

**PROPOSED REGULATIONS ON EVALUATION OF EDUCATORS  
603 CMR 35.00**

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: April 27, 2011
- Period of public comment: through June 10, 2011
- **Anticipated final action by the Board of Elementary and Secondary Education: June 28, 2011**

The proposed regulations would replace the current Regulations on Evaluation of Teachers and Administrators and accompanying Principles of Effective Teaching and Principles of Effective Administrative Leadership, as adopted in 1995, <http://www.doe.mass.edu/lawsregs/603cmr35.html?section=all>.

These proposed regulations reflect changes from the version presented to the Board for initial review based on a review of public comment. This redline version shows changes from the April 27, 2011 proposed regulations, where additional text is underlined and deleted text is ~~struck through~~.

**603 CMR 35.00  
Evaluation of Educators**

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**35.01: Scope, Purpose, and Authority**

(1) 603 CMR 35.00 is adopted pursuant to authority granted to the Board of Elementary and Secondary Education in M.G.L. c.69, §1B and c.71, §38.

(2) The specific purposes of evaluation under M.G.L. c.71, §38 and 603 CMR 35.00 are:

(a) to promote student learning, growth, and achievement by providing educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, and

(b) to provide a record of facts and assessments for personnel decisions.

(3) The purpose of 603 CMR 35.00 is to ensure that every school committee has a system to enhance the professionalism and accountability of teachers and administrators that will enable them to assist all students to perform at high levels. 603 CMR 35.00 sets out the principles of evaluation for Massachusetts public schools and districts. 603 CMR 35.00 requires that school committees establish a rigorous and comprehensive evaluation process for teachers and administrators, consistent with these principles, to assure effective teaching and administrative leadership in the Commonwealth's public schools.

(4) The regulations on evaluation of educators, 603 CMR 35.00, constitute the principles of evaluation established by the Board of Elementary and Secondary Education.

### **35.02: Definitions**

As used in 603 CMR 35.00, unless the context clearly requires otherwise, terms shall have the following meanings:

*Administrator* shall mean any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.09(1) through (5) or who has been approved as an administrator in the area of vocational education as provided in 603 CMR 4.00 *et seq.* or who is employed in a comparable position in a collaborative, and who is not employed under an individual employment contract.

*Artifacts* shall mean products of an educator's work that demonstrate knowledge and skills of the educator with respect to specific performance standards.

*Board* shall mean the Board of Elementary and Secondary Education or a person duly authorized by the Board.

*Commissioner* shall mean the Commissioner of Elementary and Secondary Education or his designee.

*Department* shall mean the Department of Elementary and Secondary Education.

~~*Developing Teacher/Administrator Plan* shall mean a plan of one year or less for administrators in their first three years and teachers without Professional Teacher Status, developed by the educator and the evaluator. The plan shall include goals, an action plan with benchmarks, and a final assessment of meeting the set goals. All plans must be approved by the evaluator.~~

*Directed Growth Plan* shall mean a plan of one year or less for experienced educators who are rated in need of improvement, developed by the educator and the evaluator. The plan shall include goals, an action plan with benchmarks, and a final assessment of meeting the set goals. All plans must be approved by the evaluator.

*District-determined Measures* shall mean measures of student learning, growth and achievement, related to the Massachusetts Curriculum Frameworks or other relevant frameworks, that are comparable across grade or subject level district-wide. These measures may include, but shall not be limited to: portfolios, approved commercial assessments and district-developed pre and post unit and course assessments, and capstone projects.

*Educator Plan* shall mean the growth or improvement actions identified as part of each educator's evaluation. The type and duration of the plan shall be determined by the evaluator. The Educator Plan shall include, but is not limited to, at least one goal related to the improvement of practice; one goal for the improvement of student learning, an action plan with benchmarks for goals established in the Plan, and the evaluator's final assessment of the educator's attainment of the goals. All elements of the Educator Plan are subject to the evaluator's approval. There shall be four types of Educator Plans:

- *Developing Educator Plan* shall mean a plan developed by the educator and evaluator for one school year or less for an administrator in the first three years in a district; or for a teacher without Professional Teacher Status; or at the discretion of an evaluator, for an educator in a new assignment.
- *Self-Directed Growth Plan* shall mean a plan of one or two school years for experienced educators who are rated proficient or exemplary, developed by the educator.
- *Directed Growth Plan* shall mean a plan of one school year or less for educators who are in need of improvement, developed by the educator and the evaluator.
- *Improvement Plan* shall mean a plan of at least 30 days and no more than one school year for educators who are rated unsatisfactory, developed by the evaluator with goals specific to improving the educator's unsatisfactory performance.

*Educator(s)* shall mean teacher(s) and administrator(s).

*Evaluation* shall mean the ongoing process of defining goals and identifying, gathering and using information as part of a process to improve professional performance (the "formative evaluation" and "formative assessment") and to assess total job effectiveness and make personnel decisions (the "summative evaluation").

*Evaluator* shall mean any person designated by a superintendent, consistent with the procedures set out in 603 CMR 35.06, who has responsibility for evaluation.

~~*Exemplars* shall mean products of an educator's work that demonstrate the knowledge and skills of the educator with respect to specific educator standards and indicators (practices).~~

~~*Exemplary* shall mean practice is consistently and significantly above proficiency on a standard or overall.~~

*Experienced Educator* shall mean an administrator with more than three years in an administrative position in the school district or a teacher with Professional Teacher Status.

*Family* shall mean parents, legal guardians, or primary caregivers.

