

112TH CONGRESS  
1ST SESSION

# H. R. 1368

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

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2011

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

---

## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Teacher Ef-  
5 fectiveness, Leadership, Learning, And Results Act of  
6 2011” or the “STELLAR Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

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

8           (3) High-quality evaluations that provide mean-  
9 ingful feedback are a crucial element to giving edu-  
10 cators the support they need to successfully achieve  
11 at high levels.

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

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

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

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

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

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

7 (9) Strong school leadership is a key deter-  
8 minant of whether schools can attract and retain ef-  
9 fective teachers.

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

13 (11) Constructive feedback specifying areas for  
14 improvement could be useful to both teachers and  
15 principals who are dedicated to growing profes-  
16 sionally.

17 (12) The most effective way to turn around a  
18 struggling school is through talented teachers and  
19 an inspirational principal.

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

1           (14) Evaluations should give teachers and prin-  
2           cipals the opportunity to foster mutually beneficial  
3           professional relationships.

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

8           (16) High-quality teacher and principal evalua-  
9           tions have the potential to be a powerful tool and  
10          should play a significant role in building a talented  
11          force of educators.

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

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

17          (a) IN GENERAL.—Section 1111(b) of the Elemen-  
18          tary and Secondary Education Act of 1965 (20 U.S.C.  
19          6311(b)) is amended by adding at the end the following:

20                 “(11) ROBUST TEACHER AND PRINCIPAL EVAL-  
21                 UATIONS.—

22                         “(A) IN GENERAL.—Not later than 5 years  
23                         after the date of enactment of the STELLAR  
24                         Act, each State plan shall include the following:

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

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

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

20                           “(aa) how to provide specific  
21 feedback about improving teach-  
22 ing and principal practice based  
23 on evaluation results;

24                           “(bb) how to evaluate teach-  
25 ers and principals using the per-

1 performance ratings described in  
2 clause (i) and established under  
3 subparagraphs (B)(iii) and  
4 (C)(viii); and

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

13 “(II) a teacher or principal who  
14 is evaluated is provided, based on the  
15 evaluation results, professional devel-  
16 opment opportunities that meet the  
17 specific needs identified for the teach-  
18 er or principal, including mentorship  
19 programs that use highly effective  
20 teachers or principals as leaders or  
21 coaches;

22 “(III) measures are taken to en-  
23 sure that the results of personally  
24 identifiable teacher and principal eval-

1 uations are not publicly disclosed, ex-  
2 cept as required under subsection (h);

3 “(IV) regular monitoring and as-  
4 sessment of the quality, reliability, va-  
5 lidity, fairness, consistency, and objec-  
6 tivity of the evaluation program and  
7 the evaluators’ judgments takes place  
8 within and across local educational  
9 agencies in the State;

10 “(V) each teacher’s performance  
11 is evaluated in accordance with sub-  
12 paragraph (B);

13 “(VI) each principal’s perform-  
14 ance is evaluated in accordance with  
15 subparagraph (C);

16 “(VII) on the basis of the evalua-  
17 tion, each teacher or principal re-  
18 ceives—

19 “(aa) a performance rating,  
20 as described in clause (i), that is  
21 based on multiple measures;

22 “(bb) in the case of a teach-  
23 er, in addition to the measures  
24 required under subparagraph  
25 (B)—

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

10                   “(BB) in a grade level  
11                   and subject area without a  
12                   statewide assessment, a  
13                   measure of student learning  
14                   gains that is comparable  
15                   across the local educational  
16                   agency for all teachers in  
17                   grade levels and subject  
18                   areas without a statewide  
19                   assessment;

20                   “(cc) ongoing formative  
21                   feedback and specific rec-  
22                   ommendations on areas for pro-  
23                   fessional improvement, which in-  
24                   cludes an identification of areas  
25                   in which the teacher or principal



1 can strengthen practices to im-  
2 prove student learning;

3 “(dd) commendations for ex-  
4 cellence in areas of strong per-  
5 formance and in areas of signifi-  
6 cant improvement; and

7 “(ee) in the case of a teach-  
8 er or principal who is identified  
9 as being in 1 of the lowest 2 per-  
10 formance ratings described in  
11 clause (i), a comprehensive reme-  
12 diation plan within set time pa-  
13 rameters not to exceed 1 year;

14 “(VIII) evaluation results are  
15 clearly communicated to each teacher  
16 and principal, and the steps, goals,  
17 and requirements of a professional de-  
18 velopment or remediation plan are  
19 clearly communicated to the teacher  
20 or principal;

21 “(IX) evaluation results are the  
22 primary factor used in determining  
23 layoffs during any reduction in force;

24 “(X) evaluation results are used  
25 to ensure that low-income students

1 and minority students are not as-  
2 signed at higher rates than other stu-  
3 dents to classes in core academic sub-  
4 jects taught by teachers who have re-  
5 ceived one of the two lowest evalua-  
6 tion rates in their most recent evalua-  
7 tion;

8 “(XI) evaluation results are used  
9 as the principal factor in informing all  
10 key personnel and staffing decisions,  
11 including decisions with respect to  
12 tenure, promotion, and retention;

13 “(XII) any teacher or principal  
14 who receives the lowest evaluation  
15 performance rating for 2 consecutive  
16 years is subject to dismissal;

17 “(XIII) any teacher or principal  
18 who receives 1 of the lowest 2 per-  
19 formance ratings and does not suc-  
20 cessfully improve performance on an  
21 evaluation after completing the com-  
22 prehensive remediation plan as re-  
23 quired under subclause (VII)(ee) is  
24 prohibited from working in any ele-

1 elementary school or secondary school  
2 served under this part; and

3 “(XIV) a system is implemented  
4 under which every teacher and prin-  
5 cipal is evaluated annually.

