

111TH CONGRESS
2^D SESSION

H. R. 6274

To amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mrs. DAVIS of California (for herself and Mr. POLIS of Colorado) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investing in New and
5 Supportive Pathways to Improve and Reward Educators
6 in our Schools Act” or the “INSPIRES Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Effective teachers and principals are the
2 backbone of our schools and the key to successful
3 students.

4 (2) Teachers and principals deserve our full
5 support as they take on one of the most important
6 and most challenging responsibilities—educating our
7 children.

8 (3) High-quality evaluations that provide mean-
9 ingful feedback is a crucial element to giving edu-
10 cators the support they need to be successful.

11 (4) Teachers and principals also deserve access
12 to professional development opportunities so they
13 can continue to learn and grow as educators.

14 (5) Research shows that high-quality and effec-
15 tive teaching is the single most important school-
16 based factor impacting student learning. Effective
17 teachers are also crucial to turning around strug-
18 gling schools.

19 (6) Although research also suggests that quality
20 teacher evaluations are an important tool in improv-
21 ing teacher performance, for many teachers, the cur-
22 rent evaluation systems do not provide useful feed-
23 back that would help them improve and grow as in-
24 structors.

1 (7) In formal studies, including research high-
2 lighted in “The Widget Effect”, nearly 75 percent of
3 teachers reported that they have not received specific
4 suggestions on how to improve classroom practices
5 in annual evaluations.

6 (8) Across all local educational agencies, only
7 43 percent of teachers, including novice teachers
8 who may benefit the most from suggestions, report
9 that current evaluations systems help them.

10 (9) Research also shows that school leadership
11 quality is second only to teacher quality among
12 school-related factors that impact student learning.

13 (10) Strong school leadership is a key deter-
14 minant of whether schools can attract and retain ef-
15 fective teachers.

16 (11) Principals set the direction and the vision
17 for a school, and through inspirational leadership,
18 can create a positive learning environment.

19 (12) Constructive feedback specifying areas for
20 improvement could be useful to both teachers and
21 principals who are dedicated to growing profes-
22 sionally.

23 (13) The most effective way to turn around a
24 struggling school is through talented teachers and
25 an inspirational principal.

1 (14) Effective teachers and principals also de-
2 serve to be recognized for excellence and receive
3 commendations in areas of strong performance and
4 improvement.

5 (15) Evaluations should give teachers and prin-
6 cipals the opportunity to foster mutually beneficial
7 professional relationships.

8 (16) Positive working relationships between
9 principals and teachers are an important element of
10 an effective school.

11 (17) Teachers and principals should provide
12 input and contribute directly to designing, imple-
13 menting, and improving evaluation systems in their
14 school districts.

15 (18) High-quality teacher and principal evalua-
16 tions have the potential to be a powerful tool and
17 should play a significant role in improving the public
18 education system.

19 (19) Students and parents deserve effective
20 teachers and inspirational principals who are per-
21 forming to the best of their ability and who are con-
22 stantly developing professionally.

1 **SEC. 3. ROBUST TEACHER AND PRINCIPAL EVALUATIONS.**

2 Section 1111(b) of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 6311(b)) is amended
4 by adding at the end the following:

5 “(11) ROBUST TEACHER AND PRINCIPAL EVAL-
6 UATIONS.—

7 “(A) IN GENERAL.—Each State plan shall
8 carry out the following:

9 “(i) Establish definitions of teacher
10 and principal effectiveness and perform-
11 ance ratings.

