

AN ACT

Providing for a value-added assessment system, promotion and high school graduation, re-testing and remediation, holding schools and districts accountable, regional assistance teams, teacher evaluations, principal and supervisor evaluations, career ladder and salaries, mentoring/induction, peer assistance and review, collaborative professional development, evaluation of superintendents and assistant superintendents, professional development for school directors, power-sharing, and innovation grants; establishing an Academic Achievement and Accountability Commission and an Office of Accountability; defining terms; making appropriations; and establishing effective dates.

1 The General Assembly hereby enacts as follows:

2 Section 1. Legislative findings and declarations.—The General Assembly finds and
3 declares as follows:

4 (1) The state has adopted academic standards and an assessment system but lacks a
5 sufficiently robust system of accountability to drive significant improvement in educational
6 results for all students.

7 (2) While some students do very well in school, there is an increasing need in our global,
8 interconnected world for all students in all school districts to demonstrate high levels of
9 achievement and continuous improvement in their academic achievement.

10 (3) The education system, including individual educators, small groups of educators
11 within schools, schools, and school districts, must be accountable for using resources to bring
12 about improved student performance.

13 (4) A state accountability system must include a measure of year-to-year, value-added
14 improvements in student achievement and multiple measures of success for both students and
15 professional educators.

16 (5) One key to improving student achievement is an increased focus on professional
17 development of educators.

1 (6) Meaningful reform will require local partnerships of boards of school directors,
2 administrators, teachers, and their unions.

3
4 (7) Meaningful reform will require increased leadership from the Department of
5 Education and increased support from the state’s regional education service agencies.

6
7 Section 2. Definitions.—As used in this act, the following terms shall have the following
8 meanings, unless the context clearly indicates otherwise:

9
10 (1) “Board.” The State Board of Education.

11
12 (2) “Department.” The state Department of Education.

13 (3) “School entity.” A public school district, regional education service agency, or area
14 vocational-technical school.

15
16 (4) “Secretary.” The state Secretary of Education.

17 (5) “Value-added assessment.” A statistical system for educational outcome assessment
18 that uses measures of student learning to estimate teacher, school, and school district statistical
19 distributions. This statistical system shall use available and appropriate data as input for prior
20 and future differences in student attainment so that the impact that the teacher, school, and
21 school district have on the educational progress of students may be estimated on a student
22 attainment constant basis. This statistical system shall have the capability of providing mixed
23 model methodologies that provide for best linear unbiased prediction for the effects of teachers,
24 schools, and school districts on the educational progress of students. The statistical system shall
25 have the capacity to use varying quantities of information for each student so that the
26 information for each student who has met the eligibility requirements for state tests will be
27 included in the estimation process.

28

1 Article I.

2 Value-Added Assessment, Promotion, and Graduation.

3 Section 3. Value-added assessment.—(a) The Board shall establish a unified assessment
4 system that includes annual state tests for all students in second through twelfth grades in the
5 state’s public schools. For students in second through eighth grades, these tests will be in the
6 areas of English-language arts, mathematics, science, and social studies and shall be aligned with
7 the state’s academic standards. For students in ninth through twelfth grades, these tests also shall
8 be in subject specific areas for which standards have been established. Wherever there is a
9 continuity in the curriculum, these tests shall be vertically scaled and cover the full range of
10 curriculum to minimize ceiling and floor effects and shall annually consist of fresh, non-
11 redundant, equivalent test forms.

12 (b) The tests shall be administered every year in the spring, or at the completion of each
13 semester in the case of block scheduling, and test results shall be included in a value-added
14 statistical system.

15 (c) Teachers, administrators, schools, and districts shall be rated based upon the value-
16 added assessments in terms of whether their students have achieved one year’s worth of
17 academic growth using a three-year running average. One year’s worth of academic growth
18 shall be determined by the Department using the national norm gain as the reference standard. If
19 national norm gain information is not available, one year’s worth of academic growth shall be
20 determined by the Department using a baseline year of the average statewide value-added
21 teacher effect. Value-added assessments for an individual teacher, administrator, school, or
22 district that are at least one and one-half standard errors of measurement above one year’s worth
23 of academic growth shall be considered significantly above one year’s worth of academic
24 growth. Value-added assessments for an individual teacher, administrator, school, or district that
25 are at least two standard errors of measurement below one year’s worth of academic growth shall
26 be considered significantly below one year’s worth of academic growth. Value-added
27 assessments for an individual teacher, administrator, school, or district that are less than one and
28 one-half standard errors of measurement above one year’s worth of academic growth and less

1 than two standard errors of measurement below one year's worth of academic growth shall be
2 considered as achieving one year's worth of academic growth.

3 Section 4. Promotion and high school graduation.—(a) Notwithstanding any provisions
4 of state law or regulations to the contrary, the provisions of subsection (b) shall apply to school
5 district decisions to promote students, and the provisions of subsection (c) shall apply to school
6 district decisions to award high school diplomas to students.

7 (b) In order to be promoted from the fourth to the fifth grade or from the eighth to the
8 ninth grade, a student shall attain a score of proficient or higher on the tests of English-language
9 arts, mathematics, science, and social studies administered in the spring of their fourth and eighth
10 grades, respectively. School districts shall continue to apply other criteria at their discretion to
11 making decisions about promotion, but shall include as one element of such decisions the test
12 scores provided for in this subsection. Promotion for students receiving special education
13 services shall be governed by satisfactory completion of the requirements of their individualized
14 education programs.

15 (c) In order to graduate from high school, a student shall attain a score of proficient or
16 higher on the tenth grade tests of English-language arts, mathematics, science, and social studies.
17 School districts shall continue to apply other criteria at their discretion to making decisions about
18 high school graduation, but shall include as one element of such decisions the test scores
19 provided for in this subsection. Graduation for students receiving special education services
20 shall be governed by the graduation requirements of state regulations pertaining to students with
21 disabilities.

22 (d) To the degree that state regulations governing high school graduation for students
23 with disabilities are inconsistent with this section, the Board shall revise said regulations in
24 conjunction with the development of the value-added assessment system under section 3.

25 Section 5. Re-testing and remediation.—(a) Any student who fails to meet the
26 requirements of subsection (b) of section 3 shall be given an opportunity to take any tests with
27 scores below proficiency. Such re-testing shall occur prior to the opening of school in the fall.
28 Parents may request in writing that their children not be re-tested. A student who meets the

1 required levels of attainment on all re-tests and who has met all other school district
2 requirements for promotion shall be promoted to the next grade. A student who meets the
3 required levels of attainment on some re-tests shall be permitted to advance in those areas only.

4 (b) Any student who fails to meet the requirements of subsection (c) of section 3 shall be
5 given an opportunity to take any tests with scores below proficiency on at least two occasions
6 during eleventh grade and if necessary on at least two occasions during twelfth grade. A student
7 who meets the required levels of attainment on all re-tests and who has met all other school
8 district requirements for high school graduation shall be granted a high school diploma at the end
9 of twelfth grade.

10 (c) School districts shall provide focused intervention for any student who is not
11 promoted because of failure to meet the re-testing requirements under subsection (a). Such
12 interventions shall involve extended instructional opportunities that are different from and
13 supplemental to the regular curriculum and are specifically designed to improve student
14 performance on the tests. Every student who is not promoted under subsection (a) shall have a
15 personalized education plan that includes a diagnostic evaluation, intervention strategies, and
16 monitoring strategies. Intervention strategies may include but are not limited to alternative
17 learning models, special homework, smaller classes, tutorial sessions, extended school days,
18 weeks, or years, modified instructional programs, parent involvement, and retention. The
19 personalized education plan under this section shall be developed by the student's teacher or
20 teachers and principal in consultation with the student's parents or guardians.

21 (d) School districts shall provide focused intervention for any student who is in danger of
22 not graduating from high school because of failure to meet the re-testing requirements under
23 subsection (b). Such interventions shall involve extended instructional opportunities that are
24 different from and supplemental to the regular curriculum and are specifically designed to
25 improve student performance on the state assessments under section 3. Every student who is in
26 danger of not graduating from high school under subsection (b) shall have a personalized
27 education plan that includes a diagnostic evaluation, intervention strategies, and monitoring
28 strategies. Intervention strategies may include but are not limited to alternative learning models,
29 special homework, smaller classes, tutorial sessions, extended school days, weeks, or years,

1 modified instructional programs, and parent involvement. The personalized education plan
2 under this section shall be developed by the student’s teacher or teachers and principal in
3 consultation with the student and the student’s parents or guardians.