~~*Formative Assessment/evaluation* shall mean the formal and informal processes an evaluator uses to gather evidence and provide the educator with feedback on how to improve practice process used to assess progress towards attaining goals set forth in educator plans, performance on performance standards, or both. This process may take place at any time(s) during the cycle of evaluation.~~

*Formative Evaluation* shall mean an evaluation at the end of year one for educators on two-year self-directed plans used to arrive at a rating on progress towards attaining the goals set forth in the plans, performance on performance standards, or both.

*Goal* shall mean a specific, actionable, and measurable area of improvement as set forth in an educator's plan. A goal may pertain to any or all of the following: educator practice in relation to performance standards, educator practice in relation to indicators, or specified improvement in student learning, growth and achievement ~~outcomes~~. Goals may be developed by individual educators, by the evaluator, or by teams, departments, or groups of educators who have the same role.

~~*Improvement Plan* shall mean a plan of no more than one year, for experienced educators who are rated unsatisfactory, developed by the evaluator, with defined specific goals, an action plan with set benchmarks, and a final assessment of meeting the defined goals.~~

*Impact on Student Learning* shall mean at least the trend in student learning, growth and achievement and also include patterns in student learning, growth, and achievement.

*Measurable* shall mean that which can be classified or estimated, in relation to a scale, rubric or standards.

*Model System* shall mean the comprehensive educator evaluation system designed and updated as needed by the Department, as an exemplar for use by districts. The Model System shall include tools, guidance, rubrics, and contract language developed by the Department that satisfy the requirements of 603 CMR 35.00.

Multiple Measures shall include a combination of classroom, school, and district assessments and student growth percentiles where available.

~~Needs Improvement shall mean practice demonstrates lack of proficiency on a standard or overall.~~

~~Observation shall mean a category of measurement data gathering process that includes notes and judgments made during a series of announced and unannounced one or more classroom or worksite visits of any varying duration by the evaluator and may include examination of artifacts of practice, as well as exemplars of practice that support the judgments made relative to an educator's performance on standards and indicators. An observation may occur in person or through video.~~

Patterns shall mean consistent results from multiple measures.

Performance Rating shall be used to describe the educator's performance. There shall be four performance ratings:

- Exemplary shall mean that the educator's performance consistently and significantly exceeds the requirements of a standard or overall.
- Proficient shall mean that the educator's performance fully and consistently meets the requirements of a standard or overall.
- Needs improvement shall mean that the educator's performance on a standard or overall is below the requirements of a standard and overall, but is not considered to be unsatisfactory at this time. Improvement is necessary and expected.
- Unsatisfactory shall mean that the educator's performance on a standard or overall has not significantly improved following a rating of needs improvement, or the educator's performance is consistently below the requirements of a standard or overall and is considered inadequate, or both.

~~Performance Standards shall mean the performance standards locally developed pursuant to M.G.L. c.71, §38 and consistent with, and supplemental to, 603 CMR 35.00, including the standards and indicators in 603 CMR 35.00.~~

Professional Teacher Status or PTS shall mean the status granted to a teacher pursuant to M.G.L. c.71, §41.

~~Proficient shall mean that practice demonstrates skilled performance on a standard or overall.~~

Rubric shall mean a scoring tool that describes characteristics of practice or artifacts exemplars at different levels of performance quality.

*School Committee* shall mean the school committee in all cities, towns and regional school districts, local and district trustees for vocational education, educational collaborative boards, boards of trustees for the county agricultural schools, and the board of trustees of a charter school.

~~*Self Directed Growth Plan* shall mean a plan for experienced educators who are rated proficient or exemplary, developed by the educator. The plan shall include goals, an action plan with benchmarks and a final assessment of meeting the set goals. The evaluator must approve all plans.~~

*Standards and Indicators* shall mean the Standards and Indicators of Effective Teaching Practice, 603 CMR 35.03 and the Standards and Indicators of Effective Administrative Leadership Practice, 603 CMR 35.04.

*Summative Evaluation* shall mean an evaluation used to arrive at a rating on each standard, an overall rating, and as a basis to make personnel decisions. The summative evaluation includes the evaluator's judgments of the educator's performance against performance standards and the educator's ~~progress toward meeting~~ attainment of goals set forth in ~~their development, growth or improvement~~ the educator's plan.

*Superintendent* shall mean the person employed by the school committee pursuant to M.G.L. c.71, §59 or §59A. The superintendent is responsible for the implementation of 603 CMR 35.00. The superintendent shall be evaluated by the school committee pursuant to 603 CMR 35.00 and such other standards as may be established by the school committee.

*Teacher* shall mean any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.10(1) through (33), and 603 CMR 7.10 (39) through (42), or who has been approved as an instructor in the area of vocational education as provided in 603 CMR 4.00 *et seq.* or who is employed in a comparable position in a collaborative,.

*Trends* shall be based on at least two years of data.

~~*Unsatisfactory* shall mean that practice demonstrates lack of competence on a Standard or overall.~~

**35.03: Standards and Indicators of Effective Teaching Practice.** School committees shall establish evaluation systems and Performance Standards for the evaluation of all teachers that include all of the principles of evaluation standards, and indicators within each standard, set forth in 603 CMR 35.00-35.113. School committees may supplement the standards and indicators in 603 CMR 35.03 with additional measurable performance standards and indicators consistent with state law and collective bargaining agreements where applicable. The district shall adapt the indicators based on the role of the teacher to reflect and to allow for significant differences in assignments and responsibilities. The district shall share the Performance Standards with teachers employed by the district.