12 “(ii) Demonstrate that the State has
13 developed, in partnership and in collabora-
14 tion with teachers and principals, a model
15 teacher and principal evaluation program
16 under which—

17 “(I) individuals in charge of ad-
18 ministering teacher and principal eval-
19 uations within each local educational
20 agency in the State are provided rig-
21 orous training on how to conduct the
22 teacher and principal evaluations, in-
23 cluding—

24 “(aa) how to provide specific
25 feedback about improving teach-

1 ing and principal practice based
2 on evaluation results; and

3 “(bb) how to evaluate teach-
4 ers and principals using the per-
5 formance categories established
6 under subparagraphs (B)(iv) and
7 (C)(vii);

8 “(II) a teacher or principal who
9 is evaluated is provided, based on the
10 evaluation results, professional devel-
11 opment opportunities that meet the
12 specific needs identified for the teach-
13 er or principal;

14 “(III) measures are taken to en-
15 sure that the results of personally
16 identifiable teacher and principal eval-
17 uations are not publicly disclosed;

18 “(IV) regular monitoring and as-
19 sessment of the quality, reliability, va-
20 lidity, fairness, consistency, and objec-
21 tivity of the evaluation program and
22 the evaluators’ judgments takes place
23 within and across local educational
24 agencies in the State;

1 “(V) each teacher’s performance
2 is evaluated in accordance with sub-
3 paragraph (B);

4 “(VI) each principal’s perform-
5 ance is evaluated in accordance with
6 subparagraph (C);

7 “(VII) on the basis of the evalua-
8 tion, each teacher or principal, re-
9 ceives—

10 “(aa) a performance rating
11 based on multiple measures;

12 “(bb) ongoing formative
13 feedback and specific rec-
14 ommendations on areas for pro-
15 fessional improvement, which in-
16 cludes an identification of areas
17 in which the teacher or principal
18 can strengthen practices to im-
19 prove student learning;

20 “(cc) commendations for ex-
21 cellence in areas of strong per-
22 formance and in areas of im-
23 provement; and

24 “(dd) in the case of a teach-
25 er or principal who is identified

1 as being in one of the lowest 2
2 performance categories estab-
3 lished under subparagraph
4 (B)(iv) or (C)(vii), a comprehen-
5 sive remediation plan within set
6 time parameters;

7 “(VIII) evaluation results are
8 used to inform all key personnel and
9 staffing decisions;

10 “(IX) any teacher or principal
11 who receives an unsatisfactory evalua-
12 tion and does not successfully improve
13 his or her performance on an evalua-
14 tion after completing the comprehen-
15 sive remediation plan as required
16 under subclause (VII)(dd) is prohib-
17 ited from working in any elementary
18 school or secondary school served
19 under this part; and

20 “(X) a system is implemented
21 under which every teacher and prin-
22 cipal is evaluated every year beginning
23 not later than 2 years after the effec-
24 tive date of this paragraph.

1 “(iii) Demonstrate that each local
2 educational agency in the State has adopt-
3 ed a local educational agency-wide teacher
4 and principal evaluation program that—

5 “(I) was developed in partnership
6 and in collaboration with teachers and
7 principals;

8 “(II) meets the standards for va-
9 lidity and reliability developed by the
10 State; and

11 “(III) meets the minimum re-
12 quirements set forth in paragraph (ii).

13 “(iv) Demonstrate that each local
14 educational agency in the State is actively
15 seeking input from and collaborating with
16 teachers and principals to make improve-
17 ments to the evaluation program on an an-
18 nual basis.

19 “(B) REQUIREMENTS FOR TEACHER EVAL-
20 UATIONS.—The evaluation of a teacher’s per-
21 formance shall comply with the following min-
22 imum requirements:

23 “(i) A predominant factor in the eval-
24 uation is student academic growth with re-

1 spect to the State’s academic standards, as
2 measured by—

3 “(I) student learning gains on
4 the State’s academic assessments es-
5 tablished under paragraph (3) or an-
6 other assessment of student academic
7 achievement, as long as the assess-
8 ment is the same for all students in
9 the local educational agency in which
10 the teacher is employed; and

11 “(II) if available, value-added
12 measures that track individual stu-
13 dent academic growth while under the
14 instruction of the teacher.

