Appendix E. Contract Language for the Implementation of the Student Impact Rating and District-Determined Measures
Dear Educators and other interested Stakeholders,

I am pleased to present Appendix E of Part IV of the Massachusetts Model System for Educator Evaluation, Model Contract Language for the Implementation of the Student Impact Rating and District-Determined Measures (DDMs). This model contract language is designed to be “dropped-in” at the placeholder (Section 22) for Student Impact Ratings that was included in the model contract language released by the Department of Elementary and Secondary Education (ESE) in January 2012 in conjunction with Part IV.

The model contract language presented here accomplishes two critical goals to which I am committed for the implementation of DDMs: teachers have a robust role in identifying DDMs and there is an expedited process for identifying DDMs. First, teachers must be engaged as key stakeholders in the identification of DDMs. As educators, we are committed to having a positive impact on the learning, growth and achievement of all students. Educators across the content areas strive to answer an essential question: Does my actual impact meet or exceed the impact I aspire to have on my students? Thus, it is necessary for teachers to be included as priority partners in this work. Second, the process for identifying DDMs should be expeditious to position districts to implement DDMs beginning in the 2014-15 school year.

The Massachusetts educator evaluation system is designed to allow educators and evaluators to focus on the critical intersection of educator practice and educator impact. Its two independent but linked ratings create a more complete picture of educator performance. The Summative Performance Rating assesses an educator's practice against four statewide Standards of Effective Teaching or Administrator Leadership Practice, as well as an educator's progress toward attainment of his/her goals. This rating is the final step of the 5-step evaluation cycle. The Student Impact Rating is informed by trends (at least two years) and patterns (at least two measures) in student learning as measured by statewide growth measures, where available, and DDMs. Taken together, these ratings will help educators reflect not only on their professional practice, but also the impact they are having on their students’ learning.

DDMs represent an opportunity for all Massachusetts districts and their educators to identify or develop measures of student growth that assess the content most important for students to learn and provide meaningful information educators can use to improve their practice. Carefully selected, DDMs
will further instructional priorities such as the shifts in the Curriculum Frameworks for ELA and math, as well as district and school improvement goals.

The model contract language included in this appendix is designed to support districts in reaching agreement on a process that will result in the effective use of a district-wide set of DDMs. The process described acknowledges that collaboration with and among educators in this work is of paramount importance to the evaluation system. Many districts are already making impressive progress, with educator teams hard at work identifying and developing DDMs. My hope is that this model contract language will affirm the work underway in these districts while providing a starting point for those districts yet to begin negotiations on the process for using state and district-determined measures to arrive at Student Impact Ratings. Districts may choose to adopt this model contract language, adapt it, or revise their current contract language to ensure a process that aligns with all of the principles of educator evaluation detailed in the regulations.

While I am optimistic that districts will work diligently to build off of the 2013-14 DDM pilot year and reach agreement on identifying DDMs, I am committed to making ESE resources available to districts seeking assistance in resolving disputes relating to DDM identification. Parties interested in availing themselves of this assistance in the form of an expedited resolution process may choose to include the resolution process provision contained in this model language (see Section 22.B.iv.b;) in their collective bargaining agreements. While the Educator Evaluation regulations do not require districts to establish a process to resolve disputes related to DDM identification, it may be helpful to the parties to have such a process in place.

ESE acknowledges that districts that adopted or adapted the model contract language contained in Appendix C of Part IV may find some of the provisions in this model contract language to be redundant with provisions in their existing contracts. This redundancy is intentional and serves the purpose of consolidating all provisions related to the Student Impact Rating and DDMs in one place.

I would like to acknowledge the valuable feedback and assistance we received from many individuals and organizations as we developed the model collective bargaining contract language. State associations whose representatives worked with ESE staff include, in alphabetical order: American Federation of Teachers, Massachusetts (AFT-MA), Massachusetts Association of School Committees (MASC), Massachusetts Association of School Superintendents (MASS), and Massachusetts Teachers Association (MTA) as well as numerous educators, teachers and administrators. We appreciate their participation and we thank them for their time and effort.

Sincerely,

Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education
Appendix E. Contract Language for the Implementation of the Student Impact Rating and District-Determined Measures

Section 22 - Rating of Educator Impact on Student Learning (Student Impact Rating)

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22) Rating of Educator Impact on Student Learning (Student Impact Rating)

A) Basis of the Student Impact Rating

i. The following student performance measures shall be the basis for determining an educator’s impact on student learning, growth, and achievement.

(a) Statewide growth measure(s),

(1st) Where available, statewide growth measures must be selected each year as one of the measures used to determine the educator’s Student Impact Rating.

(2nd) Statewide growth measures include the MCAS Student Growth Percentile, or its equivalent, and ACCESS for ELLs gain score.

(b) District-Determined Measures (DDMs) of student learning, growth, or achievement

B) Identifying and Selecting District-Determined Measures

i. A DDMs Working Group representing teachers and administrators shall be established to identify and select DDMs.

