

112TH CONGRESS
1ST SESSION

S. 763

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

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 2011

Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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, Leaders, Learning, And Results Act” or the
6 “STELLAR Student 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) Research shows that high-quality and effec-
9 tive teaching is the single most important school-
10 based factor impacting student learning.

11 (4) High-quality evaluations that provide mean-
12 ingful feedback are a crucial element in giving edu-
13 cators the support they need to help students
14 achieve at high levels.

15 (5) Teachers and principals also deserve access
16 to high-quality professional development opportuni-
17 ties.

18 (6) Constructive feedback specifying areas for
19 improvement could be useful to both teachers and
20 principals.

21 (7) Although research also suggests that quality
22 teacher evaluations are an important tool in improv-
23 ing teacher performance, for many teachers, the cur-
24 rent evaluation systems do not provide useful feed-

1 back that would help the teachers improve and grow
2 as instructors.

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

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

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

15 (11) Strong school leadership is a key deter-
16 minant of whether schools can attract and retain ef-
17 fective teachers. Principals set the direction and the
18 vision for a school.

19 (12) Effective teachers and principals also de-
20 serve to be recognized for excellence and receive
21 commendations in areas of strong performance and
22 significant improvement.

23 (13) High-quality teacher and principal evalua-
24 tions have the potential to be a powerful tool and

1 should play a significant role in improving the public
2 education system.

3 (14) Teachers and principals should provide
4 input and contribute directly to designing, imple-
5 menting, and improving evaluation systems in their
6 school districts.

7 (15) Students and parents deserve effective
8 teachers and inspirational principals who are per-
9 forming to the best of their ability and who are help-
10 ing to close achievement gaps and raise student
11 achievement.

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

13 (a) TEACHER AND PRINCIPAL EVALUATIONS.—Sec-
14 tion 1111(a) of the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 6311(a)) is amended by adding
16 at the end the following:

17 “(3) REPORT ON TEACHER AND PRINCIPAL
18 EVALUATIONS.—For any State desiring to receive a
19 grant under this part, the State educational agency
20 shall submit to the Secretary not later than 1 year
21 after the date of enactment of the Securing Teacher
22 Effectiveness, Leaders, Learning, And Results Act,
23 a report on—

24 “(A) the system in the State of evaluating
25 teachers’ and principals’ performance; and

1 “(B) how such evaluation factors into deci-
2 sions on tenure, compensation, promotion, and
3 dismissals of teachers and principals.”.

4 (b) TEACHER AND PRINCIPAL EVALUATIONS.—Sec-
5 tion 1111(b) of the Elementary and Secondary Education
6 Act of 1965 (20 U.S.C. 6311(b)) is amended by adding
7 at the end the following:

8 “(11) ROBUST TEACHER AND PRINCIPAL EVAL-
9 UATIONS.—

10 “(A) IN GENERAL.—Not later than 4 years
11 after the date of enactment of the Securing
12 Teacher Effectiveness, Leaders, Learning, And
13 Results Act, each State shall carry out the fol-
14 lowing:

15 “(i) Establish, after taking input from
16 teachers and principals, a statewide defini-
17 tion of teacher and principal effectiveness
18 that includes not less than 4 levels of per-
19 formance ratings for teachers and for prin-
20 cipals, including an effective rating and a
21 highly effective rating, based on such defi-
22 nitions.

23 “(ii) Demonstrate that the State has
24 developed, after taking input from teachers

1 and principals, a model teacher and prin-
2 cipal evaluation program under which—

3 “(I) individuals in charge of ad-
4 ministering teacher and principal eval-
5 uations within each local educational
6 agency in the State are provided rig-
7 orous training on how to conduct the
8 teacher and principal evaluations, in-
9 cluding—

10 “(aa) how to provide specific
11 feedback about improving teach-
12 ing and principal practice based
13 on evaluation results; and

14 “(bb) how to evaluate teach-
15 ers and principals using the per-
16 formance ratings described in
17 clause (i) and established under
18 subparagraphs (B)(iii) and
19 (C)(viii);

20 “(II) a teacher or principal who
21 is evaluated is provided, based on the
22 evaluation results, professional devel-
23 opment opportunities that meet the
24 specific needs identified for the teach-
25 er or principal;

