

April 11, 2023

FAQ: Educator Evaluation Under Act 13

Act 13 of 2020¹ revised the Educator Effectiveness System used to evaluate temporary professional employees (TPEs) and professional employees (PEs) in Pennsylvania. The new requirements in the law and the regulatory revisions in 22 Pa Code Chapter 19 took effect beginning in the 2021-2022 school year.² As educators are evaluated, several common questions arise, which are detailed below.

How often can I be evaluated?

TPEs should be evaluated at least twice annually with rating forms that designate the ratings as “semiannual” ratings. PEs should be evaluated no more than once annually provided that their prior annual evaluation was satisfactory. PEs whose prior annual evaluation was deemed unsatisfactory (due to an overall rating of failing or due to the second overall rating of needs improvement within the last four years), may be evaluated additional times using a periodic, or interim, rating; however, periodic ratings are not required and are at the discretion of the employer.³

How is an SPM different from an SLO?

Student Performance Measures (SPMs) are templates provided for employers to consider using as a collection method for LEA-Selected Measures and IEP Goals Progress data in the evaluation system. While SPMs are similar to the former Student Learning Objectives (SLOs) in form and function, some key nuances differ. First, SPMs allow quantitative (number-based) and qualitative (word-based) measures instead of strictly quantitative SLOs. Second, SPMs allow for the use of academic or non-academic measures. This means that SPMs may focus on academic-adjacent skills such as social-emotional skills, behavior, and classroom preparedness. Finally, SPMs are more need-based measures in design whereas SLOs were designed as more curriculum-dependent measures. In other words, SPMs name a student need, explore how to meet that need and the actions required, name the measure, and then design metrics for determining whether the actions designed to meet the need were effective. SLOs simply determined a standards-aligned curricular objective and set a measure of growth on that measure regardless of whether the objective was a particular area of need. Together, these differences make SPMs more focused on the shared growth between educators and their students by embodying the process of continuous improvement in their overall design.

Do classroom walkthroughs count toward my evaluation?

Yes, classroom walkthroughs may inform the observation and practice component of your rating. However, evidence from classroom walkthroughs must be based only on factors that are present or witnessed by the evaluator rather than what was *not* seen. For example, a classroom walkthrough where students were engaged in seated, independent writing would be evidence of the inclusion of independent work but not evidence of a lack of classroom

¹ 24 P.S. §§ 11-1138.1 – 1138.16.

² See the PSEA [Professional Publications Library](#) for prior *Advisory* publications detailing updates to the [PA Educator Effectiveness System](#) for [non-tenured educators](#) and [tenured educators](#) and changes specific to [Student Performance Measures](#) and the [Frameworks for Observation and Practice](#).

³ Act 13 of 2020 refers to a *periodic* rating as the rating of a professional employee between annual ratings. An evaluation in addition to the annual rating is only allowable when a professional employee has received an unsatisfactory annual rating. The Chapter 19 regulations, the Pennsylvania Department of Education, and many employers refer to this rating as an *interim* rating. In this Advisory, periodic and interim are used interchangeably.

discussion. Walkthroughs are to be used to gather evidence in addition to but not in place of data gathered in comprehensive classroom observation. Please note, however, that when an educator is on Differentiated Supervision, a classroom walkthrough may be used differently if it is part of the supervision plan and specified as such.

What is the difference between formal and informal observation?

While the statute and regulations do not officially use the terms “formal” and “informal” observation, many forms of evaluation software and employers use these terms. A formal observation refers to a “Comprehensive Classroom Observation.” Under the Public School Code, a formal observation requires a pre-conference and a post-conference. A post-conference may be waived for extenuating circumstances for tenured educators receiving a proficient or distinguished rating, provided that both the educator and evaluator agree to waive the post-conference. An informal observation is any observation other than the Comprehensive Classroom Observation (or formal) observation. Typically, an informal observation will not have a pre- or post-conference.

What should happen during my non-observation years?

Some LEAs may offer “non-observation” years for PEs in the two or three years following a formal observation year. Under Act 13, these “non-observation” years are considered “Differentiated Supervision” and are only available to TENURED educators whose prior two annual ratings were proficient or distinguished. Furthermore, participation in Differentiated Supervision is optional for both the educator and the evaluator, and either party may opt out of Differentiated Supervision at any time. When educators are on Differentiated Supervision, they should collaborate with their evaluator to develop individualized goals, learning activities, and measures for professional growth in one or more Observation and Practice Domains.⁴ This measure is used instead of the Observation and Practice portion of the overall rating only—educators’ final ratings should still include Building Level Data and—as appropriate—Teacher-Specific Data and LEA-Selected Measures during Differentiated Supervision.

Am I responsible for IEP Goals Progress?

Any PE who provides direct instruction to students with IEPs might be responsible for IEP Goals Progress. To determine whether an educator is responsible, one must know the LEA-determined *n*-count and whether the *n*-count uses an active or actual count of students. The *n*-count refers to the minimum number of students with similar IEP goals to which an educator contributes data. Most employers use the maximum allowable *n*-count of 11 students, meaning that an educator must contribute data to similar IEP goals for 11 or more students to be responsible for IEP Goals Progress on their evaluations. Employers may use either an active or actual count for this value, where an active count reflects the percent to which a goal is contributed, and the actual reflects the count of students regardless of the portion of goal contribution. For example, a teacher who provides 50% of the math instruction for 20 students with similar IEP goals would have an active count of 10 students ($20 \times 50\% = 10$) or an actual count of 20 students. With an *n*-count set at 11, the teacher would be responsible for IEP Goals Progress in a local education agency using an actual count but would NOT be responsible for one using an active count.

When can I be put on an improvement plan?

A district must place an educator on a Performance Improvement Plan (PIP) when they receive a Needs Improvement or Failing as their overall rating—even when the Needs Improvement rating is their first. A PIP is to be designed by the employer with input from the employee and is to provide actionable feedback on the domains that prevented the employee from receiving a proficient rating. The PIP also should identify employer resources that will help the employee to improve.

⁴ Direct quote from 2020 Act 13 §1138.1; Observation and Practice Domains: Planning and Preparation, Classroom/Educational Environment, Instruction/Delivery of Service, and Professional Responsibilities/Development.

In some cases, employers have developed a PIP for an educator who has not received a needs improvement or failing summative rating. This is neither required nor prohibited by Pennsylvania statute. A PSEA member who is concerned about receiving a PIP with a proficient or distinguished summative rating may reach out to their local leader for additional guidance.

When should I reach out to PSEA about an evaluation?

PSEA members are encouraged to work with their local associations whenever they need more information or support. Regarding evaluations, educators should consider reaching out to their local leaders whenever they receive an initial unsatisfactory evaluation (overall rating of failing or second rating of needs improvement within four years). TPEs may be subject to termination or non-renewal of the contract after a single unsatisfactory evaluation. Although PEs must have two consecutive unsatisfactory ratings at least four months apart to support a dismissal based on unsatisfactory teaching performance under section 1122 of the Public-School Code, a single unsatisfactory evaluation allows the employer to conduct interim evaluations of a PE. When members work with local leaders following an initial unsatisfactory evaluation, leaders can help members explore the specifics of their ratings and get additional support when necessary.

For More Information

For more information about educator evaluations, please contact Gina Gullo in PSEA's Education Services Division at Ggullo@PSEA.org.