

Part I

[Overview](#)

[Questions](#)

[Teachers with PVAAS Data](#)

[Teachers w/out PVAAS Data](#)

[Dismissal/Termination](#)

[Sources](#)

Act 82 Information

Overview: Gov. Corbett signed House Bill 1901 (Act 82 of 2012), requiring the Secretary of Education to establish a new statewide rating system for evaluating teachers and principals.

Act 82 requires the new rating system to base 50 percent of evaluations on multiple measures of student performance including, but not solely, student test scores. Classroom observation and practice will comprise the remaining 50 percent of evaluations.

Act 82 affects temporary professional and professional employees, which includes principals, classroom teachers and educational specialists who provide services other than classroom instruction.

[Graphical Breakdown](#) of Information about Act 82 from the state.

What it means to the teachers of Upper St. Clair:

Act 82 has been in place for 3 years in many districts in the state. We currently are not subject to the Act 82 evaluation until next year since we had years left on a contract when Act 82 was signed. However, it is important to know that **PVAAS data from this school year and last school year for teachers of core subject areas** (ELA/Math) **will be used** in this new evaluation model in the 2016-2017 school year.

General Questions About Act 82

(Provided by the [AFTPA](#))

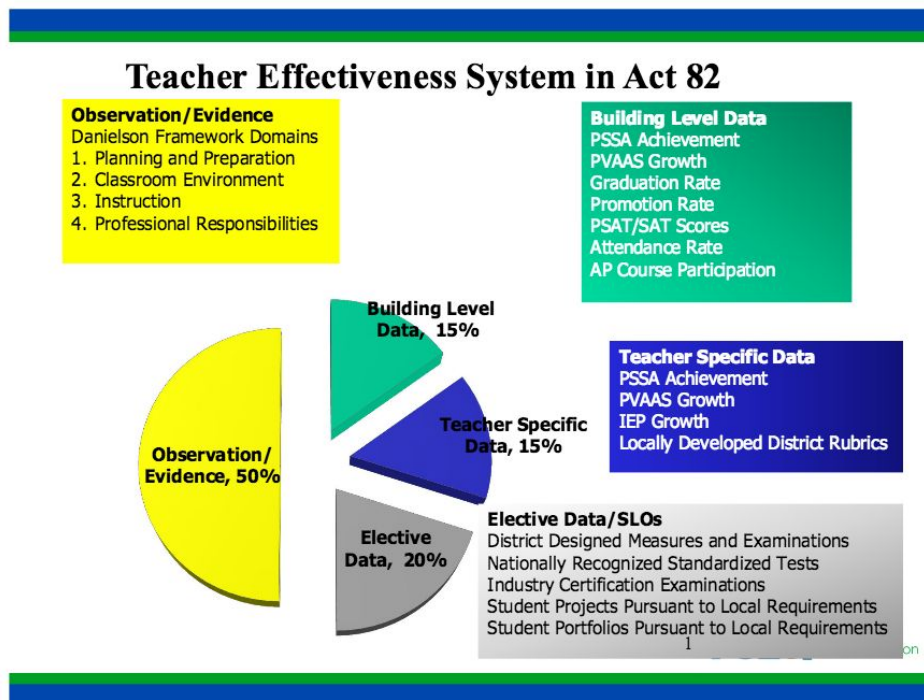
Who is affected by the rating system requirements of Act 82?

Classroom Teachers, Principals, and Professional Employees who are education specialists or who provide services other than classroom instruction.

What does Act 82 require to be included in the components of the classroom teachers' rating tool?

Classroom observation and practice models related to student achievement in the following areas: planning and preparation; classroom environment; instruction; and professional responsibilities.

Student performance, which shall comprise 50% of the overall teacher rating. However, the ways in which this is calculated differs by subject taught. ([See Chart](#))



What does Act 82 require to be included in the student performance component for rating classroom teachers?

15% building-level data including, but not limited to, all of the following: • Student performance on assessments.