1 “(III) measures are taken to en-
2 sure that any personally identifiable
3 information of teachers and principals
4 is not publicly disclosed, except as re-
5 quired to comply with the reporting
6 requirements of paragraph (1)(C)(ix),
7 and clauses (i)(III) and (ii)(III) of
8 paragraph (2)(B), of section 1111(h);

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

16 “(V) each teacher’s performance
17 is evaluated in accordance with sub-
18 paragraph (B);

19 “(VI) each principal’s perform-
20 ance is evaluated in accordance with
21 subparagraph (C);

22 “(VII) on the basis of the evalua-
23 tion, each teacher or principal re-
24 ceives—

1 “(aa) a performance rating,
2 as described in clause (i), that is
3 based on multiple measures;

4 “(bb) in the case of a teach-
5 er—

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

15 “(BB) in a grade level
16 and subject area without a
17 statewide assessment, a
18 measure of student learning
19 gains that is comparable
20 across the local educational
21 agency for all teachers in
22 grade levels and subject
23 areas without a statewide
24 assessment;

1 “(cc) ongoing formative
2 feedback and specific rec-
3 ommendations on areas for pro-
4 fessional improvement, which in-
5 cludes an identification of areas
6 in which the teacher or principal
7 can strengthen practices to im-
8 prove student learning;

9 “(dd) 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);

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

20 “(ff) in the case of a teacher
21 or principal who is identified as
22 being in 1 of the lowest 2 per-
23 formance ratings described in
24 clause (i), a 1-year comprehen-
25 sive remediation plan;

1 “(VIII) evaluation results are
2 used as the principal factor in inform-
3 ing all key personnel and staffing de-
4 cisions, including retention, dismissal,
5 promotion, compensation, and tenure;

6 “(IX) evaluation results are the
7 primary factor used in determining
8 layoffs during any reduction in force;

9 “(X) any teacher or principal
10 who receives 1 of the lowest 2 per-
11 formance ratings and does not suc-
12 cessfully improve performance on an
13 evaluation after completing the com-
14 prehensive remediation plan as re-
15 quired under subclause (VII)(ff) is
16 prohibited from working in any ele-
17 mentary school or secondary school
18 served under this part;

19 “(XI) any teacher or principal
20 who receives the lowest performance
21 rating for 3 consecutive years is sub-
22 ject to dismissal;

23 “(XII) evaluation results are
24 used to ensure that low-income stu-
25 dents and students of color are not

1 assigned at higher rates than other
2 students to classes in core academic
3 subjects taught by teachers who have
4 received 1 of the 2 lowest evaluation
5 rates in their most recent evaluation;
6 and

7 “(XIII) a system is implemented
8 under which each teacher and prin-
9 cipal is evaluated at least annually.

10 “(iii) Demonstrate that each local
11 educational agency in the State has adopt-
12 ed a local educational agency-wide teacher
13 and principal evaluation program that—

14 “(I) was developed after seeking
15 input from teachers and principals;

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

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

21 “(iv) Demonstrate that each local
22 educational agency in the State is seeking
23 input from teachers and principals to make
24 improvements to the evaluation program
25 on an annual basis.

1 “(v) Submit, on a regular basis, to the
2 Secretary a review of the teacher and prin-
3 cipal evaluation systems used by the local
4 educational agencies in the State, includ-
5 ing—

6 “(I) comparing the teacher and
7 principal evaluation results, for each
8 local educational agency and each
9 such agency’s schools, against the stu-
10 dent academic achievement and stu-
11 dent academic growth in all local edu-
12 cational agencies in the State and all
13 schools served by such local edu-
14 cational agencies;

15 “(II) assessing the extent to
16 which each local educational agency’s
17 existing system demonstrates mean-
18 ingful differentiation among teacher
19 performance levels and among prin-
20 cipal performance levels; and

21 “(III) comparing implementation
22 and results across local educational
23 agencies’ evaluation systems to en-
24 sure—

1 “(aa) comparability across
2 the State in implementation of
3 such systems; and

4 “(bb) that such systems
5 meet the State’s criteria or defi-
6 nitions for each of the terms de-
7 scribed in clause (i).

