PROFESSIONAL DEVELOPMENT PLANS AND REMEDIATION PLANS

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I. The Purpose of Teacher Evaluation

The purpose of **evaluation** is to make employment decisions; the purpose of **supervision** is to improve instruction.

According to the statute (105 ILCS/24A), there are two purposes of teacher evaluation:

1. To improve the educational services of elementary and secondary schools.
2. To ensure that remedial actions are taken when necessary.

II. The Legal Basis for Teacher Evaluation

Article 24A of the School Code addresses the Evaluation of All Certified Employees. The statute received major revisions under the Performance Evaluation Reform Act in 2010 and Senate Bill 7 in 2011.

You are only required to remediate **tenured** teachers.

There are two types of teacher remediation in Illinois.

1. Pursuant to 105 ILCS 5/24-12, for non-teaching behavior: Notice to Remedy
2. Pursuant to 105 ILCS 5/24A: Remediation Plan

The purpose of remediation is to **save the teacher.**

III. Evaluation Plan Requirements

The evaluation plan must include **at least** the following components.

1. Tenured teachers must be evaluated at least every two years.
    a. This does not mean only every two years.
    b. Retain the flexibility to evaluate more frequently.

2. Non-tenured teachers must be evaluated every year.

3. "Qualified" evaluators must be used to evaluate teachers.

III. Evaluation Plan Requirements, continued…

4. The plan must include at least the following:

   a. A description of each teacher's duties and responsibilities and of the standards to which that teacher is expected to conform.

   b. Personal observation of the teacher.

   c. Consideration of the teacher's attendance, planning and instructional methods, classroom management (where relevant), and competency in the subject matter taught.

   d. Student Growth (by your district's PERA implementation date)

III. Evaluation Plan Requirements, continued…

5. As of 9/1/2012, all teachers must be rated as “excellent”, “proficient”, “needs improvement” or unsatisfactory.”

   The failure to have these statutory ratings can negate a teacher dismissal.

6. Specifications as to the teacher’s strengths and weaknesses with supporting reasons for the comments made.

   a. Failure to do this is a frequent mistake.

   b. Remember to provide supporting comments for all teachers.

III. Evaluation Plan Requirements, continued…

7. Inclusion of a copy of the evaluation in the teacher's personnel file and provision of a copy of the evaluation to the teacher.

IV. When a tenured teacher receives a "Needs Improvement" summative evaluation rating:

- A professional development plan ("PDP") must be developed within thirty days of completion of the "NI" rating.
- The plan is to be developed *by the evaluator* ***in consultation with the teacher.***
- The plan must take into account the teacher's on-going professional responsibilities and regular teaching assignments.
- The plan must be directed to the areas in which the teacher needs improvement.
- The plan must also include any support the district will provide to address areas in need of improvement.

IV. “Needs Improvement” Rating, continued

- The PDP may be any length in duration.
- The law does not state what happens if a teacher doesn’t successfully complete a PDP.
- Be sure to identify any assistance the district will provide in the PDP.

V. When a tenured teacher receives an "Unsatisfactory" summative evaluation rating:

A remediation plan must be developed within 30 days after the completion of the rating.

The plan must be designed to correct the deficiencies identified in the evaluation.

The remediation plan is to last 90 days, unless a CBA provides for a shorter duration.

V. “Unsatisfactory” Rating, continued

The ‘district’ shall develop and commence the remediation plan.

The consulting teacher must participate in the development of the plan.

The remediating teacher has no statutory right to participate in the development of the plan.

Review the plan with the remediating teacher and consider his/her input

V. “Unsatisfactory” Rating, continued

Have the Board of Education adopt the remediation plan.

VI. Consulting Teacher

- An educational employee defined in the Illinois Educational Labor Relations Act
- Has at least 5 years' teaching experience
- Has a reasonable familiarity with the assignment
- Received an 'excellent' rating on his/her most recent evaluation

VI. Consulting Teacher, continued

- The Union may, if it chooses, supply a roster of qualified teachers from whom the consulting teacher is to be selected.

- Where no teachers meet the criteria, the District shall ask the regional office of education for an individual who meets these requirements.

VI. Consulting Teacher, continued

Duties:

Provide advice to the teacher on how to improve teaching skills and to successfully complete the remediation plan.

Shall not participate in the final evaluation unless a CBA provision requires it.

VII. Preparing the PDP or remediation plan.

Reflect the evaluation in the plan.

Require the teacher to show some initiative in the completion of the plan.

Require the consulting teacher to participate in the development of the remediation plan. Have his/her buy-in and support as to reasonableness of the plan.