- Value-added assessment system/PVAAS data.
- Student graduation rate as reported to the PDE.
- Student promotion rate.
- Student attendance rate.
- Student advanced placement course participation.
- Student scholastic aptitude test and preliminary scholastic aptitude test data.

15% teacher-specific data including, but not limited to, student achievement attributable to a specific teacher as measured by all of the following:

- Student performance on assessments.
- Value-added assessment system/PVAAS data.
- Progress in meeting the goals of student IEPs.
- Locally developed school district rubrics.

20% elective data including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the *Pennsylvania Bulletin* by June 30 of each year including, but not limited to, the following:

- District-designed measures and examinations.
- Nationally recognized standardized tests.
- Industry certification examinations.
- Student projects pursuant to local requirements.
- Student portfolios pursuant to local requirements.

For a teacher with no PSSA/Keystone or PVAAS data teacher specific data is comprised of the other two teacher specific measures required by law: 1) student progress on IEP goals (if applicable to an individual teacher) which can count for no more than 5 of the summative rating; and 2) student progress as measured by local district rubrics which makes up the remainder of the teacher specific score.

NON-TEACHING PROFESSIONALS

Non-teaching professionals are educators who are not working as certificated administrators and who provide services other than the direct instruction of academic content related to a specific grade or subject area.

In general, this includes Education Specialists, individuals working as “education specialists” hold the following positions:

- Home and School Visitor
- Instructional Technology Specialist
- School Counselor
- School Dental Hygienist
- School Nurse
- School Psychologist

Non-teaching professionals will be evaluated with the new Educator Effectiveness System for the first time in 2016-17. This new system for non-teaching professionals is comprised of two measures: 1) observation and practice (80 percent of the summative rating) and; 2) building level score (20 percent of the summative rating).

General Questions about Dismissal or Termination of an Employee

What happens if I receive a needs improvement or an unsatisfactory rating?

Under the new law, an employee who receives a rating of “needs improvement” or “failing” must participate in a performance improvement plan. The plan is to be designed by the employer, with the input from the employee and may include mentoring, coaching, recommendations for professional development and intensive supervision. Your local will represent and assist you in the design of the improvement plan. ([Source: PSEA Website](#))

Can a tenured teacher still be terminated for two consecutive unsatisfactory ratings?

Yes; the law has not changed in that regard. Before terminating any tenured employee for incompetency, the school employer must rate the employee unsatisfactory in two consecutive ratings not less than four months apart. A temporary professional (nontenured) employee may still be dismissed with just one unsatisfactory rating. ([Source: PSEA Website](#))

Can I be terminated for low student performance scores alone?

No. The new law mandates that no employee can be dismissed unless provided with a completed rating tool that includes a description, based upon classroom observations, of deficiencies in practice which are supported by detailed anecdotal records that justify the unsatisfactory rating. Therefore, no employee can be dismissed for unsatisfactory performance unless he or she has received two unsatisfactory ratings not less than four months apart and

has received an evaluation containing documented deficiencies in his or her practice. ([Source: PSEA Website](#)) ([Source: PA General Assembly](#))

Can we still grieve/arbitrate a termination?

Yes. As before, a termination can be grieved under a just cause clause, an implied just cause argument, or under the School Code requirement of two consecutive unsatisfactory ratings as incorporated into the collective bargaining agreement. The new law does not affect the employee's ability to file grievances based on ratings or to challenge termination or discipline through the arbitration process. ([Source: PSEA Website](#))

I am just making sure, so I am asking again. If I am an instructor of a core subject, can I be dismissed based on my students' scores?

No. Unless you have completed an infraction of test security or testing violation, you cannot be dismissed based solely on test scores. ([Source: PA General Assembly](#))

For additional information, consider the following sources:

[General Questions about Act 82](#)

[The Use of Student Achievement Data in the Evaluation of Classroom Teachers](#)

[QUESTIONS AND ANSWERS REGARDING THE NEW PA EVALUATION SYSTEM](#)

[PA General Assembly 1949 Act 14](#)