8 “(vi) Provide technical assistance to
9 improve an agency’s teacher and principal
10 evaluation system so that the system pro-
11 vides meaningful differentiation and is
12 aligned with student academic achievement
13 and student growth results in the agency
14 and in each of the agency’s schools.

15 “(vii) Establish a timeline for imple-
16 mentation that—

17 “(I) ensures that measures of
18 student academic growth, as described
19 in subparagraphs (B)(i) and (C)(i),
20 are developed not later than 2 years
21 after the date of enactment of the Se-
22 curing Teacher Effectiveness, Lead-
23 ers, Learning, And Results Act;

24 “(II) ensures evaluation systems
25 that meet the requirements of sub-

1 paragraphs (B) and (C) are imple-
2 mented statewide by not later than 3
3 years after the date of enactment of
4 such Act, except that such systems
5 shall not have to meet the require-
6 ments under subclauses (VIII)
7 through (XII) of clause (ii); and

8 “(III) ensures evaluation systems
9 that meet all the requirements of this
10 paragraph are fully implemented
11 statewide by not later than 4 years
12 after the date of enactment of such
13 Act.

14 “(viii) Submit to the Secretary an an-
15 nual report on implementation of the State
16 plan under this section and on meeting the
17 timelines required under this section.

18 “(ix) Publish a report each year show-
19 ing the average estimate of teacher impact
20 on student growth for each of the perform-
21 ance ratings described in clause (i).

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

1 “(i) STUDENT ACADEMIC GROWTH.—

2 The predominant factor of the evaluation
3 is student academic growth with respect to
4 the State’s academic standards, as meas-
5 ured by—

6 “(I) student learning gains on
7 the State’s academic assessments es-
8 tablished under paragraph (3) or, for
9 grades and subjects not covered by
10 the State’s academic assessments, an-
11 other valid and reliable assessment of
12 student academic achievement, as long
13 as the assessment is used consistently
14 by the local educational agency in
15 which the teacher is employed for the
16 grade or class for which the assess-
17 ment is administered; and

18 “(II) if available, value-added
19 measures that track individual stu-
20 dent academic growth while under the
21 instruction of the teacher.

22 “(ii) OBSERVATIONS OF TEACHER
23 PERFORMANCE.—A portion of the evalua-
24 tion is based on observations of the teach-
25 er’s performance in the classroom by not

1 less than 1 trained and objective ob-
2 server—

3 “(I) that take place on not less
4 than 2 occasions during the school
5 year the teacher is being evaluated;
6 and

7 “(II) under which—

8 “(aa) a teacher is evaluated
9 against a rigorous rubric that de-
10 fines multiple performance cat-
11 egories in alignment with the
12 State’s professional standards for
13 teachers; and

14 “(bb) observation ratings
15 meaningfully differentiate among
16 teachers’ performance and bear a
17 relationship to evidence of stu-
18 dent academic growth with re-
19 spect to the State’s academic
20 standards.

21 “(iii) MEANINGFUL DIFFERENTIA-
22 TION.—The evaluation provides perform-
23 ance ratings that meaningfully differen-
24 tiate among teacher performance using the

1 performance ratings and levels described in
2 subparagraph (A)(i).

3 “(iv) COMPARABILITY OF STUDENT
4 GAINS.—The evaluation provides a meas-
5 ure of student learning gains that is com-
6 parable across the State for all teachers in
7 grade levels and subject areas with a state-
8 wide assessment.

9 “(v) COMPARABILITY OF RESULTS.—
10 The evaluation provides results that are
11 comparable, at a minimum, across all
12 teachers within a grade level or subject
13 area in the local educational agency in
14 which the teacher is employed.

15 “(C) REQUIREMENTS FOR PRINCIPAL
16 EVALUATIONS.—The evaluation of the perform-
17 ance of a principal of a school shall comply with
18 the following minimum requirements:

19 “(i) STUDENT ACADEMIC GROWTH.—
20 The predominant factor of the evaluation
21 is student academic growth with respect to
22 the State’s academic standards of the
23 school’s students, including students in
24 each of the subgroups described in para-
25 graph (2)(C)(v)(II).

