVAAS data.
 - Student graduation rate as reported to the PDE.
 - Student promotion rate.
 - Student attendance rate.
 - Student advanced placement course participation.
 - Student scholastic aptitude test and preliminary scholastic aptitude test data.
- 15% teacher-specific data including, but not limited to, student achievement attributable to a specific teacher as measured by all of the following:
 - Student performance on assessments.
 - Value-added assessment system/PVAAS data.
 - Progress in meeting the goals of student IEPs.
 - Locally developed school district rubrics.

- 20% elective data including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the *Pennsylvania Bulletin* by June 30 of each year including, but not limited to, the following:
 - District-designed measures and examinations.
 - Nationally recognized standardized tests.
 - Industry certification examinations.
 - Student projects pursuant to local requirements.
 - Student portfolios pursuant to local requirements.

What does Act 82 require to be the components of nonteaching professional employees' rating?

- Planning and preparation.
- Educational environment.
- Delivery of service.
- Professional development.
- Student performance of all students in the school building in which the nonteaching professional employee is employed which shall comprise 20% of the overall rating of nonteaching professional employees and temporary professional employees.

Are local school districts authorized to develop their own rating tools?

Yes. Section 1123(a)(2)(e) of the Public School Code states that individual school districts may develop their own rating tools provided that the PDE has approved the tool as "meeting or exceeding the measures of effectiveness established" by Act 82.

What are the required performance levels/rating scales?

- Employees are to be rated as "distinguished," "proficient," "needs improvement," and "failing."
- Distinguished and proficient are considered satisfactory.
- Needs improvement is considered satisfactory, except that any subsequent needs-improvement rating issued by the same employer within 10 years of the first needs improvement rating will be considered unsatisfactory. This only applies if the second needs improvement rating is issued "in the same certification."
- Failing is considered unsatisfactory.
- Both needs improvement and failing shall require the employee to participate in a performance improvement plan.
- No employee shall be rated needs improvement or failing based solely on student test scores.
- The PDE shall develop rating scales and overall score ranges for the four performance levels.

How often are employees required to be rated?

Professional employees are required to be rated at least once every year. Temporary professional employees are required to be rated at least twice annually.

Who is required to rate employees?

All ratings are required to be performed by or under the supervision of the chief school administrator. The chief school administrator may delegate employee ratings to an assistant administrator, a supervisor or a principal who has supervision over the work of the employee being rated. The chief school administrator is required to approve all unsatisfactory ratings.

What does Act 82 say about collective bargaining agreements?

The Act states the following regarding collective bargaining agreements: "A provision in any agreement or contract in effect on the effective date of Act 82 that provides for a rating system in conflict with Act 82 shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract."

What does Act 82 say about public access to teacher rating information?

Act 82 states that "an employee's individual rating form shall not be subject to disclosure under the Right to Know Law."

Does Act 82 address teacher salary?

It contains no language requiring or prohibiting differentiated salary based on teacher performance ratings.