

113TH CONGRESS
1ST SESSION

H. R. 768

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2013

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

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 “Securing Teacher Ef-
5 fectiveness, Leadership, Learning, And Results Act of
6 2013” or the “STELLAR 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 are a crucial element to giving edu-
10 cators the support they need to successfully achieve
11 at high levels.

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

15 (5) Research shows that high-quality and effec-
16 tive teaching is the single most important school-
17 based factor impacting student learning.

18 (6) In formal studies, including research high-
19 lighted in “The Widget Effect”, nearly 75 percent of
20 teachers reported that they have not received specific
21 suggestions on how to improve classroom practices
22 in annual evaluations.

23 (7) Across all local educational agencies, only
24 43 percent of teachers, including novice teachers

1 who may benefit the most from feedback, report that
2 current evaluations systems are helpful.

3 (8) Research also shows that school leadership
4 quality is second only to teacher quality among
5 school-related factors in its impact on student learn-
6 ing.

7 (9) Strong school leadership is a key deter-
8 minant of whether schools can attract and retain ef-
9 fective teachers particularly in high poverty schools,
10 as research has found teachers' satisfaction to be
11 more influenced by the culture of the school than by
12 the demographics of the school's students.

13 (10) Principals set the direction and vision for
14 a school, and studies find that strong instructional
15 leadership and a focus on building a shared mission
16 focused on student achievement can create a positive
17 teaching and learning environment.

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

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

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

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

8 (15) Teachers and principals should provide
 9 input and contribute directly to designing, imple-
 10 menting, and improving evaluation systems in their
 11 school districts.

12 (16) High-quality teacher and principal evalua-
 13 tions have the potential to be a powerful tool and
 14 should play a significant role in building a talented
 15 force of educators.

16 (17) The goal of evaluation systems is to im-
 17 prove individual, as well as whole school and district,
 18 teaching and leadership practices to benefit stu-
 19 dents.

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

21 (a) IN GENERAL.—Section 1111(b) of the Elemen-
 22 tary and Secondary Education Act of 1965 (20 U.S.C.
 23 6311(b)) is amended by adding at the end the following:

24 “(11) ROBUST TEACHER AND PRINCIPAL EVAL-
 25 UATIONS.—

1 “(A) IN GENERAL.—Not later than 3 years
2 after the date of enactment of the STELLAR
3 Act, each State plan shall include the following:

4 “(i) The statewide definitions of
5 teacher and principal effectiveness that the
6 State has established and not less than 4
7 levels of performance ratings for teachers
8 and for principals, including an effective
9 rating and a highly effective rating, based
10 on such definitions.

11 “(ii) A demonstration that the State
12 has developed, after taking input from and
13 collaborating with, teachers and principals,
14 a model teacher and principal evaluation
15 program under which—

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

23 “(aa) how to identify areas
24 for improvement and provide spe-
25 cific feedback about improving

1 teaching and principal practice
2 based on evaluation results;

3 “(bb) how to evaluate teach-
4 ers and principals using the per-
5 formance ratings described in
6 clause (i) and established under
7 subparagraphs (B)(iii) and
8 (C)(viii);

9 “(cc) a measure of student
10 academic growth with respect to
11 the State’s academic standards of
12 the school’s students, including
13 students in each of the subgroups
14 described in paragraph
15 (2)(C)(v)(II), and training on
16 how to interpret such measure;
17 and

18 “(dd) how to reliably and
19 accurately rate teachers using the
20 State’s rigorous rubric that
21 meets the requirements of sub-
22 paragraph (B)(ii)(II)(aa);

23 “(II) a teacher or principal who
24 is evaluated is provided, based on the
25 evaluation results, professional devel-

1 opment opportunities that meet the
2 specific needs identified for the teach-
3 er or principal, including mentorship
4 programs that use highly effective
5 teachers or principals as leaders or
6 coaches;

7 “(III) measures are taken to en-
8 sure that the results of personally
9 identifiable teacher and principal eval-
10 uations are not publicly disclosed, ex-
11 cept as required under subsection (h);

12 “(IV) regular monitoring and as-
13 sessment of the quality, reliability, va-
14 lidity, fairness, consistency, and objec-
15 tivity of the evaluation program and
16 the evaluators’ judgments takes place
17 within and across local educational
18 agencies in the State;

19 “(V) each teacher’s performance
20 is annually evaluated in accordance
21 with subparagraph (B);

22 “(VI) each principal’s perform-
23 ance is annually evaluated in accord-
24 ance with subparagraph (C);

1 “(VII) on the basis of the evalua-
2 tion, each teacher or principal re-
3 ceives—

4 “(aa) a performance rating,
5 as described in clause (i), that is
6 based on multiple measures;

7 “(bb) in the case of a teach-
8 er, in addition to the measures
9 required under subparagraph
10 (B)—