4 Article II.

5 School and District Accountability.

6 Section 11. Holding schools and districts accountable.—This article is intended to hold
7 schools and school districts accountable for improving the academic achievement of the state’s
8 students.

9 Section 12. Holding schools accountable.—(a) School evaluations.—Every school,
10 including charter schools, shall be evaluated annually using the following criteria:

11 (1) Value-added test scores under section 3.

12 (2) Adequate yearly progress in meeting student proficiency goals with respect to
13 absolute levels of proficiency, increases in levels of proficiency, and closing achievement gaps
14 among subgroups of students within the school, under the requirements of section 1111(b) of
15 Title 1, Part A of the 2001 reauthorization of the federal Elementary and Secondary Education
16 Act (115 Stat. 1425, January 8, 2002).

17 (3) Student attendance rates and changes in rates over a three-year period.

18 (4) For high schools, graduation rates and changes in rates over a three-year period.

19 (5) For high schools, dropout rates and changes in rates over a three-year period.

20 (b) School report cards.—The Department shall include this evaluation in the annual
21 school report cards developed by the Department and individual districts.

22 (c) Under-performing schools.—The Secretary shall declare any school to be an under-
23 performing school and shall notify the superintendent and the board of school directors if such
24 school meets one or more of the following criteria:

1 (1) Value-added student test scores under section 3(c) that are significantly below one
2 year's worth of academic growth for two consecutive years.

3 (2) The school fails to make adequate yearly progress in meeting student proficiency
4 goals with respect to absolute levels of proficiency, increases in levels of proficiency, and
5 closing achievement gaps among subgroups of students within the school, under the
6 requirements of section 1111(b) of Title 1, Part A of the 2001 reauthorization of the federal
7 Elementary and Secondary Education Act (115 Stat. 1425, January 8, 2002) for two consecutive
8 years.

9 (d) Regional assistance teams.—Within 30 days of being notified that a school is under-
10 performing, the regional education service agency shall designate a regional assistance team of
11 non-school district personnel under section 14. The regional assistance team shall consist of at
12 least two advanced or distinguished teachers and at least two distinguished principals and
13 supervisors, as those terms are defined in section 24, working at the appropriate grade level in
14 other school districts comprising the regional education service agency. The team may also
15 include local business and community leaders, Department-approved providers of professional
16 development, and representatives of higher education. Composition of the team shall be
17 designed to include members with a high degree of knowledge and skills in the areas of school
18 leadership, curriculum and instruction, classroom management and discipline, academic
19 assessment, home-school relations, and evaluation and research. The team shall have three years
20 from the time of its appointment to eliminate the cause of the school having been declared under-
21 performing under subsection (c). Team members shall observe instruction in the school and
22 provide mentoring and assistance to the school's professional employees. In consultation with
23 the school's principal, teachers, and parents of students attending the school, the regional
24 assistance team may recommend to the superintendent any of the following actions to improve
25 student achievement in the school:

26 (1) Changes in curriculum, instruction, assessment, and instructional materials.

27 (2) Changes in professional development activities for professional employees in the
28 school.

1 (3) Changes in methods of school leadership.

2 (4) Changes in the scheduling of instruction, including making additional time available
3 for some or all students in the school.

4 (5) Changes in school practice with regard to classroom management and discipline.

5 (6) Changes in methods of informing parents and involving them in the education of their
6 children.

7 (7) Reassignment of school personnel.

8 (e) Regional assistance.—In addition to the assistance provided by members of the
9 regional assistance team to school personnel, the superintendent shall implement those
10 recommendations under subsection (g) that are made by the assistance team.

11 (f) State grant.—During the three years that the under-performing school receives
12 regional assistance, the regional education service agency shall receive an annual grant from the
13 state equal to \$75 per pupil in average daily membership, provided, however, that such grant
14 shall not be less than \$100,000 per year. This grant shall be administered by the regional
15 assistance team to support its work and the implementation of the team’s recommendations
16 under subsection (h).

17 (g) Failure to improve.— At the conclusion of three years of regional assistance, if a
18 school has not improved achievement sufficiently to remove the reason for having been declared
19 an under-performing school, the board of school directors shall establish it as a charter school,
20 enter into a contract with an individual or a for-profit or nonprofit organization to operate the
21 school, reconstitute the school, reassign, suspend, or dismiss professional employees, or close the
22 school and reassign students to attend other district schools. If the board of school directors does
23 not close the school, it shall also permit any student attending such school to transfer to any other
24 district school and shall provide transportation for the student upon the written request of the
25 student’s parent or guardian.

1 Section 13. Holding districts accountable.—(a) District evaluations.—Every school
2 district shall be evaluated annually using the following criteria:

3 (1) Value-added test scores under section 3 aggregated to the district level.

4 (2) Adequate yearly progress in meeting student proficiency goals with respect to
5 absolute levels of proficiency, increases in levels of proficiency, and closing achievement gaps
6 among subgroups of students within the school, under the requirements of section 1111(b) of
7 Title 1, Part A of the 2001 reauthorization of the federal Elementary and Secondary Education
8 Act (115 Stat. 1425, January 8, 2002) aggregated to the district level.

9 (3) Student attendance rates and changes in rates over a three-year period aggregated to
10 the district level.

11 (4) Graduation rates and changes in rates over a three-year period aggregated to the
12 district level.

13 (5) Dropout rates and changes in rates over a three-year period aggregated to the district
14 level.

15 (b) School district report cards.—The Department shall include this evaluation in the
16 annual school district profiles developed by the Department and individual districts.

17 (c) Under-performing school districts.—The Secretary shall declare any school district to
18 be an under-performing district and shall notify the superintendent and the board of school
19 directors if such district meets one or more of the following criteria:

20 (1) Value-added student test scores under section 3(c) that are significantly below one
21 year’s worth of academic growth for two consecutive years.

22 (2) At least 33 percent of all students taking state tests under section 3 have proficiency
23 levels of “below basic” on both reading and mathematics exams for two consecutive years.

1 (3) The district fails to make adequate yearly progress in meeting student proficiency
2 goals with respect to absolute levels of proficiency, increases in levels of proficiency, and
3 closing achievement gaps among subgroups of students within the school, under the
4 requirements of section 1111(b) of Title 1, Part A of the 2001 reauthorization of the federal
5 Elementary and Secondary Education Act (115 Stat. 1425, January 8, 2002), aggregated to the
6 district level, for two consecutive years.

7 (4) At least 25 percent of the schools in the district are declared to be under-performing
8 or, in districts with ten or fewer schools, two or more schools are declared to be under-
9 performing under section 12 (c).

10 (d) Regional assistance teams.—Within 30 days of the Secretary’s declaration that a
11 school district is an under-performing district, a regional assistance team of non-school district
12 personnel shall be designated by the regional education service agency, in consultation with the
13 Secretary, under section 14. The regional assistance team shall consist of at least four advanced
14 or distinguished teachers and at least four distinguished principals and supervisors, as those
15 terms are defined in section 24, working in other school districts within the regional education
16 service agency. The team may also include local business and community leaders, Department-
17 approved providers of professional development, and representatives of higher education.
18 Composition of the team shall be designed to include members with a high degree of knowledge
19 and skills in the areas of school leadership, curriculum and instruction, classroom management
20 and discipline, academic assessment, home-school relations, and evaluation and research.

21 (e) Academic recovery plan.—Team members shall observe instruction in the schools of
22 the district and provide mentoring and assistance to the professional employees. In consultation
23 with school directors, administrators, principals, teachers, and parents of students attending the
24 district’s schools, the regional assistance team shall, within 150 days of its appointment, present
25 to the district an academic recovery plan that may include any of the following actions to
26 improve student achievement in the district:

27 (1) Changes in curriculum, instruction, assessment, and instructional materials.

