



PSEA Education Services Division

...IN BRIEF

Implementation of the Educator Effectiveness System during the COVID-19 School Building Closures

April 15, 2020

Q: Has PDE removed any components from the Educator Effectiveness System for the 2019-20 school year since state assessments have been cancelled and school buildings closed due to COVID-19?

A: Yes, PDE has excluded all measures of student achievement from the Educator Effectiveness System for the 2019-20 school year. This means that no Building Level Data, Teacher Specific Data, or Elective Data can be included in any summative rating of any professional or temporary professional employee for the 2019-20 school year.

Q: I am a classroom teacher. What will my evaluation be based on this year?

A: For the 2019-20 school year, summative ratings of classroom teachers will be based entirely upon observations of professional practice. PDE is updating the online rating tool to reflect a summative rating based upon the four domains of professional practice: Planning and Preparation (20 percent); Classroom Environment (30 percent); Instruction (30 percent); and Professional Responsibilities (20 percent).

Q: I am a nonteaching professional. What will my evaluation be based on this year?

A: For the 2019-20 school year, summative ratings of nonteaching professionals will be based entirely upon observations of professional practice. PDE is updating the online rating tool to reflect a summative rating for nonteaching professionals based upon the four domains of professional practice: Planning and Preparation (25 percent); Educational Environment (25 percent); Delivery of Service (25 percent); and Professional Development (25 percent).

Q: Do I still need to complete my SLO?

A: PDE has excluded all measures of student achievement from the evaluation system for the 2019-20 school year. This means that SLO results should not be included in the summative rating for a professional or temporary professional employee. An employer may use SLOs for purposes other than educator evaluation and may require educators to complete SLOs for those purposes. Employees should follow the directives of their employers regarding SLOs. If your employer plans to use SLOs as a part of the educator evaluation process, please contact your UniServ Representative.

Q: What will happen if I was already observed by my administrator prior to my school building closure?

A: Your employer can decide to base your summative evaluation solely on observations conducted prior to March 13, 2020. PDE's guidance indicates that the employer should make this decision in consultation with its attorney and the collective bargaining unit representative. Please contact your UniServ representative if you have any issues related to an evaluation based on observations conducted prior to March 13, 2020.

Q: What will happen if I was not observed by my administrator prior to my school building closure?

A: The School Code does not prohibit employers from observing professional and temporary professional employees while engaging in online instruction. PDE's guidance advises that there are multiple methods of conducting observations of professionals during the closure, although PDE provides no specifics as to those methods. PDE advises that employers should decide how to collect the data relevant to the four domains of professional practice and that employers can contact their IUs for support.

PSEA believes that it would be grossly unfair for employers to issue negative summative ratings based upon the completely unexpected and unprecedented events caused by COVID-19. No educators could have predicted or prepared for school closure and the almost immediate need to transition to online instruction. Educators have typically not received adequate training or resources to employ best practices in the four domains during the COVID-19 pandemic. There are numerous issues associated with the use of emerging technology, not to mention the many difficulties encountered in an unanticipated and unplanned-for transition to providing instruction solely via technology. If your employer informs you that you will be evaluated while engaged in distance instruction, please contact your UniServ representative.

Q: What if my employer is unable to conduct an observation after March 13, 2020?

A: PDE guidance advises that your employer may base the evaluation on current procedures for teachers who are on sabbaticals or leave for a year. PDE also advises that decisions should be made in consultation with the employer's attorney and the collective bargaining representative.

PSEA believes that employers may likely determine that valid and reliable observations cannot be completed during this time of distance learning. In PSEA's opinion, the lack of any evaluation should be considered a satisfactory evaluation. See *Elias v. Board of School Directors of Windber Area*, 218 A.2d 728 (Pa. 1966).

Q: What if I am observed while engaged in online instruction?

A: While your employer can choose to observe professional and temporary professional employees during online instruction, PSEA strongly recommends that employers *not* adversely evaluate employees based upon their online instructional practices, since employees have typically not received adequate training or resources to employ best practices during the COVID-19 pandemic.

PSEA is prepared to advocate and negotiate to protect professional and temporary professional employees from unsatisfactory ratings based upon observations of online learning practices and to assist any bargaining unit member who has received an unsatisfactory evaluation. If your employer informs you that you will be observed while engaged in online learning practices, please contact your UniServ representative.

Q: If I am completing a differentiated supervision plan for the 2019-20 school year, how will my evaluation be impacted by the COVID-19 changes?

A: Systems of differentiated supervision vary widely across employers. Your employer should inform you if there are any changes to your differentiated supervision plan due to the closure of school buildings. If you believe your employer is requiring you to complete components of your differentiated supervision plan that cannot reasonably be completed due to building closure, please contact your UniServ representative.

Q: How will changes to the 2019-20 evaluation impact my attainment of tenure?

A: PDE guidance advises that the 2019-20 school year can count toward an educator's acquisition of tenure based on the employer's evaluation decision consistent with section 1108 of the School Code. Tenure is granted upon satisfactory completion of three years of teaching within the same local education agency and does not require any further action on the part of your employer. A year of teaching should be deemed satisfactory even if your employer fails to issue a satisfactory evaluation. If your employer communicates to you that this year will not count toward the attainment of tenure, please contact your UniServ representative.

Q: If my employer furloughs employees, will this year's evaluations count in that decision?

A: Yes. Section 1125.1 of the School Code (as amended by Act 55 of 2017) requires that furloughs of professional employees be based in part upon summative ratings. Section 1125.1 places each educator into one of four categories based upon evaluation results from an employee's two most recent annual performance evaluations, and within each of these four categories, furlough decisions are based upon seniority within the certificated area of an educator's current assignment. Professional employees retain 'bumping' rights that allow more senior employees to move into any position with the district for which they are certificated, provided the more senior employee is in the same or higher evaluation category as a less senior employee in the position. If you believe your employer is planning to furlough employees for the 2020-21 school year, please contact your UniServ representative.

Q: Will my application for an Instructional II certificate be impacted by these changes to evaluation for 2019-20?

A: No, changes to evaluation in 2019-20 do not impact your eligibility to apply for an Instructional II certificate. However, the requirement to earn an Instructional II within six years has not been waived due to the pandemic. Educators who have met the criteria for an Instructional II should apply as soon as possible in the event their higher education institution, their employer, or PDE delays in processing applications. Any PSEA member nearing the six-year limit on an Instructional I certificate should contact their UniServ representative.

Q: How will the cancellation of PSSA and Keystone Exams impact my PVAAS scores in future years?

A: PVAAS scores are based on three consecutive years of PSSA and/or Keystone exam results. PVAAS results will not be calculated for the 2019-20 school year and will not be included in any portion of an educator's rating. PDE has not yet issued guidance on how PVAAS scores will be calculated for 2020-21 or 2021-22.

Q: Where do I go with additional questions that are not addressed in this document?

A: Please contact your UniServ representative with any additional questions you have about your 2019-20 evaluation.