

FRI-ONLINE-LS-18

---

## LABOUR LAW ASPECTS OF THE APPRAISAL OF EDUCATIONALISTS

---

**Assist. Prof. Maria Radeva, PhD**

Faculty of Law

“Angel Kanchev” University of Ruse

Phone: +359 887 299 552

E-mail: mradeva@uni-ruse.bg

***Abstract:** Appraisal is the process of assessment of the extent to which the activity of teachers, headmasters and the other educationalists corresponds to their professional profile, the requirements of the positions, as well as the development strategy of the kindergarten, school or personality development support centre and, in the case of headmasters, their managerial competence. As well as for career development, the assessment result may be used for referral to improvement of qualifications and for incentivizing the appraised educationalist. In certain cases the lowest assessment is awarded, the person shall be dismissed under Article 328(1)(5) of the Labour Code.*

***Keywords:** appraisal of teachers, career development of educationalists*

***JEL Codes:** K31*

### INTRODUCTION

In the first decade of the 21st century, the Law on National Education adopted in 1991 exhausted its significance. Dynamic changes in social relations, the rapid surge of information and communication technologies in human life pose new challenges to traditional educational models and traditional forms of communication. Gradually, the opinion is taking shape that it is necessary to redefine the goals of Bulgarian pre-school and school education. The focus of the new law is overcoming the main challenges that modern society poses to Bulgarian education. The Pre-school and School Education Act comes into force on 01.08.2016.

One of the objectives of the law is to give a new legal framework to the status of pedagogical specialists and to introduce modern requirements for their professional qualification.

The law defines that the improvement of the qualifications is a continuous process of enhancing and enriching the competences of educationalists for the effective performance of their work and for career development. The career development is a process of improving competences in the successive performance of teaching or counseling positions or in the acquisition of degrees for the purpose of improving the quality and efficiency of education. However, the improvement of the qualifications of the individual educationalist shall also be oriented towards the progress of children and pupils and the improvement of their educational performance.

Further training is a right but also an obligation for teaching professionals. The state shall create conditions for the improvement of the qualifications of educationalists. At the same time, educationalists shall have the obligation to improve their qualifications on an annual basis for the purpose of improving the quality of their work and to improve the performance and quality of learning of children and pupils. Educationalists shall improve their qualifications at least 48 academic hours during each appraisal period.

The competences attained shall be recorded in the educationalist's professional portfolio. The professional portfolio shall be compiled by the educationalist and it shall include his or her materials which prove his or her active participation in the implementation of the kindergarten or school policy, his or her professional work, professional improvement and career development, as well as the result achieved in the work with children and pupils. The professional portfolio shall assist the appraisal and self-assessment of the educationalist.

## **EXPOSITION**

### **Attestation - concept and objectives**

Attestation, in general, can be defined as a conformity assessment procedure. Appraisal is the process of assessment of the extent to which the activity of teachers, directors and headmasters and the other educationalists corresponds to their professional profile, the requirements of the positions, as well as the development strategy of the kindergarten, school or personality development support centre and, in the case of directors and headmasters, their managerial competence. The procedure for conducting the appraisal - the terms and conditions for the appointment of the committee, the assessment scale and the appraisal criteria and procedure shall be laid down in the state education standard for the status and professional development of teachers, directors and headmasters, and the other educationalists. The appraisal of teachers, directors and headmasters and the other educationalists shall be carried out every four years. As well as for career development, the assessment result may be used for referral to improvement of qualifications and for incentivizing the appraised educationalist.

The appraisal will answer the question of how and whether the pedagogical specialists actually fulfil the requirements set by the legislation and the development strategy of the institution. The assessment of the compliance of the actual activity with the established requirements is carried out in a formal procedure, which significantly supports the attestation procedure.

Following the assessment procedure, a final assessment shall be made, which may be: 'outstanding performance', 'exceeds the requirements', 'meets the requirements', 'partially meets the requirements', 'minimally meets the requirements'. At the conclusion of the appraisal process, the Chair of the Appraisal Committee shall forward the appraisal cards and a summary of the final appraisals to the employer. The evaluation cards shall be kept in the employment file of each teacher, principal or other educational professional.