1 (2) Changes in professional development activities for professional employees in the
2 district.

3 (3) Changes in methods of school leadership.

4 (4) Changes in the scheduling of instruction, including making additional time available
5 for some or all students in the district.

6 (5) Changes in school practice with regard to classroom management and discipline.

7 (6) Changes in methods of informing parents and involving them in the education of their
8 children.

9 (7) Reassignment of school personnel.

10 (f) Adoption and implementation of the plan.—The regional assistance team shall hold at
11 least one public hearing within the under-performing district and make the draft academic
12 recovery plan available for public inspection for at least ten days prior to its submission to the
13 board of school directors of the under-performing district. The board of school directors shall
14 transmit the academic recovery plan to the Department with its recommendations within six
15 months of the appointment of the team under subsection (d). The Department shall return the
16 plan to the board of school directors and the regional assistance team with its approval or request
17 for modifications within 30 days following the plan’s submission. Any such modifications made
18 by the regional assistance team shall be transmitted to the Department by the board of school
19 directors within 30 days of receipt of the Department’s request for such modifications.

20 (g) Regional assistance.—The regional assistance team shall provide continuing
21 assistance to the under-performing district in overseeing implementation of the academic
22 recovery plan, in reporting on progress, and, to the degree designated in the plan, in providing
23 observation, mentoring, professional development or other assistance directly to district
24 personnel.

1 (h) Academic recovery.—An under-performing district shall have three years from the
2 time its academic recovery plan is accepted by the Department to improve achievement
3 sufficiently to remove the reason for having been declared an under-performing district.

4 (i) State grant.—During the three years that the under-performing district implements its
5 academic recovery plan, the district shall receive an annual grant from the Commonwealth equal
6 to \$450,000 plus \$75 per pupil in average daily membership. This grant shall be used to support
7 implementation of the academic recovery plan under subsection (e), at the discretion of the
8 assistance team.

9 (j) Education empowerment districts.—At the conclusion of three years of implementing
10 its academic recovery plan under subsections (e), any district that fails to improve achievement
11 sufficient to remove the reason for having been declared an under-performing district shall be
12 taken over and administered by the Secretary or the Secretary designee under appropriate
13 provisions of state law.

14 Section 14. Regional assistance teams.—(a) Every regional education service agency
15 shall establish regional assistance teams to assist under-performing schools and under-
16 performing districts comprising their service territories under sections 12(d) and 13(d).

17 (b) Professional employee members.—Professional employees serving on such teams
18 shall be advanced and distinguished teachers and distinguished administrators, as those terms are
19 defined in section 24, employed by districts comprising the regional education service agency.
20 The regional education service agency may contract with districts to make a certain number of
21 such professional employees available on a full-time basis for assignment to under-performing
22 schools and under-performing districts. Such professional employees shall be released from all
23 teaching or administrative duties by their school districts during any school year in which such
24 services are provided, but such year shall be counted as a year of teaching or administrative
25 service for purposes of calculating salaries under section 24 and for computing credited service
26 for purposes of calculating retirement benefits. No professional employee may serve in this
27 capacity for more than three consecutive years. Regional education service agencies may also
28 contract with school districts for the partial release of such professional employees to serve on

1 regional assistance teams. In that case, the employing district shall continue to pay the full salary
2 and fringe benefits of the professional employee and shall be reimbursed by the regional
3 education service agency.

4 (c) Non-educator members.—Regional education service agencies shall pay stipends to
5 non-educator members of regional assistance teams at rates established by the Department.

6 (d) Qualifications.—In appointing regional assistance teams, the regional education
7 service agency shall use the criteria established in sections 12(d) and 13(d).

8 (e) Report.—Annually, each regional education service agency shall report to the
9 Department on its activities under this section. Such report shall include a statement of expenses
10 incurred in the implementation of this section and sections 12(d) and 13(d).

11 (f) Payments.—Annually, each regional education service agency shall receive a grant
12 from the state equal to \$2 per pupil in average daily membership multiplied by the sum of the
13 pupils in average daily membership in the school districts comprising the regional education
14 service agency. In addition, within 60 days of receiving the report under subsection (e), the
15 Department shall reimburse the regional education service agency for its actual costs of
16 implementation of this section and sections 12(d) and 13(d).

17 Article III.

18 Teacher and Administrator Evaluation and Compensation.

19 Section 21. Teacher evaluations.—(a) Teachers of elementary grades and core subjects
20 in secondary grades.—Teachers of elementary grades beginning with the third grade and
21 teachers of core subjects in secondary grades that are the subject of state tests under section 3
22 shall be evaluated once every three years by their principals, except as provided in subsections
23 (c) and (d). Evaluations shall be based upon the following criteria:

24 (1) 50 percent shall be based upon a running average of three years of value-added results
25 aggregated to the teacher level for students taught by the teacher. The teacher shall receive a
26 rating of advanced for this portion of the evaluation if the average value-added results are

1 significantly above one year's worth of academic growth as provided in section 3(c). The
2 teacher shall receive a rating of proficient for this portion of the evaluation if the average value-
3 added results achieve one year's worth of academic growth as provided in section 3(c). The
4 teacher shall be rated unsatisfactory for this portion of the evaluation if the average value-added
5 results are significantly below one year's worth of academic growth as provided in section 3(c).
6 Scores of students who have received less than a full year of instruction from the teacher shall be
7 weighted based upon the amount of time registered in the teacher's classroom. For teachers with
8 multiple value-added results, the rating shall be based upon the average of such results, provided
9 that a teacher can receive a rating of proficient or above only if all such results indicate at least
10 achievement of one year's worth of academic growth as provided in section 3(c).

11 (2) 50 percent shall be based upon a behaviorally anchored rating scale based upon
12 clearly defined research based professional standards and measurement rubrics, with strong
13 emphasis on standards-based instruction, the principle of value-added, and data-driven decision-
14 making. Ratings shall be prepared by the teacher's supervisor based upon observations by an
15 advanced or distinguished teacher, as that term is defined in section 24, and input from the
16 teacher regarding the teacher's own professional development. The rating scale shall include
17 observations of the following domains based on the model developed by the Association for
18 Supervision and Curriculum Development, each of which shall be rated separately, and then
19 summarized in an overall rating of distinguished, proficient, basic, or unsatisfactory.

20 (A) Planning and preparation, including at a minimum demonstrating knowledge of
21 content and pedagogy and assessing student learning so that assessments are used to improve
22 student learning.

23 (B) Classroom environment, including at a minimum establishing a culture for learning.

24 (C) Instruction, including at a minimum communicating clearly and accurately and
25 engaging students in learning.

26 (D) Professional responsibilities, including at a minimum reflecting on teaching,
27 communicating with families, and growing and developing professionally.

1 (3) The Department shall, within one year of the effective date of this act, develop a
2 rating scale for the assessment under paragraph (2). It shall include procedures for first year
3 teachers to be evaluated on no more than the minimal elements of each domain specified in
4 paragraph (2). In order to progress from one stage of the career ladder to the next, the ratings
5 required on the entire rating scale under section 24(c) shall be attained. The rating scale shall be
6 developed with the cooperation and advice of a committee appointed by the Secretary, including
7 representation from district superintendents, principals, classroom teachers, school directors,
8 school supervisors, parents of school-age children enrolled in a public school, colleges or
9 departments of education within higher education institutions located within the state, and such
10 other groups or interests as the Secretary may deem appropriate. School entities shall use the
11 rating scale developed under this paragraph or may develop their own, subject to approval by the
12 Secretary, provided that such scale reports measures prescribed in paragraph (2).

13 (b) Other teachers.—All teachers not covered by subsection (a) shall be evaluated once
14 every three years by their supervisors, except as provided in subsections (c) and (d). Evaluations
15 shall be based upon the following criteria:

16 (1) 50 percent shall be based upon empirical student achievement goals developed jointly
17 by the professional employee and the professional employee’s supervisor.