(1) Curriculum, Planning and Assessment standard: Promotes the learning and growth of all students by providing high quality and through designing coherent instruction, designing and administering authentic and meaningful student assessments, analyzing student performance and growth data, using this data to improve instruction, providing students with constructive feedback on an on-going basis, and continuously refining learning objectives.

(a) Curriculum and Planning indicator: Knows the subject matter well, has a good grasp of child development and how students learn, and designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes, including:

1. Units: Plans units backwards from state standards with big ideas, essential questions, knowledge, and skill goals.
2. Lessons: Designs lessons focused on measurable outcomes aligned with unit goals.
3. Knowledge: Knows the subject matter well and has a good grasp of child development and how students learn.

(b) Assessment indicator: Uses a variety of informal and formal methods of assessment to measure student learning, growth, and understanding, develop differentiated and enhanced learning experiences, and improve future instruction.

(c) Analysis indicator: Analyzes data from assessments, draws conclusions, and shares them appropriately.

(2) Teaching All Students standard: Promotes the learning and growth of all students through instructional practices that establish high expectations, create a safe and effective classroom environment, and demonstrate cultural proficiency.

(a) Instruction indicator: Uses a range of instructional techniques to meet the learning and growth needs of all students, including: Uses instructional practices that reflect high expectations regarding content and quality of effort

and work, engage all students, and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness.

- ~~1. Engagement: Designs highly relevant lessons that motivate all students and engage them in active learning.~~
- ~~2. Differentiation: Designs lessons that target several learning needs, styles, and interests.~~
- ~~3. Goals: Gives students a clear sense of purpose by communicating the unit's essential questions and the lesson's goals.~~
- ~~4. Repertoire: Selects and matches effective strategies, materials, and classroom groupings to foster student learning.~~
- ~~5. Clarity: Uses clear explanations, appropriate language, and instructive examples to present material.~~

(b) Learning Environment indicator: Creates and maintains a safe and collaborative learning environment that values diversity and motivates students to take academic risks, challenge themselves, and claim ownership of their learning, including:

- ~~1. Relationships: Is fair and respectful toward students and builds positive relationships.~~
- ~~2. Prevention: Commands respect through a confident presence and detects potential discipline problems early and prevents them.~~
- ~~3. Routines: Teaches routines and has students maintain them all year.~~

(c) Cultural Proficiency indicator: Actively creates and maintains an environment in which students' diverse backgrounds, identities, strengths, and challenges are respected. Enables students to interact effectively in a culturally diverse environment in which each person is a member of many groups, with numerous identities, challenges, and strengths.

(d) Expectations indicator: Plans and implements lessons that set clear and high expectations and also make knowledge accessible for all students, including:

- ~~1. Expectations: Conveys to students the concept, "This is important, you can do it, and I am not going to give up on you."~~
- ~~2. Support: Takes responsibility for students who are not succeeding, gives them extra help and, when necessary, refers students for specialized diagnosis and extra help.~~

(3) Family and Community Engagement standard: Promotes the learning and growth of all students through effective partnerships with families, caregivers, community members, and organizations.

(a) Engagement indicator: Welcomes and encourages every family to become active participants in the classroom and school community.

- (b) Collaboration indicator: Collaborates with families ~~to in creating~~ and ~~implementing~~ strategies for supporting student learning and development both at home and at school.
  - (c) Communication indicator: Engages in regular, two-way, and culturally proficient communication with families ~~and caregivers~~ about student learning and performance.
- (4) Professional Culture standard: Promotes the learning and growth of all students through ethical, culturally proficient, skilled, and collaborative practice.
- (a) Reflection indicator: Demonstrates the capacity to reflect on and improve the educator’s own practice, using informal means as well as meetings with teams and work groups to gather information, analyze data, examine issues, set meaningful goals, and develop new approaches in order to improve teaching and learning.
  - (b) Professional growth indicator: Actively pursues professional development and learning opportunities to improve quality of practice or build the expertise and experience to assume different instructional and leadership roles.
  - (c) Collaboration indicator: Collaborates effectively with colleagues ~~in teams~~ on a wide range of tasks.
  - (d) Decision-making indicator: Becomes involved in school-wide decision-making, and takes an active role in school improvement planning.
  - (e) Shared responsibility indicator: Shares responsibility for the performance of all students within the school.
  - (f) Professional Responsibilities Indicator: Is ethical and reliable, and meets routine responsibilities consistently.

**35.04: Standards and Indicators of Effective Administrative Leadership Practice.**

School committees shall establish evaluation systems and performance standards for the evaluation of ~~all~~ administrators that include all of the principles of evaluation standards, and indicators within each standard, set forth in 603 CMR 35.00-35.11. School committees may supplement the standards and indicators in 603 CMR 35.04 with additional measurable performance standards consistent with state law and collective bargaining agreements where applicable. The district shall adapt the indicators based on the role of the administrator to reflect and allow for significant differences in assignment and responsibilities. The district shall share the performance standards with all administrators.