### **Labour law consequences**

The Law on Pre-school and School Education defines the specific objectives of attestation. However, the employment consequences of the appraisals can be seen in both positive and negative terms.

Ratings of 'outstanding performance', 'exceeds requirements' may be the basis for rewarding the teaching professional. One of the statutory rights of teaching professionals is the right to receive incentives and rewards.

Educationalists shall be incentivized with moral and material rewards for excellence in pre-school and school education. Educationalists may be conferred awards and distinctions for exemplary execution of their duties upon an order issued by their employer. The awards and distinctions shall be set out in the rules of the institution and, in the case of directors and headmasters of institutions, in the rules of the regional divisions of education.

Everyone wants to be encouraged and appreciated for a job well done. One of the most effective ways to reward employees that does not require financial outlay is to publicly express appreciation for their efforts. The specific forms of moral rewards can be different - arranged rewards, communicating the achievements of specific employees to the collective, sending an e-mail of congratulatory messages for excellent work (with copies for all other employees), etc. Such methods do not require finances, but are very effective from an organisational and psychological point of view.

Material rewards have a financial equivalent. They can be of different value and are paid from the school or kindergarten budget. The Labour Code does not use the concept of material rewards. Subject to certain terms and conditions, the employer may grant additional remuneration for the results of work achieved, as well as other similar remuneration at their discretion.

The receipt of material rewards by pedagogical specialists constitutes a specific legal possibility, which is explicitly regulated in the Law on Pre-school and School Education.

The legal consequences of a lower mark obtained in the attestation are reversed. Unlike rewards, the law is the only one that governs the possibility of such. But the law is more comprehensive when it deals with the legal consequences of low scores.

Firstly, the law regulates the undertaking of measures to improve professional qualifications.

Where the lowest mark (minimally meets the requirements) is obtained, the employer together with the appraisal committee shall take a series of measures specified in the Act. An analysis of the reasons leading to the low score shall be prepared. A plan for methodological and organizational support for the teacher, principal or other educationalist who received a low evaluation shall be developed. A mentor or mentors shall be appointed to provide methodological and organisational support. Within one month of the appraisal, the employer shall submit to the regional education department the documents showing the methodological support provided. At this point, no actual negative employment consequences follow. It is the responsibility of the assisted educational professional to similar their work and professional qualifications.

Once the methodological support measures have been taken, a period of one year shall elapse, after which the person shall be reassessed one year after the measures have been taken. A similar approach is applied to educationalists who have received a 'partially meets requirements' rating. If the re-evaluation again results in the lowest mark, the person shall be dismissed under the conditions of Art. 328, para. 1, item 5 of the Labour Code. In this case, the termination of the employment contract is mandatory under the law.

The current health situation has substantially delayed the attestation procedures for teaching professionals. However, although postponed in time, the attestation will take place. The application of the most severe consequence, termination of the employment contract, could actually be applied in the following years.

## CONCLUSION

The specifics of working in educational institutions require high professional competencies, creative thinking and inspiring strategic leadership. Permanent success can only be achieved by those who are able to adapt to the changing conditions that have become an invariable part of our lives in the last two years. One of the prerequisites for the growth of children and students are the professionally trained pedagogical specialists.

The achievements of children and pupils are the basis for supporting the self-evaluation and appraisal of educational professionals. Through the appraisal process, the following objectives are realised: - to establish the performance of each individual teacher; improving the quality of education; Motivating pedagogical specialists to improve their professional skills and to engage in professional development activities; identifying areas that need additional support or methodological support.

## REFERENCES

Mrachkov, M., (2015). Labour Law. Sofia: Sibi press (*Оригинално заглавие: Мръчков, В., 2015. Трудово право. София: Издателство „СибИ“.*)

Stajkov, I., (2011). Labour law aspects of the Law on the development of academic staff in the Republic of Bulgaria. In: MPRA Paper No. 107205, posted 17 Apr 2021, online at <https://mpra.ub.uni-muenchen.de/107205/> (*Оригинално заглавие: Стайков, Ив., 2011. Трудовоправни аспекти на ЗРАСПБ. В: MPRA Paper No. 107205, posted 17 Apr 2021, https://mpra.ub.uni-muenchen.de/107205/*)