18 (2) 50 percent shall be based upon a behaviorally anchored rating scale based upon
19 clearly defined research based professional standards and measurement rubrics with strong
20 emphasis on standards-based instruction, the principle of value-added, and data-driven decision-
21 making. Ratings shall be prepared by the teacher’s supervisor based upon observations by an
22 advanced or distinguished teacher, as that term is defined in section 24, and input from the
23 teacher regarding the teacher’s own professional development. The rating scale shall include
24 observations of the following domains, each of which shall be rated separately, and then
25 summarized in an overall rating of distinguished, proficient, basic, or unsatisfactory.

26 (A) Planning and preparation, including at a minimum demonstrating knowledge of
27 content and pedagogy and assessing student learning so that assessments are used to improve
28 student learning.

1 (B) Classroom environment, including at a minimum establishing a culture for learning.

2 (C) Instruction, including at a minimum communicating clearly and accurately and
3 engaging students in learning.

4 (D) Professional responsibilities, including at a minimum reflecting on teaching,
5 communicating with families, and growing and developing professionally.

6 (3) The Department shall, within one year of the effective date of this act, develop a
7 rating scale for the assessment under paragraph (2). It shall include procedures for first year
8 teachers to be evaluated on no more than the minimal elements of each domain specified in
9 paragraph (2). In order to progress from one stage of the career ladder to the next, the ratings
10 required on the entire rating scale under section 24(c) shall be attained. The rating scale shall be
11 developed with the cooperation and advice of a committee appointed by the Secretary, including
12 representation from district superintendents, principals, classroom teachers, school directors,
13 school supervisors, parents of school-age children enrolled in a public school, colleges or
14 departments of education within higher education institutions located within the state, and such
15 other groups or interests as the Secretary may deem appropriate. School entities shall use the
16 rating scale developed under this paragraph or may develop their own, subject to approval by the
17 Secretary, provided that such scale reports measures prescribed in paragraph (2).

18 (c) Advanced and distinguished teachers.—Teachers at the advanced or distinguished
19 career stage as prescribed in section 24(c) shall be evaluated under subsection (a) or subsection
20 (b) at least once every five years.

21 (d) Novice and apprentice teachers.—Teachers at the novice or apprentice career stage as
22 prescribed in section 24(c) shall be evaluated under subsection (a) or subsection (b) at least once
23 every year.

24 Section 22. Principal and supervisor evaluations.—(a) Principals.—Principals shall be
25 evaluated once every three years by their supervisors. Evaluations shall be based upon the
26 following criteria:

1 (1) 25 percent shall be based upon a running average of three years of value-added results
2 aggregated to the school level for students taught in the school. The principal shall receive a
3 rating of advanced for this portion of the evaluation if the average value-added results are
4 significantly above one year's worth of academic growth as provided in section 3(c). The
5 principal shall receive a rating of proficient for this portion of the evaluation if the average value-
6 added results achieve one year's worth of academic growth as provided in section 3(c). The
7 principal shall receive a rating of unsatisfactory for this portion of the evaluation if the average
8 value-added results are significantly below one year's worth of academic growth as provided in
9 section 3(c). Scores of students who have received less than a full year of instruction in the
10 principal's school due to student mobility shall be weighted based upon the amount of time
11 registered in the school. For principals with multiple value-added results, the rating shall be
12 based upon the average of such results.

13 (2) 25 percent shall be based upon achieving adequate yearly progress student proficiency
14 goals with respect to absolute levels of proficiency, increases in levels of proficiency, and
15 closing achievement gaps among subgroups of students within the school, under the
16 requirements of section 1111(b) of Title 1, Part A of the 2001 reauthorization of the federal
17 Elementary and Secondary Education Act (115 Stat. 1425, January 8, 2002).

18 (3) 50 percent shall be based upon a behaviorally anchored rating scale based upon
19 clearly defined research based professional standards and measurement rubrics with strong
20 emphasis on standards-based instruction, the principle of value-added, and data-driven decision-
21 making. This review of the principal's professional practice shall be conducted by the
22 principal's supervisor, based upon the six standards for school leaders adopted by the Interstate
23 School Leaders Licensure Consortium:

24 (A) Facilitating development, articulation, implementation, and stewardship of a vision of
25 learning that is shared and supported by the school community.

26 (B) Advocating, nurturing, and sustaining a school culture and instructional program
27 conducive to student learning and staff professional growth.

1 (C) Ensuring management of the organization, operations, and resources for a safe,
2 efficient, and effective learning environment.

3 (D) Collaborating with families and community members, responding to diverse
4 community interests and needs, and mobilizing community resources.

5 (E) Acting with integrity, fairness, and in an ethical manner.

6 (F) Understanding, responding to, and influencing the larger political, social, economic,
7 legal, and cultural context.

8 (4) The Department shall, within one year of the effective date of this act, develop a
9 rating scale for the assessment under paragraph (3). The rating scale shall be developed with the
10 cooperation and advice of a committee appointed by the Secretary, including representation from
11 district superintendents, principals, classroom teachers, school directors, school supervisors,
12 parents of school-age children enrolled in a public school, colleges or departments of education
13 within higher education institutions located within the state, and such other groups or interests as
14 the Secretary may deem appropriate. School entities shall use the rating scale developed under
15 this paragraph or may develop their own, subject to approval by the Secretary, provided that such
16 scale reports measures prescribed in paragraph (3).

17 (b) Supervisors with line authority.—Supervisors who have line responsibility for
18 instruction in schools shall be evaluated once every three years by their supervisors. Evaluations
19 shall be based upon the following criteria:

20 (1) 25 percent shall be based upon a running average of three years of value-added results
21 aggregated to the school level for students taught in those schools for which the supervisor has
22 responsibility. The supervisor shall receive a rating of advanced for this portion of the
23 evaluation if the average value-added results are significantly above one year's worth of
24 academic growth as provided in section 3(c). The supervisor shall receive a rating of proficient
25 for this portion of the evaluation if the average value-added results achieve one year's worth of
26 academic growth as provided in section 3(c). The supervisor shall receive a rating of
27 unsatisfactory for this portion of the evaluation if the average value-added results are

1 significantly below one year’s worth of academic growth as provided in section 3(c). Scores of
2 students who have received less than a full year of instruction in the supervisor’s schools due to
3 student mobility shall be weighted based upon the amount of time registered in such schools.
4 For supervisors with multiple value-added results, the rating shall be based upon the average of
5 such results.

6 (2) 25 percent shall be based upon achieving adequate yearly progress student proficiency
7 goals with respect to absolute levels of proficiency, increases in levels of proficiency, and
8 closing achievement gaps among subgroups of students within those schools for which the
9 supervisor has responsibility, under the requirements of section 1111(b) of Title 1, Part A of the
10 2001 reauthorization of the federal Elementary and Secondary Education Act (115 Stat. 1425,
11 January 8, 2002).

12 (3) 50 percent shall be based upon the level of support the supervisor provides those they
13 supervise in achieving the professional practice standards under section 21(a)(2) or section
14 21(b)(2). This evaluation shall be performed by the superintendent with input from principals
15 who report to the supervisor.

16 (c) Other supervisors.—District level supervisors who are not covered by subsection (b)
17 shall be evaluated once every three years by their supervisors. Evaluations shall be based upon
18 the following criteria:

19 (1) 25 percent shall be based upon a running average of three years of value-added results
20 aggregated to the district level. The supervisor shall receive a rating of advanced for this portion
21 of the evaluation if the average value-added results are significantly above one year’s worth of
22 academic growth as provided in section 3(c). The supervisor shall receive a rating of proficient
23 for this portion of the evaluation if the average value-added results achieve one year’s worth of
24 academic growth as provided in section 3(c). The supervisor shall be rated below proficient if
25 the average value-added results are significantly below one year’s worth of academic growth as
26 provided in section 3(c). For supervisors with multiple value-added results, the rating shall be
27 based upon the average of such results.

1 (2) 25 percent shall be based upon achieving adequate yearly progress student proficiency
2 goals with respect to absolute levels of proficiency, increases in levels of proficiency, and
3 closing achievement gaps among subgroups of students at the district level, under the
4 requirements of section 1111(b) of Title 1, Part A of the 2001 reauthorization of the federal
5 Elementary and Secondary Education Act (115 Stat. 1425, January 8, 2002).