(1) ~~Curriculum, Instruction and Assessment~~ Instructional Leadership standard: Promotes the learning and growth of all students and the success of all staff by cultivating a shared vision that makes effective teaching and learning the central focus of schooling

(a) Curriculum indicator: Ensures that all teachers design effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes, ~~including:~~

- ~~1. Expectations: Ensures that teachers know specifically what students should know and be able to do by the end of each grade level.~~
- ~~2. Targets: Works with grade level and subject area teams to set measurable student goals for the current year.~~

(b) Instruction indicator: Ensures that instructional practices in all settings reflect high expectations regarding content and quality of effort and work, engage all students, and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness, ~~including:~~

- ~~1. Units: Asks teacher teams to cooperatively plan curriculum units.~~
- ~~2. Pedagogy: Ensures that teachers know and employ effective teaching strategies and pedagogical techniques while teaching their content.~~

(c) Assessment indicator: Ensures that all teachers use a variety of formal and informal methods and assessments to measure student learning, growth and understanding, and also make necessary adjustments to their practice when students are not learning, ~~including:~~

- ~~1. Interims: Ensures the effective use of common interim assessments to monitor student learning several times a year~~
- ~~2. Analysis: Monitors teacher teams as they analyze interim assessment results, formulate action plans, and follow up each interim assessment with re-teaching and remediation~~

(d) Evaluation indicator: Provides effective and timely supervision and evaluation in alignment with state regulations and contract provisions, including:

1. ~~Supervision: Develops~~ Ensures educators pursue meaningful, actionable, and measurable professional practice and student learning goals ~~for the educators they that the evaluator evaluates.~~
2. ~~Observations: Makes frequent unannounced visits to classrooms and gives helpful~~ targeted and constructive feedback to teachers.
3. Exercises sound judgment in assigning ratings for performance and impact on student learning.
4. ~~Discrepancies: Reviews alignment between judgment about practice and data about student learning, growth or achievement~~ when evaluating and

rating educators and understands that the supervisor has the responsibility to confirm the rating in cases where a discrepancy exists.

(e) Data-informed Decision-making indicator: Uses multiple sources of evidence related to student learning, including state, district and school assessment results and growth data, to inform school and district goals and improve organizational performance, educator effectiveness and student learning, ~~including:~~

- ~~1. Strategy: Secures input to develop a strategic, measurable plan for the current year and periodically measures progress, listens to feedback, and adjusts the strategic plan.~~
- ~~2. Monitoring: Monitors data in several key areas, compares them with rigorous expectations, and uses them to inform improvement efforts.~~

(2) Management and Operations standard: Promotes the learning and growth of all students and the success of all staff by ensuring a safe, efficient, and effective learning environment, using resources to implement appropriate curriculum, staffing and scheduling.

(a) Environment indicator: Develops and executes effective plans, procedures, routines and operational systems to address a full range of safety, health, emotional, and social needs of students, ~~including:~~

- ~~1. Expectations: Sets expectations for student behavior and establishes school-wide routines and consequences that give staff and students a sense of order, discipline and predictability within a caring environment.~~
- ~~2. Planning: Plans for the year, month, week, and day, keeping the highest-leverage activities front and center.~~

(b) Human Resources Management and Development indicator: Implements a cohesive approach to recruitment, hiring, induction, ~~and~~ development, and career growth that promotes high quality and effective practice, ~~including:~~

- ~~1. Hiring: Recruits and hires effective teachers and staff who share the school's mission.~~
- ~~2. Development: Organizes on-going coaching and training that is aligned with school and district goals and builds classroom proficiency.~~

(c) Scheduling and Management Information Systems indicator: Uses systems to ensure optimal use of time for teaching, learning and collaboration, ~~including:~~

- ~~1. Efficiency: Has a system for dealing with disruptions and administrative chores in ways that maximize attention to teaching and learning.~~
- ~~2. Scheduling team time: Creates a schedule that provides meeting times for all key teams.~~

(d) Laws, Ethics and Policies indicator: Understands and complies with state and federal laws and mandates, school committee policies, collective bargaining agreements, and ethical guidelines.

(e) Fiscal Systems indicator: Develops ~~for the superintendent and school committee~~ a budget that supports the district's vision, mission and goals; ~~and~~ allocates and manages ~~and audits fiscal~~ expenditures consistent with district/school level goals and available resources.

(3) Family and Community Engagement standard: Promotes the learning and growth of all students and the success of all staff through effective partnerships with families, caregivers, community organizations members, and other stakeholders that support the mission of the school and district.

(a) Engagement indicator: Actively ensures that all families are wWelcome members of and encourages every family to become active participants in the classroom and school community and can contribute to the classroom and school community's effectiveness.

(b) Sharing Responsibility indicator: Continuously collaborates with families to support student learning and development both at home and at school, including:

1. ~~Support: Identifies struggling students and works to get support services to meet their needs.~~
2. ~~Conferences: Works to maximize the number of face-to-face parent/teacher report card conferences.~~

(c) Communication indicator: Engages in regular, two-way, culturally proficient communication with families about student learning and performance, including:

1. ~~Provides families with information on grade-level learning expectations and ways parents can help at home.~~

(d) Family Concerns indicator: Addresses family concerns in an equitable, effective, and efficient manner.

(4) Professional Culture standard: Promotes success for all students by nurturing and sustaining a school culture of reflective practice, professional growth, high expectations, and continuous learning for staff.

