

THRUN'S EVALUATION TRACKER: MIDYEAR PROGRESS REPORTS ALREADY?

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With the first half of the school year ending, school officials should turn their attention to midyear progress reports for certain teachers. Section 1249 of the Revised School Code requires that teacher evaluations include a midyear progress report for two groups of teachers: (1) all *first year* probationary teachers; and (2) all tenured or probationary teachers who were rated “minimally effective” or “ineffective” in their most recent annual year-end evaluation. If your district employs a teacher in either of those groups, school officials must complete a midyear progress report for that teacher.

The midyear progress report's purpose can be broken down into four distinct parts: (1) it is a *supplemental tool*; (2) used to gauge a teacher's improvement; (3) from the preceding school year; (4) to assist the teacher to improve.

The term “supplemental tool” is not defined by statute. However, Section 1249 states that the midyear progress report does not take the place of the year-end evaluation. Administrators should consider the midyear progress report as part of the teacher evaluation process. If a midyear progress report is not completed, the evaluator will not have a complete picture of the teacher's performance at the end of the school year.

The midyear progress report must “gauge the teacher's improvement” and align with the teacher's individualized development plan (IDP). As reported in the September 24, 2015 edition of *School Law Notes*, all probationary teachers and tenured teachers rated “minimally effective” or “ineffective” must receive an IDP. As a practice pointer, the evaluator should document in the midyear progress report the teacher's progress towards all IDP goals, trainings, and other requirements.

The midyear progress report must review the teacher's improvement from the preceding school year and assist the teacher's performance moving forward. If the teacher is in his or her first year of probation, the teacher would not have student data or information from the preceding school year. The midyear progress report must also be based, at least in part, on student achievement. In practice, reviewing existing student achievement data and aligning the teacher's IDP with the midyear progress report should facilitate the evaluator's review of the teacher's performance and improvement, if any, during the first half of the school year. This section of the midyear progress report should clearly indicate whether the teacher's past performance deficiencies still persist.

The midyear progress report must provide specifically tailored performance goals developed by the school administrator conducting the annual year-end evaluation or a designee and include any recommended training that would assist the teacher in meeting those goals. The evaluator, in consultation with the teacher, must memorialize the newly-drafted goals and training recommendations in a written improvement plan. The teacher should receive a copy of the improvement plan, which should be retained in the teacher's personnel file. Because achieving the goals and training set forth in the report may support a higher evaluation rating, evaluators should set performance goals that are rigorous and aligned with the teacher's deficiencies.

The goals contained in the midyear progress report should identify performance deficiencies and provide the teacher with ample opportunities to improve. If previously identified performance deficiencies persist, the evaluator should address those areas in the goals and trainings for the remainder of the school year.

Because Section 1249 requires the addition of midyear goals and recommended training, it is important to clearly state, in writing, the date the goals were added and to obtain the teacher's signature on the midyear progress report to support that the document was developed in consultation with the teacher. If the teacher refuses to sign the document, the evaluator should make a notation on the document that the teacher was consulted regarding the report's contents but refused to sign the document. The administrator should sign and date the document.

Finally, Section 1249 does not *expressly* require a meeting between the evaluator and the teacher to develop the midyear progress report. Section 1249, however, requires that “[a]t the midyear progress report, the school administrator or designee shall develop, in consultation with the teacher, a written improvement plan,” which is reasonably construed to require a meeting between the teacher and evaluator. “Consultation” means that the teacher received an opportunity to review and respond to the improvement plan before adoption. Even without a statutory mandate, a meeting to align the teacher’s IDP with the midyear progress report, to review the newly drafted goals and training recommendations, and to obtain the teacher’s input and signature is a “best practice.”

A common theme running through all Thrun Evaluation Tracker articles is the importance of planning ahead. Midyear progress report requirements fall during some of the busiest months of the school year. Scheduling time to meet with a teacher and acquiring the relevant information can take a back seat to other pressing issues. Missing this step in the evaluation process, however, can undermine the year-end evaluation and future employment decisions. Evaluators should prioritize midyear progress reports upon return from holiday break to ensure compliance with the law.