6 (3) 50 percent shall be based upon the level of support the supervisor provides those they
7 supervise in achieving the professional practice standards under this section, including leadership
8 in fostering continual professional growth of staff, appropriate supervision and evaluation, and
9 data-driven decision-making. This evaluation shall be performed by the superintendent with
10 input from professional employees who report to the supervisor.

11 Section 23. Professional development.—Prior to implementing the provisions of sections
12 21 and 22, each school entity shall provide all professional employees with at least ten hours of
13 professional development on the concepts of value-added assessment and the elements of
14 professional practice assessments.

15 Section 24. Career ladder and salaries.—(a) General—All school entities shall pay each
16 professional employee a salary for each school year in accordance with a compensation system
17 consisting of a base salary and service increments under this section, except as provided in
18 section 32(f).

19 (b) Teachers.—Teachers shall be categorized according to the career ladder stages in
20 subsection (c). The base salary and service increments for each stage shall be determined for
21 each school entity pursuant to a collective bargaining agreement between the school entity and
22 its teacher union, provided, however, that the base salary for each stage on the career ladder
23 under subsection (c) shall be at least 15 percent higher than the highest service increment on the
24 previous stage. Such agreement shall be negotiated pursuant to the state’s collective bargaining
25 statutes. Any agreement entered into on or after the effective date of this act shall comply with
26 and be limited by the provisions of this act. Nothing contained herein shall be construed to
27 supercede or to require the renegotiation of any contract in force on the effective date of this act.
28 The base salary shall not be less than one standard deviation below the average base salary paid

1 by other school entities comprising a regional employment market for professional employees as
2 such regional markets are defined by the Secretary. Annually, by January 15, the Secretary shall
3 determine such regional employment markets, the school entities that comprise each, and the
4 average base salaries for each career ladder stage in each regional labor market. Annually, by
5 February 1, the Secretary shall report this information to the chairman and minority chairman of
6 the Senate Education Committee, and the chairman and minority chairman of the House
7 Education Committee, and shall cause the same to be published for public review.
8 Notwithstanding any provision of this section to the contrary, no professional employee shall be
9 paid less than the compensation received on the effective date of this section and shall continue
10 to be eligible for compensation increases until the compensation provided for in this section
11 exceeds that which they already were receiving.

12 (c) Knowledge and skills career ladder.—Except as provided in subsection (d), all
13 teachers shall be placed upon one of the following career ladder stages based solely upon the
14 knowledge and skills criteria set forth in this subsection, and future agreements between school
15 entities and their teacher unions shall reflect the provisions of this subsection. In placing
16 teachers on stages of the career ladder, school entities are expressly prohibited from artificially
17 limiting the number of teachers on any stage.

18 (1) Novice.—This is the entry stage of the career ladder and includes professional
19 employees with initial teaching certificates and successful completion of the Praxis II content
20 and professional knowledge tests or such other tests as may subsequently be required by the
21 Board. Novice teachers shall receive induction/mentoring under section 31 and shall be subject
22 to annual performance reviews under section 21(a) or (b) resulting from at least three
23 observations per year. Novice teachers shall receive a service increment at the end of their first
24 and second years as novice teachers. Notwithstanding any other provision of state law or
25 regulation, or of any collective bargaining agreement between a school entity and its teacher
26 union, any novice teacher who fails to meet the requirements for the apprentice level on the
27 career ladder under paragraph (2) of this subsection within three years of employment shall be
28 dismissed by the board of school directors.

1 (2) Apprentice.—This is the second stage of the career ladder and includes professional
2 employees with at least two years of experience as novice teachers, value-added assessment
3 ratings under section 21(a)(1) or 21(b)(1) of at least proficient, and professional practice ratings
4 under section 21(a)(2) or 21(b)(2) of at least basic. Apprentice teachers shall be subject to
5 annual performance reviews under section 21(a) or section 21(b) resulting from at least three
6 observations per year. Apprentice teachers shall receive a service increment at the end of their
7 first and second years as apprentice teachers. Notwithstanding any other provision of state law
8 or regulation, or of any collective bargaining agreement between a school entity and its teacher
9 union, any apprentice teacher who fails to meet the requirements for the career level on the
10 career ladder under paragraph (3) of this subsection within three years of becoming an apprentice
11 teacher shall be dismissed by the board of school directors.

12 (3) Career.—This is the third stage of the career ladder and includes professional
13 employees with at least two years of experience as apprentice teachers, advanced teaching
14 certification, a masters degree, value-added assessment ratings under section 21(a)(1) or 21(b)(1)
15 of at least proficient, and professional practice ratings under section 21(a)(2) or 21(b)(2) of at
16 least proficient. Career teachers shall be subject to performance reviews at least every three
17 years under section 21(a) or section 21(b) resulting from no fewer than three observations per
18 year. A career teacher who receives a rating of below proficient in any of the domains under
19 section 21(a)(2) or 21(b)(2) shall be evaluated again the following school year. Career teachers
20 shall receive a maximum of six service increments while they are on this stage of the career
21 ladder but shall continue to receive any cost of living increases that are provided for in collective
22 bargaining agreements.

23 (4) Advanced.—This is the fourth stage of the career ladder and includes professional
24 employees with at least two years of experience as career teachers, value-added assessment
25 ratings under section 21(a)(1) or 21(b)(1) of distinguished, and professional practice ratings
26 under section 21(a)(2) or 21(b)(2) of distinguished. Advanced teachers shall be subject to
27 performance reviews at least every five years, or as often as every two years, under section 21(a)
28 or section 21(b).

1 (5) Distinguished.—This is the highest stage of the career ladder and includes
2 professional employees with at least two years of experience as career teachers, certification by
3 the National Board for Professional Teaching Standards, value-added assessment ratings under
4 section 21(a)(1) or 21(b)(1) of distinguished, and professional practice ratings under section
5 21(a)(2) or 21(b)(2) of distinguished. Distinguished teachers shall be subject to performance
6 reviews at least every five years, or as often as every two years, under section 21(a) or section
7 21(b). The base salary for a distinguished teacher shall be at least the greater of \$5,000 or 10
8 percent more than the highest service increment for an advanced teacher.

9 (d) Current employees.—Professional employees who are employed by school entities on
10 the effective date of this act may opt not to participate in the career ladder. They shall receive
11 service increments under paragraph (3) of subsection (c), including the provision for a maximum
12 of ten such service increments.

13 (e) Alternative career ladder.—A school entity may propose to use an alternative career
14 ladder, provided it meets the following criteria:

15 (1) The alternative shall have at least three career stages, for novice, career, and
16 distinguished teachers. Novice teachers must meet at least the criteria under paragraph (1) of
17 subsection (c) and must become career teachers within six years or face dismissal as required in
18 paragraph (2) of subsection (c). Career teachers must meet at least the criteria under paragraph
19 (3) of subsection (c). Distinguished teachers must meet at least the criteria under paragraph (5)
20 of subsection (c).

21 (2) The alternative shall incorporate the provisions of subsection (b).

22 (3) The alternative shall be negotiated pursuant to the state’s collective bargaining
23 statutes. The alternative shall be approved by the Department based upon its compliance with
24 the requirements of this act.

25 (f) Principals and supervisors.—Principals and supervisors shall be categorized according
26 to the career ladder stages in subsection (g). The base salary and service increments for each
27 stage shall be determined by each school entity, provided, however, that the base salary for each

1 stage on the career ladder under subsection (g) shall be at least 15 percent higher than the highest
2 service increment on the previous stage. The base salary shall not be less than one standard
3 deviation below the average base salary paid by other school entities comprising a regional
4 employment market for principals and supervisors as such regional markets are defined by the
5 Secretary. Annually, by January 15, the Secretary shall determine such regional employment
6 markets, the school entities that comprise each, and the average base salaries for each career
7 ladder stage in each regional labor market. Annually, by February 1, the Secretary shall report
8 this information to the chairman and minority chairman of the Senate Education Committee, and
9 the chairman and minority chairman of the House Education Committee, and shall cause the
10 same to be published for public review. Notwithstanding any provision of this section to the
11 contrary, no principal or supervisor shall be paid less than the compensation received on the
12 effective date of this section and shall continue to be eligible for compensation increases until the
13 compensation provided for in this section exceeds that which they already were receiving.