(a) Commitment to High Standards indicator: Fosters a shared commitment to high standards of teaching and learning with high expectations for achievement for all, including:

1. Mission and Core Values: Develops, promotes and secures staff commitment to core values that guide the development of a succinct, results-oriented mission statement and on-going decision-making.
  2. Meetings: Plans and leads well-run and engaging meetings that have an academic clear purpose, focus on matters of consequence, and engage participants in a thoughtful and productive series of conversations and deliberations about important school matters.
- (b) Cultural Proficiency indicator: Ensures that policies and practices enable staff members and students to contribute to and interact effectively in a culturally diverse environment in which students' backgrounds, identities, strengths and challenges are respected. ~~each person is a member of many groups with numerous identities, challenges, and strengths.~~
- (c) Communications indicator: Demonstrates strong interpersonal, written, and verbal communication skills, ~~including:~~
1. ~~Dialogue: Addresses concerns and problems in ways that invite dialogue with those affected by the issue.~~
  2. ~~Facilitation: Facilitates groups effectively including accepting feedback from supervisor, staff and stakeholders to improve performance to foster clear communication.~~
- (d) Continuous Learning indicator: Develops and nurtures a culture ~~where in~~ which all staff members ~~seek out and apply current research, best practices and theory and also~~ are reflective about their ~~own~~ practice and use using student data, current research, best practices and theory to continuously adapt instruction and achieve improved results. ~~to inform how instruction needs to be adapted to achieve improved results, including: Models these behaviors in the administrator's own practice.~~
1. ~~Reflective practice: Nurtures a culture that supports continual analysis, experimentation, assessment and refinement, where learning is constant and regular team meetings are the primary locus for professional learning.~~
  2. ~~Ideas: Reads and shares research and fosters an on-going, school-wide discussion of best practices.~~
- (e) Shared Vision indicator: Successfully and continuously eEngages all stakeholders ~~successfully~~ in the creation of a shared educational vision in which every student is prepared to succeed in postsecondary education and careers, and can become responsible citizens and community contributors.
- (f) Managing Conflict indicator: Employs strategies for responding to disagreement and dissent, constructively addressing resolving conflict, and building consensus throughout a district/school community.

### **35.05: Evaluation of Administrators under Individual Employment Contracts**

Districts shall have a system of evaluation for administrators under individual employment contracts that reflects the purposes in 603 CMR 35.01(2), and adapts adapting the Standards and Indicators for Effective Administrative Leadership Practice and the procedures in 603 CMR 35.04-35.11 as applicable to the role and contract of the administrator. ~~The district shall use evidence set forth in 603 CMR 35.07, the ratings set forth in 603 CMR 35.08, and student performance measures set forth in 603 CMR 35.09 as determined applicable by the district.~~ Nothing in these regulations shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L. c. 71, §§ 41 and 42.

### **35.06: Evaluation Cycle**

(1) School committees shall adopt either the Model Ssystem designed and regularly updated by the Department of ~~Elementary and Secondary Education~~, or a locally developed system that is consistent with these principles. The evaluation system shall include the evaluation cycle set forth in 603 CMR 35.06.

(2) The evaluation cycle shall include ~~self reflection and self-assessment~~ addressing Performance Standards established through collective bargaining or included in individual employment contracts.

(a) Each educator shall be responsible for gathering and providing to the evaluator information on the educator's performance, which shall include:

1. an analysis of evidence of student learning, growth, and achievement for students under the educator's responsibility;
2. an assessment of practice against Performance Standards; and
3. proposed goals to pursue to improve practice and student learning, growth and achievement.

(b) The educator shall provide such information, in the form of ~~self-reflection~~ and assessment, in a timely manner to the evaluator at the point of goal setting and plan development.

(c) The evaluator shall consider the information provided by the educator and all other relevant information.

(3) The evaluation cycle shall include ~~initial~~ goal setting and development of an Educator Plan.

(a) Evaluators shall use evidence ~~on~~ of educator performance and impact on student learning, growth, and achievement in goal setting with the educator based on the educator's ~~self-reflection~~ assessment and other sources that the evaluator shares with the educator.

(b) Evaluators and educators shall consider creating goals for teams, departments, or groups of educators who share responsibility for student results.

(c) The evaluator retains final authority over goals to be included in an educator's plan.

(bd) ~~Educator Plans are a key component to promote student learning, growth, and achievement, and~~ shall be designed to provide educators with adequate feedback for improvement, professional growth, and leadership; and to ensure educator effectiveness and overall system accountability.

(ee) ~~All~~ educators shall be placed on an Educator Plan based on his or her ~~their~~ overall rating and ~~their~~ his or her impact on student learning, growth and achievement, provided that educators who have not yet earned Professional Teacher Status and any other employee at will shall be placed on an Educator Plan solely at the discretion of the district.

1. Developing ~~Teacher/Administrator~~ Educator Plan for all administrators in their first three years with the district, ~~and~~ teachers without Professional Teacher Status, and, at the discretion of the evaluator, educators in new assignments. who received an overall rating of Proficient or higher and whose impact on student learning is either moderate or high.

2. Self-Directed Growth Plan for all experienced educators (~~among those not on a Developing Plan~~) rated Exemplary or Proficient. For educators whose impact on student learning is either moderate or high, the Educator Pplan may be for up to two years. For educators whose impact on student learning is low, the Educator Pplan shall be for ~~no more than~~ one year and shall include one or more goals related to student learning developed on the basis of an analysis of the educator's professional practice.

3. Directed Growth Plan for all experienced educators rated Needs Improvement and whose impact on student learning is either moderate or high.

4. Improvement Plan for all experienced educators rated Unsatisfactory, and all experienced educators rated Needs Improvement and whose impact on student learning is low.