15 “(ii) A portion of the evaluation is
16 based on observations of the teacher’s per-
17 formance in the classroom by more than 1
18 trained and objective observer—

19 “(I) that take place on several
20 occasions during the school year the
21 teacher is being evaluated; and

22 “(II) under which—

23 “(aa) a teacher is evaluated
24 against a rigorous rubric that de-
25 fines multiple performance cat-

1 egories in alignment with the
2 State’s professional standards for
3 teachers; and

4 “(bb) observation ratings
5 meaningfully differentiate among
6 teachers’ performance and bear a
7 relationship to evidence of stu-
8 dent academic growth with re-
9 spect to the State’s academic
10 standards.

11 “(iv) The evaluation provides ratings
12 that meaningfully differentiate among
13 teacher performance using at least 4 per-
14 formance categories.

15 “(v) The evaluation provides results
16 that are comparable across all teachers
17 within the local educational agency in
18 which the teacher is employed.

19 “(C) REQUIREMENTS FOR PRINCIPAL
20 EVALUATIONS.—The evaluation of the perform-
21 ance of a principal of a school shall comply with
22 the following minimum requirements:

23 “(i) A predominant factor in the eval-
24 uation is student academic growth with re-
25 spect to the State’s academic standards of

1 the school’s students, including students in
2 each of the subgroups described in para-
3 graph (2)(C)(v)(II).

4 “(ii) For a principal of a secondary
5 school, a portion of the evaluation is based
6 on the school’s graduation rates.

7 “(iii) A portion of the evaluation is
8 based on the recruitment, development,
9 evaluation, and retention of effective teach-
10 ers.

11 “(iv) A portion of the evaluation is
12 based on the leadership abilities of the
13 principal, as measured by observations of
14 the principal and other relevant data evalu-
15 ated against a rigorous rubric that defines
16 multiple performance categories in align-
17 ment with the State’s professional stand-
18 ards for principals.

19 “(v) The observations described in
20 clause (iv) provide observation ratings
21 that—

22 “(I) meaningfully differentiate
23 among principals’ performance; and

24 “(II) bear a strong relationship
25 to evidence of student academic

1 growth with respect to the State’s
2 academic standards.

3 “(vi) The leadership abilities referred
4 to in clause (iv) include the ability of the
5 principal to—

6 “(I) create a shared and coherent
7 schoolwide direction and policy for
8 achieving high levels of student aca-
9 demic growth;

10 “(II) identify and implement the
11 activities and rigorous curriculum nec-
12 essary for achieving such levels of stu-
13 dent academic growth;

14 “(III) create opportunities for
15 the community and families of stu-
16 dents to engage positively with school
17 administrators and staff;

18 “(IV) support positive learning
19 environments for students;

20 “(V) cultivate a positive and col-
21 laborative work environment for
22 school faculty and staff;

23 “(VI) collect, analyze, and utilize
24 data and other tangible evidence of
25 student learning and evidence of class-

1 room practice to guide decisions and
2 actions for continuous improvement
3 and to ensure performance account-
4 ability;

5 “(VII) effectively oversee and
6 manage a teacher evaluation program
7 that provides individualized feedback;
8 and

9 “(VIII) have strong organiza-
10 tional management of a school, includ-
11 ing sound budget and personnel prac-
12 tices.

13 “(vii) The evaluation provides ratings
14 that meaningfully differentiate among
15 principal performance using at least 4 per-
16 formance categories.

17 “(viii) The evaluation provides results
18 that are comparable across all principals
19 within the local educational agency in
20 which the principal is employed.”.