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

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

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

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

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

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

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

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

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

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

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

1                   mentation of such systems;  
2                   and

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

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

16                  “(vi) An assurance that beginning 3  
17                  years after the date of enactment of the  
18                  STELLAR Act, the State educational  
19                  agency will submit to the Secretary an an-  
20                  nual report on implementation of the  
21                  State’s evaluation programs.

22                  “(vii) An assurance that the State will  
23                  publish a report each year showing the av-  
24                  erage estimate of teacher impact on stu-

1           dent growth for each of the performance  
2           categories.

3           “(viii) An assurance that the State is  
4           seeking input from teachers and principals  
5           on the effectiveness of methods measuring  
6           student growth and how to improve such  
7           methods.

8           “(ix) An assurance that processes and  
9           procedures are established to ensure fair-  
10          ness for nonprobationary teachers and  
11          principals facing loss of employment due to  
12          an ineffective rating in an evaluation pro-  
13          gram.

14          “(B) REQUIREMENTS FOR TEACHER EVAL-  
15          UATIONS.—The evaluation of a teacher’s per-  
16          formance shall comply with the following min-  
17          imum requirements:

18                 “(i) STUDENT ACADEMIC GROWTH.—  
19                 A predominant factor of the evaluation is  
20                 based on student academic growth with re-  
21                 spect to the State’s academic standards, as  
22                 measured by—

23                         “(I) student learning gains on  
24                         the State’s academic assessments es-  
25                         tablished under paragraph (3) or, for

1 grades and subjects not covered by  
2 the State’s academic assessments, an-  
3 other valid and reliable assessment of  
4 student academic achievement, as long  
5 as the assessment is used consistently  
6 by the local educational agency in  
7 which the teacher is employed for the  
8 grade or class for which the assess-  
9 ment is administered; and

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

14 “(ii) OBSERVATIONS OF TEACHER  
15 PERFORMANCE.—A portion of the evalua-  
16 tion is based on observations of the teach-  
17 er’s performance in the classroom by more  
18 than 1 trained and objective observer—

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

22 “(II) under which—

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

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

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

11 “(iii) MEANINGFUL DIFFERENTIA-  
12 TION.—The evaluation provides perform-  
13 ance ratings that meaningfully differen-  
14 tiate among teacher performance using the  
15 performance ratings and levels described in  
16 subparagraph (A)(i).

17 “(iv) COMPARABILITY OF STUDENT  
18 GAINS.—The evaluation provides a meas-  
19 ure of student learning gains that is com-  
20 parable across the State for all teachers in  
21 grade levels and subject areas with a state-  
22 wide assessment.

23 “(v) COMPARABILITY OF RESULTS.—  
24 The evaluation provides results that are  
25 comparable, at a minimum, across all



1 teachers within a grade level or subject  
2 area in the local educational agency in  
3 which the teacher is employed.

4 “(C) REQUIREMENTS FOR PRINCIPAL  
5 EVALUATIONS.—The evaluation of the perform-  
6 ance of a principal of a school shall comply with  
7 the following minimum requirements:

8 “(i) STUDENT ACADEMIC GROWTH.—  
9 A predominant factor of the evaluation is  
10 based on student academic growth attain-  
11 ment with respect to the State’s academic  
12 standards of the school’s students, includ-  
13 ing students in each of the subgroups de-  
14 scribed in paragraph (2)(C)(v)(II).

15 “(ii) GRADUATING RATES.—For a  
16 principal of a secondary school, a portion  
17 of the evaluation is based on improvements  
18 in the school’s graduation rate, when appli-  
19 cable, or in the case of a secondary school  
20 with a graduation rate of more than 90  
21 percent, the success of the principal in  
22 maintaining such graduation rate.

23 “(iii) SUPPORT OF EFFECTIVE TEACH-  
24 ERS.—A portion of the evaluation is based

1 on the recruitment, development, evalua-  
2 tion, and retention of effective teachers.