14 (g) Career ladder.—All principals and supervisors shall be placed upon one of the
15 following career ladder stages based upon the criteria set forth in this subsection.

16 (1) Intern.—This is the first stage of the career ladder and applies to the first three years
17 of service as a principal or supervisor. During this time, the intern will be assigned a
18 distinguished principal or distinguished supervisor to observe and assist the intern. An intern
19 shall be subject to annual performance reviews under section 22. An intern shall receive an
20 annual service increment provided such performance review indicates proficient or higher
21 performance. A principal or supervisor who does not qualify for the career stage at the end of
22 three years shall be demoted or dismissed, notwithstanding any provision of law or regulation to
23 the contrary.

24 (2) Career.—This is the second stage of the career ladder. A principal or supervisor who
25 has completed three years as an intern with annual performance reviews under section 22 of
26 proficient or better shall be placed on the career stage. A career principal or supervisor shall be
27 subject to performance reviews every two years under section 22 and shall receive an annual
28 service increment provided such performance reviews indicate proficient or higher performance.

1 (3) Distinguished.—This is the highest stage of the career ladder. A principal or
2 supervisor who has completed at least two years as a career principal or supervisor with
3 performance reviews under section 22 of distinguished shall be placed on the distinguished stage.
4 A distinguished principal or supervisor shall be subject to performance reviews at least every
5 five years or at the discretion of the superintendent as often as every two years under section 22
6 and shall receive an annual service increment provided such performance reviews indicate
7 distinguished performance.

8 (h) Freezing certain salaries.—The salary of any professional employee who is moved to
9 a lower stage on the career ladder as a result of performance evaluations shall be frozen, except
10 for cost of living adjustments, until such time as the professional employee returns to the higher
11 stage on the career ladder. No such professional employee shall be entitled to any retroactive
12 salary increases for the period of time spent on the lower stage of the career ladder.

13 Article IV.

14 Professional Development and Peer Assistance.

15 Section 31. Mentoring/Induction.—(a) As part of its professional education plan, each
16 school entity shall describe the activities it will undertake to induct new professional employees
17 into the school entity and the new professional assignment. The induction plan shall focus on
18 mentoring and peer assistance for new professional employees by those at the advanced or
19 distinguished stages of their careers under sections 24(c)(4-5) and 24(g)(3).

20 (b) Novice teachers under section 24(c)(1) shall receive mentoring and peer assistance
21 from an advanced or distinguished teacher and the building principal for at least two and not
22 more than three years. This assistance shall focus on improving the novice teacher's classroom
23 instructional skills and be intensive during the first year of employment or until the novice
24 teacher achieves professional practice ratings under section 21(a)(2) or 21(b)(2) of at least basic.
25 Intensive mentoring shall consist of at least one classroom observation per week of at least one
26 hour's duration followed by both written and oral comments prior to the next classroom
27 observation. At the conclusion of the mentoring period, the mentor shall submit a detailed report
28 of the novice teacher's progress and effectiveness to the principal and the novice teacher. The

1 report shall be submitted according to standards adopted by the school entity and included in the
2 school entity's professional education plan.

3 (c) Advanced and distinguished teachers assigned to mentor novice teachers shall be
4 released from at least one-half of their teaching duties during any school year in which such
5 services are provided, but such year shall be counted as a year of teaching for purposes of
6 calculating salaries under section 24 and for computing credited service for purposes of
7 calculating retirement benefits. No teacher may serve in this capacity for more than three
8 consecutive years.

9 (d) An intern principal or supervisor under section 24(g)(1) shall be assigned a
10 distinguished principal or distinguished supervisor to observe and assist the intern during the
11 three years of internship status. The degree of intensity of such assistance shall be determined on
12 a case-by-case basis by the intern and the intern's supervisor and shall reflect prior experience
13 and progress in meeting the professional practice standards under sections 22(a)(3), 22(b)(3),
14 or 22(c)(3).

15 Section 32. Peer assistance and review.—(a) Each school entity shall develop a peer
16 assistance and review program to assist teachers whose ratings under section 21 indicate a need
17 for such interventions.

18 (b) Each school entity shall select a peer assistance and review committee to manage the
19 program. At a minimum, it shall consist of one representative of the district administration, who
20 may be a principal, supervisor, assistant superintendent, or superintendent, one representative of
21 the teachers, who shall be an advanced or distinguished teacher, and one representative of an
22 external Department-approved professional development provider. Each school entity shall
23 determine the size of the committee, provided that it not exceed eleven members. In addition to
24 the external professional development provider, the numbers of administrators and teachers shall
25 be equal. Within the qualifications specified in this section, the administrative members shall be
26 selected by the superintendent and the teacher representatives shall be selected by the teacher
27 union.

1 (c) The peer assistance and review committee established under subsection (b) shall
2 design the school entity's program, select advanced and distinguished teachers to provide peer
3 assistance, and shall approve referrals of teachers for peer assistance.

4 (d) Teachers shall be referred for peer assistance and review if they meet one or more of
5 the following criteria:

6 (1) The value-added student test score portion of the teacher's rating under section
7 21(a)(1) is below proficient or if the student achievement goal portion of the teacher's rating
8 under section 21(b)(1) is unsatisfactory for two consecutive rating periods.

9 (2) The professional practice portion of the teacher's rating under section 21(a)(2) or
10 section 21(b)(2) is unsatisfactory for two consecutive rating periods or, in the case of a career,
11 advanced, or distinguished teacher, is basic or unsatisfactory for two consecutive rating periods.

12 (3) The teacher makes a self-referral in writing.

13 (e) A teacher approved to receive peer assistance and review shall be assigned an
14 advanced or distinguished teacher for a period of at least one year. The two teachers shall
15 engage in mutual goal-setting and planning to design an intensive individualized program that
16 involves coaching/mentoring, regular classroom observation by the mentor, and such other
17 professional development and assistance as the referred teacher may need.

18 (f) While a teacher is receiving peer assistance and review, such teacher shall not be
19 eligible to receive any compensation increments, notwithstanding any provision of law or
20 regulation, or of any collective bargaining agreement between a school entity and its teacher
21 union to the contrary.

22 (g) At the conclusion of one year of peer assistance and review, the mentor shall submit a
23 detailed report of the referred teacher's progress to the principal, the referred teacher and the
24 committee. The report shall be submitted according to standards developed by the peer
25 assistance and review committee under subsection (b). At the conclusion of one year of peer
26 assistance and review, the referred teacher shall be subject to evaluation under section 21(a) or

1 section 21(b). If the report by the mentor indicates that the referred teacher has met the goals of
2 the peer assistance and review, and if the evaluation under section 21 indicates that the teacher's
3 performance is at least proficient, the peer assistance and review shall be terminated. If the
4 report indicates the referred teacher is making sufficient progress as defined by the committee,
5 but the evaluation remains below proficient, the referred teacher shall receive a second year of
6 peer assistance and review. If both the report and the evaluation under section 21 indicate that
7 the referred teacher's performance continues to be unsatisfactory, such teacher shall be dismissed
8 by the board of school directors, notwithstanding any other provision of law or regulation, or of
9 any collective bargaining agreement between a school entity and its teacher union.

10 (h) Notwithstanding any other provision of law or regulation, or of any collective
11 bargaining agreement between a school entity and its teacher union, any referred teacher who
12 fails to achieve an evaluation of proficient or higher under section 21 after two years of peer
13 assistance and review shall be dismissed by the board of school directors.

14 (i) Advanced and distinguished teachers assigned to the peer assistance and review
15 program shall be released from at least one-half of their teaching duties during any school year in
16 which such services are provided, but such year shall be counted as a year of teaching for
17 purposes of calculating salaries under section 24 and for computing credited service for purposes
18 of calculating retirement benefits. No teacher may serve in this capacity for more than three
19 consecutive years.