11 “(AA) in a grade level
12 and subject area with a
13 statewide assessment, a
14 measure of student learning
15 gains that is comparable
16 across the State for all
17 teachers in grade levels and
18 subject areas with a state-
19 wide assessment; or

20 “(BB) in a grade level
21 and subject area without a
22 statewide assessment, a
23 measure of student learning
24 comparable across the local
25 educational agency for all

1 teachers in the same grade
2 without a statewide assess-
3 ment for elementary schools
4 and for all teachers in the
5 same grade and subject area
6 without a statewide assess-
7 ment in secondary schools;

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

16 “(dd) commendations for ex-
17 cellence in areas of strong per-
18 formance and in areas of signifi-
19 cant improvement; and

20 “(ee) in the case of a teach-
21 er or principal who is identified
22 as being in 1 of the lowest 2 per-
23 formance ratings described in
24 clause (i), a comprehensive reme-

1 diation plan within set time pa-
2 rameters not to exceed 1 year;

3 “(VIII) evaluation results are
4 clearly communicated to each teacher
5 and principal, and the steps, goals,
6 and requirements of a professional de-
7 velopment or remediation plan are
8 clearly communicated to the teacher
9 or principal;

10 “(IX) evaluation results are the
11 primary factor used in determining
12 layoffs during any reduction in force;

13 “(X) evaluation results are used
14 to ensure that low-income students
15 and minority students are not as-
16 signed at higher rates than other stu-
17 dents to classes in core academic sub-
18 jects taught by teachers who have re-
19 ceived one of the two lowest evalua-
20 tion rates in their most recent evalua-
21 tion;

22 “(XI) evaluation results are used
23 as the principal factor in informing all
24 key personnel and staffing decisions,

1 including decisions with respect to
2 tenure, promotion, and retention;

3 “(XII) any teacher or principal
4 who receives the lowest evaluation
5 performance rating for 2 consecutive
6 years is subject to dismissal;

7 “(XIII) any teacher or principal
8 who receives the lowest performance
9 rating and does not successfully im-
10 prove performance on an evaluation
11 after completing the comprehensive
12 remediation plan as required under
13 subclause (VII)(ee) is prohibited from
14 working in any elementary school or
15 secondary school served under this
16 part;

17 “(XIV) any teacher or principal
18 who receives the second lowest per-
19 formance rating and does not success-
20 fully improve performance on an eval-
21 uation after completing such com-
22 prehensive remediation plan is prohib-
23 ited from working in any elementary
24 school or secondary school—

1 “(aa) in a State-defined
2 turnaround status; or

3 “(bb) in the lowest 5 percent
4 of schools based on its perform-
5 ance against State-defined stu-
6 dent achievement goals.

7 “(iii) A demonstration that each local
8 educational agency in the State has adopt-
9 ed a local educational agency-wide teacher
10 and principal evaluation program that—

11 “(I) was developed after seeking
12 input from and collaborating with
13 teachers and principals;

14 “(II) meets the standards for va-
15 lidity and reliability developed by the
16 State; and

17 “(III) meets the minimum re-
18 quirements set forth in clause (ii).

19 “(iv) A demonstration that each local
20 educational agency in the State is seeking
21 input from and collaborating with teachers
22 and principals to make improvements to
23 the evaluation program on an annual basis.

24 “(v) An assurance that the State will,
25 on a regular basis—

1 “(I) review the teacher and prin-
2 cipal evaluation systems used by the
3 local educational agencies in the
4 State, including—

5 “(aa) comparing the teacher
6 and principal evaluation results,
7 for each agency and each agen-
8 cy’s schools, against the student
9 academic achievement and stu-
10 dent growth in the agency and
11 each agency’s schools;

12 “(bb) assessing the extent to
13 which each local educational
14 agency’s existing system dem-
15 onstrates meaningful differentia-
16 tion among teacher performance
17 levels and among principal per-
18 formance levels;

19 “(cc) comparing implemen-
20 tation and results across the
21 evaluation systems of local edu-
22 cational agencies in the State to
23 ensure—

24 “(AA) comparability
25 across the State in imple-

1 mentation of such systems;
2 and

3 “(BB) that such sys-
4 tems meet the State’s cri-
5 teria or definitions for each
6 of the terms described in
7 clause (i); and

8 “(dd) assessing the extent to
9 which each local educational
10 agency is using its evaluation
11 system to inform major human
12 resource systems; and

13 “(II) provide technical assistance
14 to improve an agency’s teacher and
15 principal evaluation system so that
16 the system provides meaningful dif-
17 ferentiation and is aligned with stu-
18 dent academic achievement and stu-
19 dent growth results in the agency and
20 in each of the agency’s schools.

