Summary of Public Comments on Proposed Amendments to Accountability Regulations (603 CMR 2.00: *Accountability and Assistance for School Districts and Schools*)

**Source:** Correspondence received through email and/or letter (8), March 27, 2018 – May 18, 2018

**List of organizations and individuals submitting public comment:**

| **Organizations** | **Individuals** | |
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| * American Federation of Teachers Massachusetts (AFT-MA) * Massachusetts Business Alliance for Education (MBAE) and affiliates * Massachusetts Teachers Association (MTA) | * Scott Andrade * Marianne Dumont * Jackie Hayes | * Tracy Novick * Joshua Otlin |

| **Summary of Public Comment** | |
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| **General Comments** | **Department’s Response** |
| Proposed regulations around the accountability system lack specificity. (AFT-MA, MBAE, MTA, Andrade, Novick) | The Department added more detail to clarify how districts and schools will be categorized. |
| The accountability system unfairly penalizes underfunded districts and districts serving large populations of students belonging to historically disadvantaged groups, and will be perceived as a system of punishment, not support. (AFT-MA, MTA, Dumont, Otlin) | The Department prioritizes direct targeted assistance and grant resources to districts and schools that are identified as most in need of rapid improvement, as well as those on the cusp. |
| Data collection systems such as the Student Information Management System (SIMS) and the School Interoperability Framework (SIF) and related guidance need improvement. Accountability data will rely more heavily on these systems, and districts may be penalized. (Hayes) | Most of the Department’s data collection and reporting relies on these data collection systems. The Department reviews the systems and related guidance documents regularly and updates them as needed. The SIMS and SIF systems have been and will continue to be the foundation of the Department’s public reporting as additional measures are included in the accountability system. |

