



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

Mitchell D. Chester, Ed.D.
Commissioner

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Mitchell D. Chester, Ed.D., Commissioner
Date: June 21, 2011
Subject: Proposed Final Regulations on Evaluation of Educators, 603 CMR 35.00

I am pleased to present my recommendations for Final Regulations on Evaluation of Educators, 603 CMR 35.00. These recommendations reflect refinements to the proposed regulations that you approved on April 27, 2011. The refinements result from careful consideration of the approximately 500 comments received since the April State Board meeting. As companions to this memorandum, I am providing you with:

- a summary of the written comments received, along with DESE's response;
- copies of the written comments received, in electronic format;
- a summary of the responses provided by more than 700 individuals who attended the six regional forums;
- the proposed final regulations in "track changes" mode that identifies the edits that were made to the April 27 regulations; and
- the proposed final regulations without edits identified.

Introduction

Research shows and every parent knows the value of effective teachers and leaders. They create school cultures in which powerful teaching and learning are the norm and educators routinely collaborate to provide improved instruction. They provide instructional practices that are rooted in a challenging standards based curriculum, deep subject matter knowledge, pedagogical expertise, and wide knowledge of their students. They spur high levels of student effort and motivation. They foster meaningful connections among families and communities that support student learning. They nurture the personal and civic development of their students. They advance the academic growth of their students *as the primary focus of public education*.

These outcomes are what parents want for their children. They are what the public expects from its schools. However, current educator evaluation practices across the Commonwealth too often

fail to provide educators with robust feedback and opportunities to develop that ensure that improving student learning is the central outcome of the system.

Simply rating a teacher (or a principal) on the learning outcomes of their students will not improve educator practice. At the same time, assessing professional practices without examining their impact on student learning is nonsensical. Incredibly, that has been the practice in too many of the Commonwealth's districts. Thus, in the proposed new regulations both educator practice *and* impact on student learning are central. In sum, the new regulations are explicitly designed to support the central proposition of an empowered education profession: *Effective teachers and leaders count the most in improving student outcomes and school results.*

In short, the proposed final regulations are designed to:

- Promote Growth and Development:*** provide educators with feedback and opportunities for development that support continuous growth and improvement;
- Reward Excellence:*** require that districts celebrate excellence in teaching and administration;
- Set a High Bar for Professional Teacher Status:*** require that entrants to the teaching force demonstrate proficient performance within three years to earn Professional Teacher Status;
- Shorten Timelines for Improvement:*** experienced administrators and teachers who are not proficient have one year to demonstrate proficient performance; and
- Place Student Learning at the Center:*** student learning is central to the evaluation and development of the Commonwealth's administrators and teachers – and is the core work of schools.

A Robust Regulatory Comment Process

Over 500 written comments on the regulations were submitted to the Board's website by the June 10 deadline. They ranged from detailed substantive critiques to suggestions for fine-tuning and word changes to statements of support or opposition to the new regulations. Each has been carefully considered.

In addition to receiving written comments on the regulations, DESE sponsored six regional forums across the state for teachers, administrators, and other stakeholders to learn about the proposed educator evaluation regulations and provide feedback. Nearly 800 educators and other stakeholders attended the forums. Of the participants, 51 percent were teachers, 42 percent were administrators, and 7 percent were other stakeholders.

Attendees were invited to share their views through question and answer sessions and electronically, using audience response technology. In response to the question, "*Over the course of your educational career, how useful have evaluations been in improving your practice as an educator?*" only 11 percent reported that evaluations were very useful, 56 percent said they were somewhat useful, and 43 percent said evaluations were not useful at all. Other

responses included:

- Nearly nine of ten respondents supported including educator self-reflection and self-assessment (somewhat support: 25%; strongly support 64%).
- More than eight of ten respondents supported including goals for improving educator practice (somewhat support: 23%; strongly support: 59%).
- More than three of four respondents supported including goals for improving student growth and learning (somewhat support: 25%; strongly support 52%).
- Two thirds of the respondents supported including multiple measures of student learning and growth in educator evaluations (somewhat support: 21%; strongly support 46%).

Department leaders also made numerous presentations to stakeholder groups on the proposed regulations in which more than 500 educators and other stakeholders participated. Collectively, both the formal regulatory comment and the informal feedback has informed our analyses and helped to refine the regulations I am proposing.

The strong response to the Board's call for comments, attendance at these forums, and the questions we have heard indicate intense interest in the reform of educator evaluation. This interest is characterized by: a desire for change; support for prioritizing student learning *and* professional growth; concern about the implementation challenge for school districts or educators; and the desire for guidance in determining educator impact on student growth in all grades and subjects (especially non-MCAS grades and subjects), as well as for specialist fields.