(f) All Educator Plans shall meet the following requirements:

1. Include a minimum of one goal to improve the educator's professional practice tied to one or more Performance the sStandards

~~of effective teaching or administrative leadership, as appropriate to the educator's status.~~

- ~~2. Include a minimum of one goal to improve the learning, growth and achievement of the students under the educator's responsibility, as measured by improvements in either statewide assessments or district wide assessments comparable across grade and subject level when statewide growth measures are not available.~~
3. Outline actions the educator must take to ~~meet~~ attain these goals, including but not limited to specified professional development activities, self-study, and coursework, as well as other supports that may be suggested by the evaluator or provided by the school or district.
4. Be aligned to statewide Standards and Indicators in 603 CMR 35.00 and ~~any additional~~ local Performance Standards ~~indicators~~.
5. Be consistent with district and school goals.

(4) The evaluation cycle shall include implementation of the Educator Pplan. It is the educator's responsibility to ~~meet~~ attain the goals in the plan and to participate in any trainings and professional development provided through the state, district, or other providers in accordance with the Educator Pplan.

(5) The evaluation cycle shall include a formative assessment ~~/ or a formative evaluation, in which the evaluator makes an initial judgment on the educator's performance on each standard and overall in the form of a rating. In determining this initial rating, the evaluator may review all relevant evidence.~~

(a) The formative ~~evaluation~~ assessment may be ongoing throughout the evaluation cycle, but typically takes place at ~~mid-cycle, the end of the first year~~ for PTS teachers rated Proficient or higher.

(b) For an experienced educator rated proficient or higher, a formative evaluation takes place at the end of the first year of the two-year cycle. The educator's rating for that year shall be assumed to be the same as the previous summative rating unless evidence demonstrates a significant change in performance in which case the rating on Performance Standards may change.

(c) The educator shall have the opportunity to respond in writing to the formative assessment or evaluation.

(d) If an educator receives a formative assessment or formative evaluation that differs from the summative rating the educator had received at the beginning of the evaluation cycle, the evaluator may place the educator on a different educator plan, appropriate to the new rating.

(6) The evaluation cycle shall include a summative evaluation, in which the evaluator determines an overall rating of educator performance based on the evaluator's professional judgment and an examination of evidence that demonstrates the educator's performance against ~~Performance Standards standards and indicators~~ and evidence of the attainment of the ~~educator's Educator Plan~~ goals. The educator shall have the opportunity to respond in writing to the summative evaluation.

(7) Evidence of the experienced educator's impact on the learning, growth, and achievement of the students under the educator's responsibility, together with the summative evaluation rating, shall be used as follows:

(a) For any experienced educator who receives an evaluation rating of Exemplary or Proficient, the district shall take the following actions:

~~1. If the educator does not have Professional Teacher Status, the evaluator may choose to put the educator on a Developing Teacher/Administrator Plan.~~

~~a. If the district decides to put the educator on a Developing Educator Plan:~~

~~i. The educator shall be evaluated annually.~~

~~21. For the educator who has Professional Teacher Status and whose impact on student learning is either moderate or high, the evaluator shall place the educator on a Self-directed Growth Plan.~~

~~a. The educator shall receive a summative evaluation at least every two years.~~

~~b. The educator may receive a formative evaluation at the end of the first year of the Educator Plan.~~

~~bc. The educator may be eligible for additional roles, responsibilities and compensation, as determined by the district and through collective bargaining, where applicable.~~

~~32. For the educator who has Professional Teacher Status and whose impact on student learning is low, the evaluator shall place the educator on a Self-directed Growth Plan.~~

~~a. The educator and evaluator shall analyze the discrepancy in practice and student performance measures and seek to determine the cause(s) of such discrepancy~~

~~b. The plan shall be active for no more than one school year in duration.~~

~~b.c. The plan shall may include a goal related to examining elements of practice that may be contributing to low impact. changes in professional practice that will result in an increased impact on student learning.~~

~~d.. The educator shall receive a summative evaluation at the end of the period determined in the plan, but at least annually.~~

(b) For any experienced educator who receives an evaluation rating of Needs Improvement whose impact on student learning is either moderate or high, the district shall ~~take the following actions:~~

~~1. If the educator does not have Professional Teacher Status, the evaluator may choose to put the educator on a Directed Growth Plan.~~

~~a. If the district decides to put the educator on a Directed Growth Plan, the Plan may be for no more than 90 days.~~

~~i. The educator shall be evaluated at least every 90 days.~~

~~ii. The educator may be dismissed at any time.~~

~~2. If the educator has Professional Teacher Status, the evaluator shall place the educator on a Directed Growth Plan.~~

~~1. The educator shall receive a summative evaluation at the end of the period determined in the Plan, but at least annually.~~

~~2. The educator either must either earn at least a proficient rating in the summative evaluation, or shall be rated Unsatisfactory, and shall be placed on an improvement plan.~~

(c) For any experienced educator who receives an evaluation rating of Unsatisfactory or an evaluation rating of Needs Improvement and whose impact on student learning is low, the district shall ~~take the following actions:~~

~~1. If the educator does not have Professional Teacher Status, the evaluator may choose whether to put the educator on an Improvement Plan.~~

~~a. If the district decides to put the educator on an Improvement Plan, the Improvement Plan may be for no more than 90 days.~~

~~b. The educator shall be evaluated at least every 90 days.~~

~~c. The educator may be dismissed at any time.~~

~~2. If the educator has Professional Teacher Status, the evaluator shall put place the educator on an Improvement Plan.~~

~~a. The educator shall receive a summative assessment at the end of the period determined by the evaluator for the Plan, but at least annually.~~

(8) A teacher without professional teacher status, an administrator in the first three years in a position in a district, or an educator in a new assignment, may be placed on a Developing Educator Plan. The educator shall be evaluated at least annually. The existence of a plan shall not abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law.