| **Summary of Public Comment** | | |
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| **Proposed Regulation** | **Public Comment Received** | **Department’s Response** |
| **603 CMR 2.01: Definitions** | | |
| Annual Performance Determination shall mean annual district, grade level, school, or student subgroup achievement and improvement, as determined by the Department relative to indicators which may include, but need not be limited to, achievement in English language arts, mathematics, and science, student growth in English language arts and mathematics, high school completion, and English language proficiency, in accordance with the federal Elementary and Secondary Education Act (ESEA). | The accountability regulations impose annual science testing requirements in grades 3-8. (Andrade) | No changes. No additional testing requirements are included in the proposed regulations. Districts and schools will continue to annually assess students in English language arts and mathematics in each of the grades 3 through 8 and 10, and in science in grades 5, 8, and 10. |
| **603 CMR 2.03: Accountability and Assistance for All Districts and Schools** | | |
| **(2)(a) Reported measures** Each year, the Department will report a measure of each school’s relative standing compared to other schools. | The proposed accountability system will use a percentile metric to unfairly rank schools relative to each other. (AFT-MA, Andrade, Novick, Otlin) | No changes. Both federal and state laws call for using a normative measure of school performance in the accountability system. Federal law requires that states identify the lowest performing 5 percent of schools as in need of comprehensive support and intervention. State law requires that in order for the Commissioner to identify a school as underperforming, the school must be among the lowest performing 20 percent of schools statewide. |
| **(5)(b) District standards and indicators** The Department shall publish a detailed version of the standards and associated indicators, which shall be informed by research-based practices identified as characteristic of schools that have experienced rapid improvements in student outcomes. | Proposed revisions eliminate the specific conditions for school effectiveness and now only refer to the District Standards and Indicators, which need to be better defined and should be subject to public comment if changed. (AFT-MA, MBAE, Novick) | No changes. The six district standards (Leadership and Governance; Curriculum and Instruction; Assessment; Human Resources and Professional Development; Student Support; and Financial and Asset Management) remain the same as in the past. The indicators under each standard were based in part on the Conditions for School Effectiveness (CSEs), which were developed at the outset of our implementation of the statute and regulations related to turnaround. While the CSEs did serve as the foundation for turnaround work, our research on successful turnaround strategies over the past seven years has allowed us to sharpen our focus on strategies and systems that are grounded in evidence. The research was designed around the CSEs, and resulted in identifying specific turnaround practices that have been shown to be effective (see <http://www.doe.mass.edu/turnaround/howitworks/reports.html> for more information). The Department will publish revised district indicators that reflect the results of the recent research on turnaround and effective district practice, including, but not limited to:   * Effective district support and interventions for low performing schools; * Strong distributed school leadership that effectively uses autonomy and authority to improve teaching and learning in a collegial and professional culture; * High-quality, focused, and aligned curriculum, instruction, and assessments with high expectations for all students; * Teaming structures that foster collaboration, focused on improved student outcomes and targeted professional development and support for teachers; * Strategic use of data to assess the efficacy of instructional practices and identify student-specific academic and non-academic needs; * Robust tiered systems of support to provide student-specific interventions, enrichment and support; and * A strong climate and culture that provides a safe, orderly and respectful environment for students where their social, emotional and health needs are met, and where families are valued as partners in their students’ learning. |
| **(9) Notice and Consultation** The commissioner will provide notice of proposed changes to the accountability system, including changes to the indicators or the weighting of indicators in the accountability system, and submit the proposed changes to the Board for approval. | The proposed regulations do not include a detailed description of the accountability system, therefore allowing any changes to the system to take place outside of the regulatory process. The Department should include language requiring a mandatory period of public comment on any proposed changes to the accountability system. (AFT-MA, MTA) | The Department added language requiring a period of public comment on any proposed changes to the accountability system. |
| **603 CMR 2.05: Accountability and Assistance for Underperforming Districts and Schools** | | |
| **(1) Designating districts as underperforming** The Board may designate a district as underperforming upon recommendation of the commissioner based on findings from a district review, monitoring report, or follow-up review showing serious deficiencies, relating to one or more district standards, that are likely if they are not addressed effectively and in a timely manner to have a substantial negative effect on student performance in the district, putting the district at risk of being designated as chronically underperforming. | There is no language in state statute that requires the Department to identify districts as underperforming. (AFT-MA, MTA) | No changes. G.L. c. 69, s. 1B provides the appropriate statutory basis for this provision. In addition, the Department believes there should be a formal process for identifying districts with ongoing, low performance, prior to the Board designating a district as chronically underperforming and placing it into receivership. |
| **(2)** Designating schools as underperforming A school shall be eligible for designation as underperforming if it scores in the lowest 20 percent statewide of schools serving common grade levels on a single measure developed by the Department. | The definition of “underperforming” will result in more schools being designated as underperforming. Each year 20 percent of schools will be eligible for this designation, but only 4 percent will receive support. (Andrade) | No changes. The statute sets the process for designating schools as underperforming. Each year the Commissioner may designate a school as underperforming if is among the lowest performing 20 percent of schools. No more than 4 percent of schools in the Commonwealth can be designated as underperforming at any given time. The Department will give priority for assistance to schools in the lowest 10 percent, not just those in underperforming or chronically underperforming status. |
| **(2)** Designating schools as underperforming Charter schools and Commonwealth of Massachusetts virtual schools shall not be eligible for designation as underperforming schools. | The regulations exempt charter schools and virtual schools from being classified as underperforming or chronically underperforming. (Novick) | No changes. In addition to the accountability measures described in 603 CMR 2.00, these schools are also subject to other accountability requirements: charter schools are also held accountable under the provisions of M.G.L. c. 71, § 89, and 603 CMR 1.00; and virtual schools are held accountable under the provisions of M.G.L. c. 71, § 94, and 603 CMR 52.00. Under these provisions, charter schools and virtual schools are subject to non-renewal or revocation of their charter or certificate. |
| **(4)(a)** Appointment of assistance and accountability personnel Upon designating a district as underperforming, the Department may appoint an assistance lead, accountability monitor, and/or site visit individuals/teams to support and monitor the implementation of the turnaround plan, and other related activities. | The regulations do not specify where the funds to support these personnel will come from. (Andrade) | The role of “assistance liaison” has been updated to “assistance lead” to reflect current terminology. Regulations state the Department “may” appoint staff to support underperforming districts and schools. As state and federal funds are available, the Department may assign staff from a well-established network of assistance leads and accountability monitors for activities related to the implementation and monitoring of the turnaround plan. |
| **(5)(c)** Turnaround plans for underperforming schools Within 30 days of the issuance of the superintendent's final turnaround plan the commissioner shall review the plan and may, in consultation with the superintendent, modify the plan. | The authority for the Commissioner to modify the turnaround plan for an underperforming school is an example of regulatory overreach. (AFT-MA, MTA) | The Department modified this provision to indicate that the Commissioner may propose modifications to the turnaround plan for an underperforming school. |
| (10) Removal of underperforming school designation | Only about 25 of the 65 schools that have been designated Level 4 since 2010 have been released from their “underperforming” label. (MTA) | As of fall 2017, 48 Level 4 (underperforming) schools were eligible to exit at the expiration of their turnaround plan. Since 2010, 25 of the eligible 48 schools have been released from underperforming status after demonstrating significant and sustainable improvement. |
| **603 CMR 2.06: Accountability and Assistance for Chronically Underperforming Districts and Schools** | | |
| (10)(d) Removal of chronically underperforming school designation The commissioner may remove a school from chronically underperforming status if the district in which the school resides is designated as chronically underperforming. | It is unclear what the accountability designation for a school that is removed from chronically underperforming status will be, and how the change in designation might impact the school’s eligibility for additional supports and resources. (AFT-MA, MTA) | No changes. The district turnaround plan for a chronically underperforming district provides the necessary conditions to satisfy the statutory requirements for chronically underperforming schools. The school’s status would be assigned as per its progress on the accountability system. The school would benefit from the same assistance and prioritization for funding as other schools in a chronically underperforming district. |
| **603 CMR 2.07: Mathematics Content Assessments at Underperforming and Chronically Underperforming Schools** | | |
| (1) Requirement of taking a mathematics content assessment The superintendent or receiver of an underperforming school, or the Commissioner or receiver of a chronically underperforming school, may require all mathematics teachers to take a mathematics content assessment approved by the Department. | The language around assessments for mathematics teachers in underperforming and chronically underperforming schools is vague. (Andrade) | No changes. This regulation has been in effect since 2000. Proposed amendments reflect only the change in terminology from Level 4 and Level 5 to underperforming and chronically underperforming. Additionally, the Supreme Judicial Court previously determined that this regulation is valid. Mass. Federation of Teachers v. Department of Education, 436 Mass. 763 (2002). |