Provide support for attainment of the goals.

VIII. Necessary Components of a PDP or Remediation Plan

- Names / Positions of Plan Members
- List of Deficiencies in Each Domain
- Expectations for Improvement, with Dates where appropriate
- Required Activities/Tasks of The Teacher
- [Required Activities of the Consulting Teacher]
- Dates of Formal Observations and Evaluations
- Statement that additional observations may occur
- Supports and Resources Provided by District

IX. Managing the PDP or Remediation Plan

Make frequent visits.

Involve the consulting teacher in a remediation plan.

Have the consulting teacher maintain logs and records that detail his/her activities: What? Where? When?

X. Evaluations During Remediation Period

- 2 evaluations by an evaluator are required during the remediation plan: A mid-term evaluation after 45 days and a final evaluation after 90 days.
- Each evaluation must assess the teacher's performance during the time period since the prior evaluation.
- The last evaluation must include an overall evaluation of the teacher's performance during the remediation period

X. Evaluations During Remediation Period, continued

The written evaluation must identify any deficiencies in performance and recommendations for correction.

The written evaluation must be provided to and discussed with the teacher within 10 school days after the date of the evaluation, unless a CBA provision offers a different date.

X. Evaluations During Remediation Period, continued

Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations.

The evaluator may but is not required to use the forms provided for the annual evaluation of teachers in the District's evaluation plan.

The teacher who achieves a rating of 'proficient' or better is reinstated to the evaluation schedule and must be evaluated at least once in the school year following the 'NI' or 'U' rating.

XI. Recent Case Law

- Failure to provide a teacher with the remediation plan within 30 days can defeat a dismissal action.
  - In *MacDonald v. State Bd. of Educ*., the school failed to give the teacher his remediation plan until five months after his evaluation. The Appellate Court reinstated the teacher, stating that the school's failure to provide the teacher with his plan for so long was inexcusable. (2012 IL App (4th) 110599)

XI. Recent Case Law, continued

- If a teacher's overall rating is satisfactory, unsatisfactory ratings in some remediation evaluation categories may not warrant a dismissal.
  - In *Bd. of Educ. v. Orbach*, a teacher who was rated as satisfactory overall but had some unsatisfactory category ratings was placed on a remediation plan. After the remediation period, he failed to show improvement in those categories and was dismissed. The court overturned the dismissal and held that the statute did not mandate dismissal when teachers have satisfactory performance ***overall.*** (2013 IL App (2d) 120504)

XII. Be prepared to respond to the following arguments

A. Nobody can get everything done that is required by this plan.
B. The plan is too subjective.
C. The plan does not really tell me what to do.
D. It is not my fault.
   1. You (the evaluator) do not really know my subject area.
   2. It has been too long since you were in the classroom.
   3. You have failed to accommodate my disability.
   4. The students you gave me are the problem.

XIII. Some comments regarding observations.

Begin with the thought that you are going to create a picture.

Use verbs.

Use names.

Experiment with different ways of gathering data.

Play with “serial” observations.

Vary the times of day and subjects you observe.

XIII. Some comments regarding observations, continued

Collect copies of assignments.

Collect a variety of data.

Make broad statements with specific supports.

Intervene when you first see an issue.

XIV. Precision in procedures.

Follow the statute.

Follow your plan.

Follow your contract.

XV. Consistency is important.

Be able to articulate what the standards mean.

Educate your faculty.

Be consistent in your approach.

XVI. Be cognizant of and sensitive to protected classes

A. Age.

B. Marital status.

C. Gender.

D. Disability.

XVII. Be cognizant of and sensitive to protected activity.

Union activity.

Speech (often confused with academic freedom).

XVIII. Making the determination that the teacher "needs improvement" or is unsatisfactory

Make certain you have worn the white hat.

Count the full cost.

XIX. Notice to Teachers of Evaluation Process After PERA Implementation Date

By the first day that students are in attendance in a school year, the District shall provide written notice (electronic or paper) to each teacher who will be evaluated during that school year.

XIX. Notice to Teachers of Evaluation Process After PERA Implementation Date, continued

The notice shall include:

1. A copy of the rubric to be used to rate the teacher against identified standards and goals and other tools to be used to determine a performance evaluation rating;

2. A summary of the manner in which measures of student growth and professional practice will be used; and

XIX. Notice to Teachers of Evaluation Process After PERA Implementation Date, continued

The notice shall include:

3. A summary of the District's procedures related to the provision of professional development in the event a teacher receives a "NI" or remediation in the event the teacher receives a "U" rating to include evaluation tools to be used during the remediation period.