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

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

16 “(I) meaningfully differentiate  
17 among principals’ performance; and

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

22 “(vi) DESCRIPTION OF LEADERSHIP  
23 ABILITIES.—The leadership abilities re-  
24 ferred to in clause (iv) include the ability  
25 of the principal to—

1           “(I) create a shared and coherent  
2 schoolwide direction and policy for  
3 achieving high levels of student aca-  
4 demic growth and closing achievement  
5 gaps among students;

6           “(II) identify and implement the  
7 activities and rigorous curriculum nec-  
8 essary for achieving high levels of stu-  
9 dent academic growth;

10          “(III) create opportunities for  
11 the community and families of stu-  
12 dents to engage positively with school  
13 administrators and staff;

14          “(IV) demonstrate knowledge of  
15 youth development appropriate to the  
16 age level served by the school;

17          “(V) support positive learning  
18 environments for students;

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

22          “(VII) collect, analyze, and uti-  
23 lize data and other tangible evidence  
24 of student learning and evidence of  
25 classroom practice to guide decisions

1 and actions for continuous improve-  
2 ment and to ensure performance ac-  
3 countability;

4 “(VIII) effectively oversee and  
5 manage a teacher evaluation program  
6 that provides individualized feedback;

7 “(IX) have strong organizational  
8 management of a school, including  
9 sound budget and personnel practices;

10 “(X) understand the need for a  
11 supportive learning and social environ-  
12 ment and provide access to specialized  
13 instructional support from school  
14 counselors, psychologists, and social  
15 workers in providing critical services  
16 to students; and

17 “(XI) successfully complete a  
18 State-approved principal licensure  
19 program that builds on the skills,  
20 knowledge, and attitudes to effectively  
21 lead and inspire teachers and students  
22 and manage school operations.

23 “(vii) MEANINGFUL DIFFERENTIA-  
24 TION.—The evaluation provides perform-  
25 ance ratings that meaningfully differen-

1           tiate among principal performance using  
2           the performance ratings and levels de-  
3           scribed in subparagraph (A)(i).

4                   “(viii) COMPARABILITY OF RE-  
5           SULTS.—The evaluation provides results  
6           that are comparable across all principals  
7           within the local educational agency in  
8           which the principal is employed.”.

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

16          **SEC. 4. PUBLIC REPORTING.**

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

19                   (1) in paragraph (1)(C)—

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

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

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

1           “(ix) for each performance rating es-  
2           tablished under clause (i), the number and  
3           percentage of teachers, and the number  
4           and percentage of principals, who received  
5           such performance rating, for—

6                       “(I) the State overall;

7                       “(II) the highest poverty and  
8                       lowest poverty local educational agen-  
9                       cies; and

10                      “(III) the highest minority and  
11                      lowest minority local educational  
12                      agencies.”;

13           (2) in paragraph (2)(B)—

14                      (A) in clause (i)—

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

17                           (ii) by adding at the end the fol-  
18                           lowing:

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

1                   “(aa) the local educational  
2                   agency overall;

3                   “(bb) the highest poverty  
4                   and lowest poverty schools; and

5                   “(cc) the highest minority  
6                   and lowest minority schools;  
7                   and”; and

8                   (B) in clause (ii)—

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

11                  (ii) in subclause (II), by striking the  
12                  period at the end and inserting “; and”;  
13                  and

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

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

21                  (3) in paragraph (4)—

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

1 (B) in subparagraph (G), by striking the  
2 period at the end and inserting a semicolon;  
3 and

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

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

8 “(I) the overall student attendance rates,  
9 including truancy, graduation, and dropout  
10 rates, disaggregated by each school and each in-  
11 dividual teacher and individual principal at each  
12 school under the jurisdiction of—

13 “(i) the State educational agency;

14 “(ii) the highest poverty and lowest  
15 poverty local educational agencies;

16 “(iii) the highest minority and lowest  
17 minority local educational agencies; and

18 “(iv) each local education agency, in-  
19 cluding the highest and lowest poverty  
20 schools and the highest minority and low-  
21 est minority schools under the jurisdiction  
22 of the agency.”; and

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

24 “(7) DEFINITIONS.—For purposes of this sub-  
25 section:



1           “(A) HIGHEST MINORITY.—The term  
2           ‘highest minority’ when used in relation to a  
3           school or local educational agency means a  
4           school or local educational agency that is in the  
5           highest quartile of schools or local educational  
6           agencies statewide in terms of the percentage of  
7           minority students served.

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

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

1           “(D) **LOWEST POVERTY.**—The term ‘low-  
2           est poverty’ when used in relation to a school  
3           or local educational agency means a school or  
4           local educational agency that is in the lowest  
5           quartile of schools or local educational agencies  
6           statewide in terms of the percentage of students  
7           who are certified as eligible for free or reduced  
8           price lunch under the Richard B. Russell Na-  
9           tional School Lunch Act (42 U.S.C. 1751 et  
10          seq.).

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

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

19          The Secretary of Education shall, based on the infor-  
20          mation received from each local educational agency report  
21          card under section 1111(h)(2)(B)(i)(III) of the Elemen-  
22          tary and Secondary Education Act of 1965 (20 U.S.C.  
23          6311(h)(2)(B)(i)(III))—

24                 (1) recognize and provide commendations to  
25          each local educational agency that implements or

1       has implemented innovative, high-quality, and effec-  
2       tive teacher or principal evaluation programs that  
3       lead to professional development and improved stu-  
4       dent performance; and

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

○