21 “(vi) An assurance that beginning 1
22 year after the date of enactment of the
23 STELLAR Act, the State educational
24 agency will submit to the Secretary an an-

1 nual report on implementation of the
2 State's evaluation programs.

3 “(vii) An assurance that the State will
4 publish a report each year showing the av-
5 erage estimate of teacher impact on stu-
6 dent growth for each of the performance
7 categories.

8 “(viii) An assurance that the State is
9 seeking input from teachers and principals
10 on the effectiveness of methods measuring
11 student growth and how to improve such
12 methods.

13 “(ix) An assurance that processes and
14 procedures are established to ensure fair-
15 ness for nonprobationary teachers and
16 principals facing loss of employment due to
17 an ineffective rating in an evaluation pro-
18 gram.

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) STUDENT ACADEMIC GROWTH.—
24 A significant factor of the evaluation is
25 based on student academic growth with re-

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

3 “(I) in predominant part, student
4 learning gains on the State’s academic
5 assessments established under para-
6 graph (3) or, for grades and subjects
7 not covered by the State’s academic
8 assessments, another valid and reli-
9 able assessment of student academic
10 achievement as long as the assessment
11 is used consistently by the local edu-
12 cational agency in which the teacher
13 is employed for the grade or subject
14 area for which the assessment is ad-
15 ministered;

16 “(II) at least one other valid and
17 reliable measure of student academic
18 achievement that is used consistently
19 across the local educational agency in
20 which the teacher is employed for the
21 grade or subject area being measured;
22 and

23 “(III) if available, value-added
24 measures that track individual stu-

1 dent academic growth while under the
2 instruction of the teacher.

3 “(ii) OBSERVATIONS OF TEACHER
4 PERFORMANCE.—A portion of the evalua-
5 tion is based on observations of the teach-
6 er’s performance in the classroom by more
7 than 1 trained and objective observer—

8 “(I) that take place on several
9 occasions during the school year in
10 which the teacher is being evaluated;
11 and

12 “(II) under which—

13 “(aa) a teacher is evaluated
14 against a rigorous rubric that de-
15 fines multiple performance cat-
16 egories in alignment with the
17 State’s professional standards for
18 teachers and definition of teacher
19 and principal effectiveness as
20 specified in clause (i); and

21 “(bb) observation ratings
22 meaningfully differentiate among
23 teachers’ performance and bear a
24 relationship to evidence of stu-
25 dent academic growth with re-

1 spect to the State’s academic
2 standards.

3 “(iii) MEANINGFUL DIFFERENTIA-
4 TION.—The evaluation provides perform-
5 ance ratings that meaningfully differen-
6 tiate among teacher performance using the
7 performance ratings and levels described in
8 subparagraph (A)(i).

9 “(iv) COMPARABILITY OF STUDENT
10 GAINS.—The evaluation provides a meas-
11 ure of student learning gains that is com-
12 parable across the State for all teachers in
13 grade levels and subject areas with a state-
14 wide assessment.

15 “(v) COMPARABILITY OF RESULTS.—
16 The evaluation provides results that are
17 comparable, at a minimum, across all
18 teachers within a grade level or, for sec-
19 ondary schools, for all teachers within a
20 grade level and subject area in the local
21 educational agency in which the teacher is
22 employed.

23 “(C) REQUIREMENTS FOR PRINCIPAL
24 EVALUATIONS.—The evaluation of the perform-

1 ance of a principal of a school shall comply with
2 the following minimum requirements:

3 “(i) STUDENT ACADEMIC GROWTH.—

4 A significant factor of the evaluation is
5 based on student academic growth attain-
6 ment with respect to the State’s academic
7 standards of the school’s students, includ-
8 ing students in each of the subgroups de-
9 scribed in paragraph (2)(C)(v)(II).

10 “(ii) GRADUATION RATES.—For a

11 principal of a secondary school, a portion
12 of the evaluation is based on improvements
13 in the school’s graduation rate as defined
14 in section 200.19(b) of title 34, Code of
15 Federal Regulations as in effect on the
16 date of enactment of this paragraph, when
17 applicable, or in the case of a secondary
18 school with a graduation rate of more than
19 90 percent, the success of the principal in
20 maintaining such graduation rate.

21 “(iii) SUPPORT OF EFFECTIVE TEACH-

22 ERS.—A portion of the evaluation is based
23 on the recruitment, development, evalua-
24 tion, and retention of effective teachers.

1 “(iv) LEADERSHIP ABILITIES.—A por-
2 tion of the evaluation is based on the lead-
3 ership abilities of the principal, as meas-
4 ured by observations of the principal and
5 other relevant data evaluated against a rig-
6 orous rubric that defines multiple perform-
7 ance categories in alignment with the
8 State’s professional standards for prin-
9 cipals.