21 **SEC. 4. PUBLIC REPORTING.**

22 Section 1111(h) of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

24 (1) in paragraph (1)(C)—

1 (A) by striking “and” at the end of clause
2 (vii);

3 (B) by striking the period at the end of
4 clause (viii) and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(ix) the number and percentage of
7 teachers and principals in each perform-
8 ance category established under subsection
9 (b)(11)(B)(iv) or subsection
10 (b)(11)(C)(vii), as applicable for—

11 “(I) the State overall;

12 “(II) the highest poverty and
13 lowest poverty local educational agen-
14 cies; and

15 “(III) the highest minority and
16 lowest minority local educational
17 agencies.”;

18 (2) in paragraph (2)(B)(i)—

19 (A) by striking “and” at the end of sub-
20 clause (I); and

21 (B) by adding at the end the following:

22 “(III) the number and percent-
23 age of teachers and principals in each
24 performance category established
25 under subsection (b)(11)(B)(iv) or

1 subsection (b)(11)(C)(vii), as applica-
2 ble for—

3 “(aa) the local educational
4 agency overall;

5 “(bb) the highest poverty
6 and lowest poverty schools; and

7 “(cc) the highest minority
8 and lowest minority schools;
9 and”;

10 (3) in paragraph (4)—

11 (A) by striking “and” at the end of sub-
12 paragraph (F);

13 (B) by striking the period at the end of
14 subparagraph (G) and inserting “and”; and

15 (C) by adding at the end the following:

16 “(H) the information required to be re-
17 ported under paragraphs (1)(C)(ix) and
18 (2)(B)(i)(III).”; and

19 (4) by adding at the end the following:

20 “(7) DEFINITIONS.—For purposes of this sub-
21 section:

22 “(A) HIGHEST MINORITY.—The term
23 ‘highest minority’ when used in relation to a
24 school or local educational agency means a
25 school or local educational agency that is in the

1 highest quartile of schools or local educational
2 agencies statewide in terms of the percentage of
3 minority pupils served.

4 “(B) HIGHEST POVERTY.—The term ‘high-
5 est poverty’ when used in relation to a school
6 or local educational agency means a school or
7 local educational agency that is in the highest
8 quartile of schools or local educational agencies
9 statewide in terms of the percentage of pupils
10 who are certified as eligible for free or reduced
11 price lunch under the school lunch program es-
12 tablished under the Richard B. Russell National
13 School Lunch Act.

14 “(C) LOWEST MINORITY.—The term ‘low-
15 est minority’ when used in relation to a school
16 or local educational agency means a school or
17 local educational agency that is in the lowest
18 quartile of schools or local educational agencies
19 statewide in terms of the percentage of minority
20 pupils served.

21 “(D) LOWEST POVERTY.—The term ‘low-
22 est poverty’ when used in relation to a school
23 or local educational agency means a school or
24 local educational agency that is in the lowest
25 quartile of schools or local educational agencies

1 statewide in terms of the percentage of pupils
2 who are certified as eligible for free or reduced
3 price lunch under the school lunch program es-
4 tablished under the Richard B. Russell National
5 School Lunch Act.”.

6 **SEC. 5. RECOGNITION OF LOCAL EDUCATIONAL AGENCIES.**

7 The Secretary of Education shall, based on the infor-
8 mation received from each local educational agency report
9 card under section 1111(h)(2)(B)(i)(III)—

10 (1) recognize and provide commendations to
11 each local educational agency that implements or
12 has implemented innovative, high-quality, and effec-
13 tive teacher or principal evaluation programs that
14 lead to professional development and improved stu-
15 dent performance; and

16 (2) establish a clearinghouse in the Department
17 of Education to share the best practices of such pro-
18 grams with educators.

19 **SEC. 6. RULE OF CONSTRUCTION.**

20 Nothing in this Act, or the amendments made by this
21 Act, shall be construed to alter or otherwise affect the
22 rights, remedies, and procedures afforded school or local
23 educational agency employees under Federal, State, or
24 local laws (including applicable regulations or court or-
25 ders) or under the terms of collective bargaining agree-

1 ments, memoranda of understanding, or other agreements
2 between such employees and their employers existing as
3 of the date of the enactment of this Act.

4 **SEC. 7. EFFECTIVE DATE.**

5 This Act, and the amendments made by this Act,
6 shall take effect not later than 4 years after the date of
7 the enactment of this Act.

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