(98) Nothing in these regulations shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L. c. 71, §§ 41 and 42.

### **35.07: Evidence Used in Evaluation.**

(1) The following categories of evidence shall be used in evaluating each ~~district's~~ educator ~~evaluation systems~~:

(a) Multiple measures of student learning, growth, and achievement, which shall include:

1. Measures of student progress on classroom assessments that are aligned with the Massachusetts Curriculum Frameworks or other relevant frameworks and are comparable within grades or subjects in a school;

~~2.~~ Measures of student progress on ~~classroom and~~ (school-based) learning goals set between the educator and evaluator for the ~~academic~~ school year;

~~3.~~ State-wide growth measure(s) where available ~~applicable~~, including the MCAS Student Growth Percentile and the Massachusetts English Proficiency Assessment (MEPA); and

~~4.~~ District-determined Measure(s) of student learning comparable across grade or subject district-wide.

5. For educators whose primary role is not as a classroom teacher, the appropriate measures of the educator's contribution to student learning, growth and achievement set by the district.

(b) Judgments based on observations and ~~exemplars~~ artifacts of professional practice, including ~~announced and~~ unannounced observations of practice of any duration;

(c) Additional evidence relevant to one or more Performance Standards of Effective Teaching or Administrative Leadership, including, but not limited to:

1. Evidence compiled and presented by the ~~The educator shall compile and present to the evaluator evidence including:~~

~~1a.~~ Evidence of fulfillment of professional responsibilities and growth, such as: self-~~reflections~~ assessments; peer collaboration; professional development linked to goals and ~~or growth or improvement~~ or educator plans; contributions to the school community and professional culture;

~~2b.~~ Evidence of active outreach to and on-going engagement with families;

~~3. Analysis of data from parents, staff (for administrators), and students, including surveys of climate, engagement, and other indicators of their experience with the educator.~~

2. Student feedback collected by the district, starting in the 2013-1014 school year. On or before July 1, 2013, the Department shall identify one or more instruments for collecting student feedback and shall publish protocols for administering the instrument(s), protecting student confidentiality, and analyzing student feedback. In the 2011-2012 and 2012-2013 school years, districts are encouraged to pilot new systems, and to continue using and refining existing systems, for collecting and analyzing student feedback as part of educator evaluation.

3. Staff feedback (with respect to administrators) collected by the district, starting in the 2013-2014 school year. On or before July 1, 2013, the Department shall identify one or more instruments for collecting staff feedback and shall publish protocols for administering the instrument(s), protecting staff confidentiality, and analyzing staff feedback. In the 2011-2012 and 2012-2013 school years, districts are encouraged to pilot new systems, and to continue using and refining existing systems, for collecting and analyzing staff feedback as part of administrator evaluation.

4. The Department shall research the feasibility and possible methods for districts to collect and analyze parent feedback as part of educator

evaluation and shall issue a report and recommendation on or before July 1, 2013.

5. Any other relevant evidence from any source that the evaluator shares with the educator.

(2) Evidence and professional judgment shall inform:

- (a) the evaluator's ratings of Performance Standards and overall educator performance and
- (b) the evaluator's assessment of the educator's impact on the learning, growth, and achievement of the students under the educator's responsibility

### **35.08: Performance Level Ratings.**

(1) Each educator shall receive one of four ratings on each Performance Standard and overall.

- (a) Exemplary.
- (b) Proficient.
- (c) Needs Improvement.
- (d) Unsatisfactory.

(2) In rating educators on Performance Standards for the purposes of either formative assessment, formative evaluation, or summative ~~assessment/evaluation~~, districts may use either the rubric provided by the Department in its model system or a comparably rigorous and comprehensive rubric developed by the district and ~~approved~~ reviewed by the Department.

~~(3) Evidence and professional judgment shall inform the ratings on standards and overall educator performance in accordance with the above rating scale and the evaluator's assessment of the educator's impact on the learning, growth, and achievement of the students under the educator's responsibility.~~

(3) All performance standards shall be rated using multiple categories of evidence. The summative evaluation rating must be based on evidence from multiple categories of evidence. MCAS growth scores cannot be the sole basis for a summative evaluation rating.

~~(5) At a minimum, multiple measures of student learning, growth, and achievement shall be used in rating the Curriculum, Planning, and Assessment and Teaching all Students standards for teachers and Management and Operations standards for administrators.~~

(4) To be rated Proficient overall, a teacher shall, at a minimum, have been rated Proficient on the Curriculum, Planning, and Assessment and Teaching all Students standards for teachers, 603 CMR 35.03(1) and 35.03(2).

(5) To be rated Proficient overall, an administrator shall, at a minimum, have been rated Proficient on the ~~Curriculum, Instruction, and Assessment~~ Instructional Leadership standard for administrators, 603 CMR 35.04(1).

~~(7) An educator who receives a Needs Improvement rating shall receive this rating for one year only no more than one school year. The educator either must earn a higher rating in the following summative review cycle, which shall be for no more than one year, or shall be rated Unsatisfactory.~~

(6) Professional teacher status, pursuant to G.L. ch. 71, § 41, should be granted only to educators who have achieved ratings of proficient or exemplary on each Performance Standard and overall. A principal considering making an employment decision that would lead to professional teacher status for any educator who has not been rated proficient or exemplary on each Performance Sstandard and overall on the most recent evaluation shall confer with the superintendent of schools by May 1. The principal's decision is subject to review and approval by the superintendent.