10 “(v) CONTENT OF OBSERVATION RAT-
11 INGS.—The observations described in
12 clause (iv) provide observation ratings
13 that—

14 “(I) meaningfully differentiate
15 among principals’ performance; and

16 “(II) bear a strong relationship
17 to evidence of student academic
18 growth with respect to the State’s
19 academic standards.

20 “(vi) MEANINGFUL DIFFERENTIA-
21 TION.—The evaluation provides perform-
22 ance ratings that meaningfully differen-
23 tiate among principal performance using
24 the performance ratings and levels de-
25 scribed in subparagraph (A)(i).

1 “(vii) COMPARABILITY OF RESULTS.—

2 The evaluation provides results that are
3 comparable across all principals within the
4 local educational agency in which the prin-
5 cipal is employed.”.

6 (b) ADDITIONAL STATE PLAN REQUIREMENTS.—

7 Section 1111(b)(8)(C) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6311(b)(8)(C)) is
9 amended by inserting “or teachers who received a per-
10 formance rating under the evaluation system described in
11 paragraph (11) that is in the bottom 2 performance lev-
12 els” after “teachers”.

13 **SEC. 4. PUBLIC REPORTING.**

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

16 (1) in paragraph (1)(C)—

17 (A) in clause (vii), by striking “and” after
18 the semicolon;

19 (B) in clause (viii), by striking the period
20 at the end and inserting “; and”; and

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

22 “(ix) for each performance rating es-
23 tablished under clause (i), the number and
24 percentage of teachers, and the number

1 and percentage of principals, who received
2 such performance rating, for—

3 “(I) the State overall;

4 “(II) the highest poverty and
5 lowest poverty local educational agen-
6 cies; and

7 “(III) the highest minority and
8 lowest minority local educational
9 agencies.”;

10 (2) in paragraph (2)(B)—

11 (A) in clause (i)—

12 (i) in subclause (I), by striking “and”
13 after the semicolon; and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(III) for each performance rat-
17 ing established under clause (i), the
18 number and percentage of teachers,
19 and the number and percentage of
20 principals, who received such perform-
21 ance rating, for—

22 “(aa) the local educational
23 agency overall;

24 “(bb) the highest poverty
25 and lowest poverty schools; and

1 “(cc) the highest minority
2 and lowest minority schools;
3 and”; and

4 (B) in clause (ii)—

5 (i) in subclause (I), by striking “and”
6 after the semicolon;

7 (ii) in subclause (II), by striking the
8 period at the end and inserting “; and”;
9 and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(III) for each performance rat-
13 ing established under clause (i), the
14 number and percentage of teachers at
15 the school that received such perform-
16 ance rating.”;

17 (3) in paragraph (4)—

18 (A) in subparagraph (F), by striking
19 “and” after the semicolon;

20 (B) in subparagraph (G), by striking the
21 period at the end and inserting a semicolon;
22 and

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

1 “(H) the information required to be re-
 2 ported under paragraphs (1)(C)(ix) and
 3 (2)(B)(i)(III); and

4 “(I) the overall student attendance rates,
 5 including truancy, graduation, and dropout
 6 rates, disaggregated by each school and each in-
 7 dividual teacher and individual principal at each
 8 school under the jurisdiction of—

9 “(i) the State educational agency;

10 “(ii) the highest poverty and lowest
 11 poverty local educational agencies;

12 “(iii) the highest minority and lowest
 13 minority local educational agencies; and

14 “(iv) each local education agency, in-
 15 cluding the highest and lowest poverty
 16 schools and the highest minority and low-
 17 est minority schools under the jurisdiction
 18 of the agency.”; 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 students 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 students
10 who are certified as eligible for free or reduced
11 price lunch under the Richard B. Russell Na-
12 tional School Lunch Act (42 U.S.C. 1751 et
13 seq.).

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 students 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 students
 2 who are certified as eligible for free or reduced
 3 price lunch under the Richard B. Russell Na-
 4 tional School Lunch Act (42 U.S.C. 1751 et
 5 seq.).

6 “(E) STUDENT ACADEMIC GROWTH.—The
 7 term ‘student academic growth’ means the
 8 change in a student’s achievement between 2 or
 9 more points in time, as measured through an
 10 approach that is statistically rigorous and ap-
 11 propriate for the knowledge and skills being
 12 measured.”.

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

14 The Secretary of Education shall, based on the infor-
 15 mation received from each local educational agency report
 16 card under section 1111(h)(2)(B)(i)(III) of the Elemen-
 17 tary and Secondary Education Act of 1965 (20 U.S.C.
 18 6311(h)(2)(B)(i)(III))—

19 (1) recognize and provide commendations to
 20 each local educational agency that implements or
 21 has implemented innovative, high-quality, and effec-
 22 tive teacher or principal evaluation programs that
 23 lead to professional development and improved stu-
 24 dent performance; and

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