20 (j) The Department shall, within one year of the effective date of this act, develop a
21 model peer assistance and review program that school entities may adopt in lieu of developing
22 local programs as required in subsection (a), provided, however, that the peer assistance and
23 review committee under subsection (c) shall be required to adopt the Department plan in lieu of a
24 local plan. The model peer assistance and review program shall be developed with the
25 cooperation and advice of a committee appointed by the Secretary, including representation from
26 district superintendents, principals, classroom teachers, school directors, school supervisors,
27 parents of school-age children enrolled in a public school, colleges or departments of education
28 within higher education institutions located within the state, and such other groups or interests as

1 the Secretary may deem appropriate. The model program developed by the Department shall
2 meet the requirements of this section.

3 Section 33. Collaborative professional development.—(a) In order to promote
4 collaborative professional development among groups of professional educators, a collaborative
5 professional development grant program within the Department is hereby established. Within
6 six months of the effective date of this section, the Secretary shall develop specific program
7 requirements and forms that are not inconsistent with the provisions of this section and distribute
8 the requirements and forms to all school entities, all principals, and all presidents of school entity
9 teacher unions.

10 (b) Teams of no fewer than five nor more than ten teachers within a school, organized by
11 grade level or content area, may design innovative projects designed to improve student
12 achievement within their school.

13 (c) The teams shall submit such proposed projects using the forms provided by the
14 Secretary to their principal for approval. The proposal shall include a detailed budget not to
15 exceed \$5,000. If approved, the principal shall submit the application to the Secretary for review
16 and shall notify the superintendent.

17 (d) If the principal does not approve an application, the team of teachers may appeal to a
18 committee comprised of a district representative appointed by the superintendent, a teacher
19 representative appointed by the teacher union, and an external Department-approved provider of
20 professional development. If approved, the superintendent shall submit the application to the
21 Secretary for review.

22 (e) If the Department approves the proposal, it shall pay the district in which the team of
23 teachers are employed a grant of \$5,000 for use exclusively by the team of teachers to implement
24 the proposed project.

25 (f) All projects funded under this section shall be evaluated to determine if they are
26 successful by achieving one of the following criteria:

1 (1) Value-added student results for students in the project that are significantly above one
2 year's worth of academic growth as provided in section 3(c).

3 (2) Value-added student test results for students in the project averaging at least one
4 year's academic growth and achievement of one or more data-driven student achievement goals
5 detailed in the teacher team's proposal.

6 (g) During the school year following documentation of successful implementation of a
7 collaborative professional development project under subsection (f), the Department shall pay
8 each member of the teacher team the sum of \$3,500. This amount shall not be considered part of
9 a teacher's salary for purposes of determining future salaries under section 24 or for computing
10 compensation for purposes of calculating retirement benefits.

11 Section 34. Definition.—As used in this article, “mentor” shall mean an advanced or
12 distinguished teacher assigned to provide peer assistance and review to another teacher.

13 Article V.

14 Superintendents and Boards of School Directors.

15 Section 41. Evaluation of superintendents and assistant superintendents.—(a)
16 Superintendents and assistant superintendents shall be evaluated at least once every three years,
17 or more often at the discretion of the board of school directors.

18 (b) Evaluations shall be based upon the following criteria:

19 (1) 25 percent shall be based upon a running average of three years of value-added state
20 test results aggregated to the district level. The superintendent or assistant superintendent shall
21 receive a rating of advanced for this portion of the evaluation if the average value-added results
22 are significantly above one year's worth of academic growth as provided in section 3(c). The
23 superintendent or assistant superintendent shall receive a rating of proficient for this portion of
24 the evaluation if the average value-added results achieve one year's worth of academic growth as
25 provided in section 3(c). The superintendent or assistant superintendent shall be rated

1 unsatisfactory for this portion of the evaluation if the average value-added results are
2 significantly below one year's worth of academic growth as provided in section 3(c).

3 (2) 25 percent shall be based upon achieving adequate yearly progress student proficiency
4 goals with respect to absolute levels of proficiency, increases in levels of proficiency, and
5 closing achievement gaps among subgroups of students at the district level, under the
6 requirements of section 1111(b) of Title 1, Part A of the 2001 reauthorization of the federal
7 Elementary and Secondary Education Act (115 Stat.1425, January 8, 2002).

8 (3) 50 percent shall be based upon the level of support the superintendent or assistant
9 superintendent provides those supervised in achieving the professional practice standards under
10 sections 21 and 22. This evaluation of the assistant superintendent shall be performed by the
11 superintendent with input from professional employees who report to the assistant
12 superintendent. This evaluation of the superintendent shall be performed by the board of school
13 directors with whatever input the board at its discretion may seek.

14 Section 42. Professional development for school directors.—(a) This section shall apply
15 to all school directors elected after the effective date of this act or appointed to fill a vacancy of
16 at least one year's duration after the effective date of this act.

17 (b) During the first year in office, each school director shall successfully complete at least
18 15 hours of professional development in educational laws and ethics, duties and responsibilities
19 of school directors, school finance, standards-based education, value-added assessment, and
20 data-driven decision-making. In each succeeding year, each school director shall successfully
21 complete at least eight additional hours of such professional development.

22 (c) The professional development under subsection (b) may be provided by the school
23 district, the regional education service agency, the state's association of school boards, or by
24 colleges, universities, or other professional development providers approved by the Department.

25 (d) Failure to meet the requirements in subsection (b) shall render a school director
26 ineligible to stand for reelection or, following the conclusion of the school director's term, to be
27 appointed to a subsequent vacancy.

1 Article VI.

2 Power-Sharing and Innovation Grants.

3 Section 51. Power-sharing.—(a) In order to be held accountable fairly under the
4 provisions of sections 21 and 24, teachers must share in the power to develop curriculum, student
5 assessments, and their own professional development. To that end, proposals to boards of school
6 directors for revisions in curriculum and student assessment shall be developed jointly by school
7 administrators and the school district’s teacher union. All professional development plans
8 designed to improve the work of teachers shall be developed jointly by school administrators
9 and the school district’s teacher union.

10 (b) Grant proposals under sections 52 and 53 shall be developed jointly by school
11 administrators and the school district’s teacher union. Proposals shall be submitted to the board
12 of school directors for approval prior to submission to the Department. Proposals shall be
13 submitted at such time and in such form as the Department shall determine.

14 Section 52. Innovation grants established.—There is hereby established within the
15 Department an innovation grant program beginning in the 2005-2006 school year. The purpose
16 of this program is to improve student achievement through cooperative program development by
17 school districts and their educators.

18 Section 53. Innovation grants.—(a) There shall be three categories of innovation grants:

19 (1) Partnerships of school districts and their teacher unions to jointly create and execute
20 action plans to improve student achievement.

21 (2) Establishment of teaching-learning centers within a school district for professional
22 development of professional employees working in the schools.

23 (3) Development of school redesign projects that utilize research-based effective
24 instructional practices.

25 (b) The maximum initial grant amount shall be \$100,000 for grants under subsection (a)
26 (1) and subsection (a) (3) and \$300,000 for grants under subsection (a) (2). Grants may be made

1 for a period of up to three years. In year 2, the first year grant amount shall be reduced by 25
2 percent. In year 3, the second year grant amount shall be reduced by 25 percent.

3 (c) A school district may receive multiple innovation grants, provided, however, that no
4 district may receive more than 10 percent of the funds appropriated for this program in any year.

5 (d) During the 2005-2006 school year, the Department shall make up to 50 grants in each
6 category under subsection (c). In subsequent years, the number of grants shall be determined by
7 the Department based upon the quality of grant applications and the availability of funds
8 appropriated by the General Assembly.

9 Article VII.

10 State Level Accountability.

11 Section 61. Academic Achievement and Accountability Commission.—(a)
12 Establishment.—There is hereby established within the Board an Academic Achievement and
13 Accountability Commission.

14 (b) Purpose.—The Commission shall be responsible for reviewing the state’s
15 implementation of new forms of student and educator assessments, educator career ladders,
16 compensation, and professional development, and school and district accountability. Primary
17 responsibility for implementing these provisions lies with the Department, and the Commission
18 shall oversee that implementation. The Commission shall issue such reports and
19 recommendations as it deems appropriate to promote the improvement of student achievement
20 that these reforms are designed to bring about. The Commission shall not have any
21 administrative authority or staff, other than the staff of the Board.