(7) Educators whose summative performance rating is exemplary and whose impact on student learning is rated moderate or high shall be recognized and rewarded with leadership roles, promotion, additional compensation, public commendation or other acknowledgement.

### **35.09: Student Performance Measures**

(1) Student Performance Measures shall be a significant factor in the summative evaluation.

(2) The evaluator shall determine whether an educator is having a moderate, low, or high impact on student learning based on trends and patterns in the following student performance measures:

(a) At least two state or district-wide measures of student learning gains shall be employed at each school, grade and subject in determining impact on student learning, as follows:

1. MCAS Student Growth Percentile shall be used as one of the measures where it is available, and

2. Additional measures comparable across schools, grades and subject matter district-wide as determined by the superintendent ~~and approved by the Department~~ may be used in conjunction with MCAS growth scores to meet this requirement, or when MCAS growth scores are not available.

(b) For educators whose primary role is not as a classroom teacher, appropriate measures of their contribution to student learning, growth and achievement shall be determined by the district.

(3) Based on a review of trends and patterns of state and district measures of student learning gains, the evaluator will assign the rating on growth in student performance consistent with Department guidelines:

(a) A rating of *high* indicates significantly higher than one year's growth relative to academic peers in the grade or subject.

(b) A rating of *moderate* indicates one year's growth relative to academic peers in the grade or subject.

(c) A rating of *low* indicates significantly lower than one year's student learning growth relative to academic peers in the grade or subject.

(34) For an educator whose overall performance rating is exemplary or proficient and whose impact on student learning is low, the evaluator's supervisor shall discuss and review the rating with the evaluator and the supervisor shall confirm or revise the educator's rating. In cases where the superintendent serves as the evaluator, the superintendent's decision on the rating shall not be subject to such review. When there are significant discrepancies between evidence of student learning, growth, and achievement and the evaluator's judgment on educator performance ratings, the evaluator's supervisor may note these discrepancies as a factor in the evaluator's evaluation.

### **35.10 Peer Assistance and Review**

(1) Districts may develop and implement Peer Assistance and Review Programs (PAR) through the collective bargaining process.

### **35.101: Implementation and Reporting**

(1) 603 CMR 35.00 shall take effect according to the following schedule:

(a) Districts with Level 4 schools, as defined in 603 CMR 2.05, shall adopt and implement in the Level 4 schools evaluation systems consistent with 603 CMR 35.00 for the 2011-2012 school year.

(b) Districts that are participating in the Commonwealth's Race to the Top activities shall adopt and implement evaluation systems consistent with 603 CMR 35.00 for the 2012-2013 school year.

(c) All school districts shall adopt and implement evaluation systems consistent with 603 CMR 35.00 by the beginning of ~~with~~ the 2013-2014 school year.

(d) A district may phase in implementation of its new evaluation system over a two-year period, with at least half of its educators being evaluated under the new system in the first year.

(2) All evaluation systems and changes to evaluation systems shall be subject to the Department's review to ensure the systems are consistent with the Boards' Principles of Evaluation. ~~The Department will review districts' evaluation systems to ensure the systems are consistent with the Board's Principles of Evaluation and report its findings. A Districts' may continue to use its existing evaluation systems shall remain valid until the District has fully implemented its Department has reviewed the new system.~~

(3) The model system developed by the Department need not be submitted for review under 603 CMR 35.00 if the district implements it as written.

(4) By September 2013, each district shall ~~adopt~~ identify and report to the Department a district-wide set of student performance measures for each grade and subject that permit a comparison of student learning gains.

(a) The student performance measures shall be consistent with 603 CMR 35.09(2). MCAS Student Growth Percentile shall be employed where it is available.

~~(b) At least two measures of student learning gains shall be employed at each grade and subject in determining impact on student learning~~

(b) By July 2012, the Department shall supplement these regulations with additional guidance on the development and use of student performance measures.

(c) Until such measures are identified and data is available for at least two years, educators will not be assessed as having high, moderate or low impact on student learning outcomes consistent with 603 CMR 35.09(3).

(5) Districts shall provide the Department with individual educator evaluation data for each educator in the district in a form and manner prescribed by the Commissioner, including, but not limited to:- ,

(a) The required data reporting may includeing but shall not be limited to: the number of educator's rated at each performance rating on each standard and overall

~~(b) the percentage of teachers who receive whether the educator has Professional Teacher Status; the number of educators rated on each of the four standards at each performance rating;~~

~~(c) the percentage of teachers at each level: the educator's impact on student learning, growth and achievement (low, moderate, high) impact on student learning outcomes; and the district's approach to reconciling discrepancies between state and local assessments in determining teachers' impact on learning outcomes.~~

(6) Any data or information that school districts or the Department or both creates, send, or receives in connection with educator evaluation that is evaluative in nature and may be linked to an individual educator, including information concerning an educator's formative or summative evaluation or performance rating or the student learning, growth and achievement data that may be used as part of an individual educator's evaluation, shall be considered personnel information within the meaning of M.G.L. c. 4, § 7(26)(c) and shall not be subject to disclosure under the public records law.

(7) The superintendent is responsible for ensuring that all evaluators have training in the principles of supervision and evaluation. All evaluations should be free of racial, sexual, religious and other illegal discrimination and biases as defined in state and federal laws.

(8) If any section or portion of a section of 603 CMR 35.00, or the applicability of 603 CMR 35.00 to any person, entity or circumstance is held invalid by a court, the remainder of 603 CMR 35.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.