1 “(ii) GRADUATING RATES.—For a
2 principal of a secondary school, a portion
3 of the evaluation is based on improvements
4 in the school’s graduation rates.

5 “(iii) SUPPORT OF EFFECTIVE TEACH-
6 ERS.—A portion of the evaluation is based
7 on the recruitment, development, evalua-
8 tion, and retention of effective teachers.

9 “(iv) LEADERSHIP ABILITIES.—A por-
10 tion of the evaluation is based on the lead-
11 ership abilities of the principal, as meas-
12 ured by observations of the principal and
13 other relevant data evaluated against a rig-
14 orous rubric that defines multiple perform-
15 ance categories in alignment with the
16 State’s professional standards for prin-
17 cipals.

18 “(v) STUDENT ATTENDANCE
19 RATES.—A portion of the evaluation is
20 based on student attendance rates, as cal-
21 culated by the State or local educational
22 agency.

23 “(vi) CONTENT OF OBSERVATION RAT-
24 INGS.—The observations described in

1 clause (iv) provide observation ratings
2 that—

3 “(I) meaningfully differentiate
4 among principals’ performance; and

5 “(II) bear a strong relationship
6 to evidence of student academic
7 growth with respect to the State’s
8 academic standards.

9 “(vii) DESCRIPTION OF LEADERSHIP
10 ABILITIES.—The leadership abilities re-
11 ferred to in clause (iv) include the ability
12 of the principal to—

13 “(I) create a shared and coherent
14 schoolwide direction and policy for
15 achieving high levels of student aca-
16 demic growth and closing achievement
17 gaps among students;

18 “(II) identify and implement the
19 activities and rigorous curriculum nec-
20 essary for achieving high levels of stu-
21 dent academic growth;

22 “(III) create opportunities for
23 the community and families of stu-
24 dents to engage positively with school
25 administrators and staff;

1 “(IV) support positive learning
2 environments for students;

3 “(V) cultivate a positive and col-
4 laborative work environment for
5 school faculty and staff;

6 “(VI) collect, analyze, and utilize
7 data and other tangible evidence of
8 student learning and evidence of class-
9 room practice to guide decisions and
10 actions for continuous improvement
11 and to ensure performance account-
12 ability;

13 “(VII) effectively oversee and
14 manage a teacher evaluation program
15 that provides individualized feedback;
16 and

17 “(VIII) have strong organiza-
18 tional management of a school, includ-
19 ing sound budget and personnel prac-
20 tices.

21 “(viii) MEANINGFUL DIFFERENTIA-
22 TION.—The evaluation provides perform-
23 ance ratings that meaningfully differen-
24 tiate among principal performance using

1 the performance ratings and levels de-
2 scribed in subparagraph (A)(i).

3 “(ix) COMPARABILITY OF RESULTS.—
4 The evaluation provides results that are
5 comparable across all principals within the
6 local educational agency in which the prin-
7 cipal is employed.”.

8 (c) ADDITIONAL STATE PLAN REQUIREMENTS.—
9 Section 1111(b)(8)(C) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6311(b)(8)(C)) is
11 amended by inserting “or teachers who received a per-
12 formance rating under the evaluation system described in
13 paragraph (11) that is below the effective level” after
14 “teachers”.

15 (d) EVALUATION CLEARINGHOUSE.—Section 1111(j)
16 of the Elementary and Secondary Education Act of 1965
17 (20 U.S.C. 6311(j)) is amended—

18 (1) by striking “ASSISTANCE.—The” and in-
19 serting the following: ASSISTANCE; CLEARINGHOUSE
20 ON EVALUATION SYSTEMS—

21 “(1) TECHNICAL ASSISTANCE.— The”; and

22 (2) by adding at the end the following:

23 “(2) CLEARINGHOUSE.—The Secretary shall es-
24 tablish a clearinghouse in the Department to share
25 the best practices relating to teacher and principal

1 evaluation, including best practices and other infor-
 2 mation based on the reports described in subsection
 3 (a)(3), the evaluation reviews described in subsection
 4 (a)(11)(A)(v), and any other reports addressing
 5 teacher and principal evaluation that are required
 6 under this Act, with other educators.”.

