

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6274

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

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## 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

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## 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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