Previous State Board Discussion on Educator Effectiveness and Evaluation

In addition to the regulatory comment and other feedback we received, the proposed final regulations reflect the guidance and perspectives offered by the Board in its deliberations on educator effectiveness and educator evaluation. These issues have been before the Board frequently over the past year, and have been the subject of several additional Board meetings since August 2008 when the Board first adopted its strategic goal on educator effectiveness. Educator effectiveness has been at the core of our Race to the Top goals and strategies.

Over the past year, the Board's focus on evaluation has intensified, beginning with its May 2010 discussion that established the statewide Task Force on educator evaluation and set parameters for prospective changes to regulations. The Task Force, which was launched in August, included representatives from key stakeholder groups, practitioners, business, experts in evaluation, psychometrics, and statistics, as well as a student representative. It met intensively for seven months. Over the period of its deliberations, the Board received regular updates on Task Force progress and discussions, and Board members had the opportunity to share their perspectives with Task Force members. In March 2011, the Task Force presented its report and recommendations to the Board.

Chronology of Board Discussions on Educator Evaluation

May 2010

Policy Direction for Evaluation of Teachers and Administrators - Discussion

October 2010

Update on Educator Evaluation Task Force - Discussion

December 2010

Update on Educator Evaluation - Discussion

January 2011

Update on Educator Evaluation, including Presentation by Professor Tom Kane on Emerging Findings from Measures of Effective Teaching Study - Discussion

February 2011

Special Meeting Educator Evaluation: Task Force Recommendations and Next Steps - Discussion

March 2011

Report and Recommendations from Educator Evaluation Task Force and Commissioner's Initial Response - Discussion

April 2011

Proposed Regulations on Evaluation of Educators, 603 CMR 35.00 - Initial Discussion and Vote to Solicit Public Comment

May 2011

Educator Evaluation: Overview of Proposed Regulations and Implementation Plan - Continuing Discussion

In its report, the Task Force noted that evaluation practices statewide were extremely uneven and were not accomplishing the goals of supporting professional growth, accountability, and systemic improvement statewide. The Task Force said a “breakthrough” was needed in educator evaluation and called for greater statewide consistency in evaluation standards, practices, ratings, and other design features, such as self-reflection and goal setting. These components, along with additional features designed to make student learning a more central part of educator evaluation, were key elements of the regulations I proposed to the Board in April.

Key Considerations in the Proposed Final Regulations

There are several key considerations raised in the comments we received that informed the final regulations before you. In addition to refinements in wording and structure that are intended to clarify the intent of the regulations, the input of various commentators is addressed as follows:

- **Capacity for implementation:** Many responses identified concerns about the capacity of school systems as well as of current administrators to implement the new evaluation requirements. It should be pointed out that regular, ongoing supervision and evaluation of teachers have been a requirement of statute since 1993. Having made this point, however, I do believe that successful implementation of the new regulations will require substantial effort by both the Department and local districts. To this point:
 - DESE has identified substantial Race to the Top resources over the next three years that will be devoted to development and dissemination of evaluation prototypes and support for implementation of new evaluation protocols:
 - ✓ Training and technical assistance for the initial cohort of implementing districts commences June 30 with Boston administrators, and
 - ✓ In mid-July, technical assistance is scheduled to begin for leadership teams from all Level 4 schools as well as for their district administrators;
 - the Commonwealth's Teacher Incentive Fund grant will provide additional fiscal support for the development of evaluation protocols in Boston and Springfield that will be prototypes that other Massachusetts districts may adopt or adapt;
 - approximately ten districts have applied to become "early adopters" of the new regulations, and DESE will work closely with them;
 - by the 2012-2013 school year, when Race to the Top participating districts implement the new regulations, the model system developed by DESE and prototypes from the "early adopter" districts will be disseminated through statewide and regional meetings – the prototypes will provide models and protocols that address areas where districts will be looking for assistance, including:
 - ✓ rating administrators and teachers according to the standards and indicators,
 - ✓ developing professional practice goals,
 - ✓ developing goals for student learning,
 - ✓ assessments of student learning in all subjects, and
 - ✓ assessing impact on student learning;
 - beyond the model system and prototypes, DESE will develop a variety of web-based tools and training to support implementation, including evaluator training and calibration tools;
 - DESE has procured the services of American Institutes for Research (AIR), an organization with experience and expertise in the development and implementation of evaluation systems – AIR will be responsible for helping to design and oversee the rollout efforts over the next three years.

Several of the comments recommend that the regulations require that evaluators undergo training and subsequent assessment of their supervision and evaluation skills before they evaluate teachers. Some commentators would like a minimum of five years of teaching

experience to be a prerequisite for being an evaluator. It is my conviction that the Commonwealth's administrative corps – some of whom have less than five years' teaching experience – is skilled in and capable of high quality supervision and evaluation.

I agree, however, that ongoing development and training are important components of a robust system and am committed to ensuring that this happens. In addition, DESE will examine existing requirements for administrator preparation program approval, administrator licensure, and re-licensure of teachers and administrators through the Individual Professional Development Plan to ensure alignment with and support for the new evaluation regulations, and to avoid needless duplication of efforts by educators.

