

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2634

As Amended by House Committee on Education

Brief*

HB 2634 would make changes in school employee performance evaluations. School employee evaluations would be based on multiple measures of student achievement and growth which would be developed by the State Board of Education (State Board). (School employees in current law are defined as all licensed employees of school districts and of nonpublic schools and all instructional and administrative employees of area vocational-technical schools.) The bill would provide an annual designation of each employee in one of the following categories: highly effective, effective, progressing, or ineffective, as defined by the State Board. The designation would be based on performance using growth in student achievement as the primary evaluation factor. Evaluations would include recommendations for improvement and a plan of assistance, including time lines for expected improvement. Teachers receiving a rating of "progressing" or "ineffective" would be subject to an evaluation at least one time per semester, but not later than the 60th school day of the semester, regardless of that teacher's year of employment. Teachers receiving a highly effective and effective rating would be evaluated under current law, which provides that after the fourth year of employment every employee is evaluated at least once every three years.

The bill would allow a local board of education to apply to the State Board for a grant of state funds subject to appropriation to pay for a probationary teacher or administrative employee to attend mentor programs. Such

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

programs would be developed according to rules and regulations developed by the State Board. This provision would be in addition to the current mentor teacher program.

The bill would require moneys received for professional development to be used to deal with deficiencies identified in the evaluation process.

The bill would eliminate evaluations as a mandatory negotiable item in collective bargaining agreements, after such time as the State Board adopts, *via* rules and regulations, the Kansas Educator Evaluation Protocol (KEEP) or a statewide evaluation system substantially similar to KEEP.

The bill would require a hearing officer in a due process hearing to consider an evaluation as evidence.

Provisions of the bill would take effect on July 1, 2013.

Background

This bill originated as a part of the Governor's Excellence in Education Act. Portions of the Governor's bill, with some adjustments, were presented in the original HB 2634. At the hearing on the bill, there was one proponent, a representative of the Governor's Office. Opponents of the bill included representatives of the Wakeeney School District, Kansas National Education Association, and United School Administrators. A representative of the Kansas Association of School Boards presented neutral testimony.

The Committee made several amendments to the bill described below:

- Eliminated the section pertaining to alternative teacher certification and the teacher performance incentive program;

- Modified the measures used to determine the various valuation designations;
- Eliminated the requirement that a teacher rated as "ineffective" eventually must be removed from the classroom;
- Reinstated the current mentor teacher program;
- Amended the provision removing evaluations from collective bargaining negotiations, making this provision applicable when the KEEP is fully implemented; and
- Eliminated the provision related to a due process hearing that would have placed the burden of proof to rebut the presumption of ineffectiveness on the teacher in cases where the teacher had been rated ineffective in the two most recent evaluations.

According to the Division of the Budget fiscal note on the original bill, \$1.1 million from the State General Fund would be needed for the mentor teacher program. The fiscal note went on to indicate *The FY 2013 Governor's Budget Report* had recommended expenditures at that level. The fiscal note went on to estimate \$1.0 million of state general funds would be needed to implement the Teacher Performance Incentive Program. There was no fiscal note for the amended bill.