22 (c) Responsibilities.—The Commission shall:

23 (1) Review the Department’s development of value-added student assessments under
24 section 3.

25 (2) Review the professional employee evaluation models developed by the Department
26 and by various school entities under sections 21 and 22. If such review warrants, the

1 Commission shall develop a policy for teacher appeals to the state of the value-added assessment
2 portion of their ratings under section 21(a)(1). Such policy shall require that appeals to the state
3 not be governed by collective bargaining agreements.

4 (3) Review the career ladders and professional employee compensation models
5 developed by various school entities under section 24.

6 (4) Review the programs for induction/mentoring of new teachers, professional
7 development of educators, and peer assistance and review developed by various school entities
8 under sections 31 and 32.

9 (5) Review collaborative professional development and innovation grant programs under
10 section 33 and sections 51-53.

11 (6) Review the implementation of school and school district accountability under sections
12 11-13.

13 (7) Review the effectiveness of the inter-related implementation of the reforms identified
14 in paragraphs (1-6) of this subsection by engaging regular and timely independent empirical
15 evaluations that include but are not limited to the effects of these reforms on student
16 achievement.

17 (8) Receive from the Secretary within 90 days of the Commission's appointment a report
18 detailing the resources the Department requires to carry out the provisions of sections 3, 11, 12,
19 13, 21, 22, 24, 31, 32, 33, and 53. Such report shall include financial, personnel, and contractual
20 resource needs. Within 60 days of the receipt of such report, the Commission shall recommend
21 to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of
22 Representatives and the chairmen and minority chairmen of the Education Committees of the
23 Senate and House of Representatives methods of providing such resources as the Commission
24 deems essential for the Department to carry out its responsibilities under the provisions of
25 sections 3, 11, 12, 13, 21, 22, 24, 31, 32, 33, and 53. Within ten days of making such
26 recommendations to the Governor and the General Assembly, the Commission shall transmit its
27 report as a notice to be published for public review.

1 (9) Prepare a report of findings under paragraphs (1-7) of this subsection along with
2 recommendations for changes in statutes, regulations, and methods of implementation of sections
3 3, 11, 12, 13, 21, 22, 24, 31, 32, 33, and 53. Such reports shall be issued every two years and
4 shall be delivered to the Secretary, the Board, and the chairmen and minority chairmen of the
5 Education Committees of the Senate and House of Representatives and shall be published for
6 public review.

7 (10) At its discretion, make such reports and recommendations as it deems advisable to
8 promote student achievement in the state to the Governor, the Secretary, the Board, and the
9 chairmen and minority chairmen of the Education Committees of the Senate and House of
10 Representatives and cause such reports to be published for public review.

11 (d) Membership.—The Commission shall be chaired by the chairman of the Board. In
12 addition, the Commission shall consist of 22 members, as follows:

13 (1) Three public school teachers appointed by the Governor in consultation with the state
14 teacher unions.

15 (2) Three public school principals appointed by the Governor in consultation with the
16 state principal associations.

17 (3) Three public school superintendents appointed by the Governor in consultation with
18 the state association of school administrators.

19 (4) Three parents of children in public schools appointed by the Governor in consultation
20 with the state Parent-Teacher Association.

21 (5) Two members of boards of school directors appointed by the Governor in
22 consultation with the state's school boards association.

23 (6) Four business or community leaders, one each appointed by the majority leader and
24 the minority leader of the Senate and House of Representatives.

1 (7) The chairmen and minority chairmen of the Education Committees of the Senate and
2 House of Representatives.

3 (e) Terms of office.—The members appointed under paragraphs (1-6) of subsection (d)
4 shall serve for terms of four years except for the initial term, which shall be for staggered terms.
5 Upon the expirations of their terms, members may be reappointed by the appointing authority, or
6 the appointing authority may appoint new members to fill their positions. Initial terms of
7 membership shall be as follows:

8 (1) One appointee under each of paragraphs (1-4) of subsection (d) shall serve an initial
9 term of three years, one shall serve an initial term of four years, and one shall serve an initial
10 term of five years. The length of the initial appointment shall be determined by the Governor.

11 (2) One appointee under paragraph (5) shall serve an initial term of three years, and one
12 shall serve an initial term of four years. The length of the initial appointment shall be determined
13 by the Governor.

14 (3) The appointees of the majority leader and minority leader of the House of
15 Representatives shall serve initial terms of three years. The appointee of the minority leader of
16 the Senate shall serve an initial term of four years. The appointee of the majority leader of the
17 Senate shall serve an initial term of five years.

18 (f) Meetings.—The Commission shall meet at least three times per year at such times and
19 places as the Commission determines. One more than a majority of the membership shall
20 constitute a quorum for the conduct of any official Commission business. The Commission shall
21 make any appropriate rules for the conduct of its own business.

22 (g) Compensation.—Members shall receive no salary but shall be entitled to travel
23 expenses and other necessary expenses incurred in the performance of their duties.

24 Section 62. Office of Accountability.—There is hereby established within the
25 Department of Education of this Commonwealth an Office of Accountability. The purpose of
26 such office shall be to implement the provisions of sections 3, 11, 12, 13, 21, 22, 24, 31, 32, 33,

1 51, 52, and 53. In establishing this office, the Department may reassign personnel and other
2 resources and may indicate what additional resources are needed under section 61(c)(8).

3 Article VIII.

4 Implementation.

5 Section 71. Appropriations.—(a) Professional development.—The state shall appropriate
6 to each school district sufficient funds to provide all professional employees with at least 12 days
7 of professional development or an hourly equivalent of 12 days of professional development
8 each school year.

9 (b) Teacher coaches.—The state shall appropriate to each school district sufficient funds
10 to employ at least one full-time equivalent teacher coach for every 300 students to assist its
11 teachers.

12 (c) Expenditures to assist struggling students.—The state shall appropriate to each school
13 district sufficient funds to provide assistance to students who are struggling academically. The
14 minimum expenditure for this purpose shall be the equivalent of providing each low-income
15 student in the district with 10 additional days of instruction in a class of no more than 10 students
16 each year.

17 (d) National Board certification.—The state shall appropriate to the Department sufficient
18 funds to pay the application fee for any teacher seeking certification by the National Board for
19 Professional Teaching Standards, and the Department shall pay such fee directly to the National
20 Board or reimburse any teacher who has paid the National Board directly.

21 Section 72. Effective dates.—(a) Except as provided in subsections (b-i), this act shall
22 take effect July 1, 2005.

23 (b) The provisions of sections 14 and 41 shall take effect on July 1 of the fourth school
24 year following the effective date in subsection (a).

25 (c) Ratings developed under the provision of sections 21 and 22 shall be applied
26 beginning in the fourth school year following the effective date in subsection (a).

1 (d) The career ladder and salaries under the provision of section 24 shall be developed
2 during the first school year following the effective date in subsection (a), shall apply to novice
3 teachers beginning in the second school year following the effective date in subsection (a), and
4 shall be fully effective beginning in the fourth school year following the effective date in
5 subsection (a).

6 (e) The provisions of sections 31 and 32 shall take effect on July 1 of the fourth school
7 year following the effective date in subsection (a), and the provisions of section 33 shall take
8 effect on July 1 of the second school year following the effective date in subsection (a).

9 (f) The assessments under section 3 shall be developed during the first school year
10 following the effective date in subsection (a), administered for the first time during the second
11 school year following the effective date in subsection (a), and fully implemented during the
12 fourth school year following the effective date in subsection (a).

13 (g) The provisions of section 4 shall take effect on July 1 of the fourth school year
14 following the effective date in subsection (a), except that section 4(b) shall apply to fourth grade
15 students beginning five years after the effective date in subsection (a) and to eighth grade
16 students beginning nine years after the effective date in subsection (a), and that section 4(c) shall
17 apply to twelfth grade students beginning 13 years after the effective date in subsection (a). The
18 provisions of section 5 shall take effect on July 1 of the second school year following the
19 effective date in subsection (a).

20 (h) The provisions of sections 11, 12, and 13 shall take effect on July 1 of the fourth
21 school year following the effective date in subsection (a).

22 (i) Section 62 shall take effect immediately.