7 **SEC. 4. PUBLIC REPORTING.**

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

10 (1) in paragraph (1)(C)—

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

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

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

16 “(ix) for each performance rating de-
 17 scribed in subsection (a)(11)(A)(i), the
 18 number and percentage of teachers, and
 19 the number and percentage of principals,
 20 who received such performance rating,
 21 for—

22 “(I) the State overall;

23 “(II) the highest poverty and
 24 lowest poverty local educational agen-
 25 cies; and

1 “(III) the highest minority and
2 lowest minority local educational
3 agencies.”;

4 (2) in paragraph (2)(B)—

5 (A) in clause (i)—

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

8 (ii) by adding at the end the fol-
9 lowing:

10 “(III) for each performance rat-
11 ing described in subsection
12 (a)(11)(A)(i), the number and per-
13 centage of teachers, and the number
14 and percentage of principals, who re-
15 ceived such performance rating, for—

16 “(aa) the local educational
17 agency overall;

18 “(bb) the highest poverty
19 and lowest poverty schools; and

20 “(cc) the highest minority
21 and lowest minority schools;
22 and”;

23 (B) in clause (ii)—

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

1 (ii) in subclause (II), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(III) for each performance rat-
7 ing described in subsection
8 (a)(11)(A)(i), the number and per-
9 centage of teachers at the school that
10 received such performance rating.”;

11 (3) in paragraph (4)—

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

14 (B) in subparagraph (G), by striking the
15 period at the end and inserting “; and”; and

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

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

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

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

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

1 school or local educational agency that is in the
2 highest quartile of schools or local educational
3 agencies statewide in terms of the percentage of
4 pupils who are members of ethnic or racial mi-
5 nority groups.

6 “(B) HIGHEST POVERTY.—The term ‘high-
7 est poverty’ when used in relation to a school
8 or local educational agency means a school or
9 local educational agency that is in the highest
10 quartile of schools or local educational agencies
11 statewide in terms of the percentage of students
12 who are certified as eligible for free or reduced
13 price lunch under the Richard B. Russell Na-
14 tional School Lunch Act (42 U.S.C. 1751 et
15 seq.).

16 “(C) LOWEST MINORITY.—The term ‘low-
17 est minority’ when used in relation to a school
18 or local educational agency means a school or
19 local educational agency that is in the lowest
20 quartile of schools or local educational agencies
21 statewide in terms of the percentage of pupils
22 who are members of ethnic or racial minority
23 groups.

24 “(D) LOWEST POVERTY.—The term ‘low-
25 est poverty’ when used in relation to a school

1 or local educational agency means a school or
2 local educational agency that is in the lowest
3 quartile of schools or local educational agencies
4 statewide in terms of the percentage of students
5 who are certified as eligible for free or reduced
6 price lunch under the Richard B. Russell Na-
7 tional School Lunch Act (42 U.S.C. 1751 et
8 seq.).

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

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

17 The Secretary of Education shall, based on the infor-
18 mation received from each local educational agency report
19 card under section 1111(h)(2)(B)(i)(III) of the Elemen-
20 tary and Secondary Education Act of 1965 (20 U.S.C.
21 6311(h)(2)(B)(i)(III)), recognize and provide commenda-
22 tions to each local educational agency that implements or
23 has implemented innovative, high-quality, and effective
24 teacher or principal evaluation programs that lead to pro-
25 fessional development and improved student performance.

1 **SEC. 6. REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary of Education shall prepare and
4 submit a report to Congress that—

5 (1) identifies any unnecessary or duplicative
6 education-related reporting requirements and regula-
7 tions facing States and local educational agencies as
8 a result of the amendments made by this Act to sec-
9 tion 1111 of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 6311); and

11 (2) includes the Secretary's recommendations
12 regarding streamlining or eliminating the require-
13 ments regarding highly qualified teachers under sec-
14 tions 1119 and 9101(23) of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 6319,
16 7801(23)) after the teacher evaluation system re-
17 quired under section 1111 of such Act (20 U.S.C.
18 6311), as amended by this Act, is fully implemented.

○