In addition, the following features of the regulations support efficient and effective implementation of the evaluation regulations:

- unannounced observations are required – these reduce the need for elaborate pre-observation protocols and also limit the reliance on announced visits that are often staged events that have little relation to typical practice;
 - school, grade level, or subject-specific group goals allow teams of teachers or administrators to work on common student learning goals, thus encouraging educator collaboration that results in greater efficiency for evaluators;
 - educator self-assessment is a component of the system that provides shared responsibility for evaluation between the evaluatee and the evaluator;
 - formative evaluations allow for evaluators of experienced teachers who are rated proficient or exemplary to focus on progress toward goals;
 - peer assistance and review also is permitted (see below); and
 - each district has a two-year period in which to transition their educators from their existing system to the new evaluation system.
- **Impact on student learning:** We received numerous comments on determining educators' impact on student learning. Many of the comments concerned the use of MCAS, some of which advocated disallowing its use while others wanted its use more explicitly defined. I believe that the proposal before you appropriately cross-references the evaluator's judgment of educator practice *with* impact on student learning. The intersection of these two analyses ensures that student learning is consequential while honoring the professional judgment of evaluators.

The regulations make clear that student MCAS scores cannot be the sole basis for an educator's evaluation – which was a concern expressed in several comments. Further, the regulations require the use of MCAS growth scores where available. Growth scores are a fairer indication of impact on learning than point-in-time scores and provide a reasonable metric for measuring the learning of students whose achievement is lagging. The requirement that districts employ trends and patterns from multiple measures of

student learning mitigates the likelihood that conclusions about student learning are erroneous.

- **Student, staff, and parent feedback:** The final proposed regulations clarify the timelines and procedures for determining student and parent feedback:
 - beginning in school year 2013-14, student feedback will be collected by the evaluator in the case of teachers and staff feedback will be collected by the evaluator in the case of administrators. By July 1, 2013, DESE will identify one or more feedback instruments to be administered as well as the protocols for collecting and employing feedback; and
 - by July 1, 2013, DESE will explore the feasibility of collecting and utilizing parent feedback as evidence for educator evaluation.
- **Celebrating excellence:** The final proposed regulations require that each district recognize, celebrate, and/or reward exemplary teachers and administrators.
- **Sub-indicators:** We have eliminated most of the sub-indicators from the regulations. Beyond the standards and indicators, I believe that the adoption of sub-indicators is best left to local decision-making, as many commentators suggested. The model system that DESE develops will include sub-indicators to support local decision-makers.
- **Peer review and assistance:** The final regulations make clear that peer evaluation and/or peer assistance are appropriate components of the evaluation system.
- **Non-instructional staff:** The final regulations provide guidance on the evidence to be developed for staff who are not classroom-based teachers (e.g., guidance counselors, nurses).

Conclusion

In sum, the final regulations that I am recommending reflect an extraordinarily deliberative effort both of the Board and the Task Force to review educator evaluation practices and make recommendations for the overhaul of state regulations. The regulations have been further strengthened by substantial input from educators and other stakeholders across the Commonwealth, significant effort by DESE staff, and my best judgment as to what is required to achieve the kind of “breakthrough” called for in the Task Force Report. It is my view that adoption of the regulations will represent a landmark moment for education in Massachusetts.

At the risk of repetition, I conclude with the observations I shared with you in April:

Good teaching matters for all students, and it is a key to addressing the proficiency gap. Some teachers routinely secure a year-and-a-half of gain in achievement while others with similar

students consistently produce only one-half a year gain. As a result, two students who begin the year with the same general level of achievement may know vastly different amounts one year later – simply because one had a weak teacher and the other a strong teacher. Further, no other attribute of schooling comes close to having the magnitude of influence on student achievement that teacher effectiveness provides. Research on school leadership underscores the importance of effective leaders in attracting, retaining, and supporting effective teachers and creating the organizational structures and environment where powerful teaching and learning is the norm.

Investment in education reform in Massachusetts has paid large dividends as our students' achievement has soared. The revamping of educator evaluation builds on our previous investment. We know that good instruction matters and is key to closing proficiency gaps. We know that we can provide better feedback to our administrators and teachers than our current evaluation systems provide – feedback that will help them identify opportunities for strengthening the vital work that they do to educate and inspire all of our students.

The effort to implement these recommendations will take several years. The changes outlined in the new regulations are not simply technical – they represent a culture shift for most school districts. Placing student learning at the center of discussions of educator effectiveness needs to become the norm in every school and district.

The heart of our challenge in Massachusetts public education is to move from good to great, with respect to student and educator performance. While this proposal to improve educator evaluation is ambitious and bold, it is achievable and, most importantly, it is work that is worth doing. These regulations are critical to helping meet that challenge.