(a) The Working Group shall be co-chaired by the president of the bargaining unit or his/her designee and the Superintendent or his/her designee.

(b) The parties shall endeavor to provide, to the extent practicable, representation of educators from a variety of grade levels and disciplines.

ii. DDMs Working Group tasks may include:

(a) Surveying educators and administrators in the district to create and maintain a list of assessments used in the district. The Working Group shall use the list to identify potential measures that may be adopted or adapted as DDMs. In addition, the Working Group may invite teams of educators to identify or develop new measures that may be adopted or adapted as DDMs.

(b) Recruiting and identifying district educators, including teachers of students with disabilities and English language learners, as well as educator teams to review the list of assessments for their specific content areas and to inform the identification and/or development of potential DDMs by making recommendations to the Working Group.

(1st) Recruitment materials for classroom and caseload educators should indicate a preference for educators rated proficient or exemplary on Standards I and II during the most recent evaluation cycle.

(2nd) Recruitment materials for school and district administrators should indicate a preference for administrators rated proficient or exemplary on Standard I during the most recent evaluation cycle.
(c) Identifying at least two measures of student learning, growth, or achievement for each educator based on recommendations from educators with expertise in the content area as described in Section 22.B.ii.b.

(d) Collecting feedback from educators and evaluators regarding the quality (e.g., alignment to curriculum, utility) of the selected DDMs.

(1st) Where feedback suggests modifications to the selected DDMs or the selection of different DDMs is necessary, the Working Group may convene a team of educators with expertise in the content area to make recommendations to the Working Group.

(e) Participating in the continuous improvement of the district’s DDMs.

iii. DDM Selection Criteria

(a) DDMs may consist of direct or indirect measures.

(1st) A direct measure assesses student growth in a specific content area or domain of social-emotional or behavioral learning over time.

(i) For all classroom educators, at least one measure in each year that will be used to determine an educator’s Student Impact Rating must be a direct measure.

(ii) Direct measures include, but are not limited to, criterion referenced or norm referenced measures such as: formative, interim and unit pre- and post-assessments in specific subjects, assessments of growth based on performances and/or portfolios of student work judged against common scoring rubrics, and mid-year and end-of-course examinations.

(2nd) Indirect measures do not measure student growth in a specific content area or domain of social-emotional or behavioral learning but do measure the consequences of that learning.

(i) Indirect measures include, but are not limited to, changes in: promotion and graduation rates, attendance and tardiness rates, rigorous course-taking pattern rates, college course matriculation and course remediation rates, discipline referral and other behavior rates, and other measures of student engagement and progress.

(b) DDMs must be comparable across grade or subject level district-wide.

(c) DDMs must include consistent, transparent scoring processes that establish clear parameters for what constitutes high, moderate, and low student growth.

(d) DDMs must be aligned to the Massachusetts Curriculum Frameworks, Massachusetts Vocational Technical Education Frameworks, or other relevant Frameworks.
iv. Process for Selecting DDMs

(a) The DDMs Working Group shall provide a written recommendation to the Superintendent regarding its work, including 22.B.ii.c, above.

(b) If the superintendent declines to accept the recommendations from the DDMs Working Group, the superintendent or the collective bargaining representative may request an expedited resolution process as follows:

(1st) The school district or the collective bargaining representative may file a petition seeking expedited resolution with the Commissioner of Elementary and Secondary Education.

(2nd) The Commissioner shall forward to the parties a list of three hearing officers selected by the Commissioner for their knowledge and expertise in curriculum and/or assessment.

(3rd) The Superintendent and the collective bargaining representative within three days of receipt of the list from the Commissioner shall have the right to strike one of the three hearing officers' names if they are unable to agree upon a single hearing officer among the three.

(4th) The hearing officer shall render a final decision that advances the goals of encouraging innovation in teaching and of holding educators accountable for improving student performance.

(c) Educators must be informed of the DDMs that will be used to determine their Student Impact Ratings no later than the end of the fourth week of school.

(d) Districts shall arrange professional development for all educators, principals, and other evaluators that outlines the components of the Student Impact Rating and prepares educators to administer DDMs. The district through the superintendent shall determine the type and quality of professional development based on guidance provided by ESE. Professional development topics may include, but not be limited to, an overview of DDMs and the Student Impact Rating, the district’s DDM implementation and scoring plans, and the process for reviewing and confirming student rosters.

C) Determining Educator Impact for Each DDM

i. The evaluator will meet with the educator annually to discuss the educator’s students’ growth scores on each DDM for that school year. For each DDM, the evaluator will consult with the educator and then will determine whether in general, the educator’s students demonstrated high, moderate, or low growth in comparison to the parameters the district has set for high, moderate, and low growth for the specific DDM. See Section 22.B.iii.c. The evaluator’s determination will result in a designation of high, moderate, or low impact for the educator for each DDM. Based on this determination, and in support of the continuous growth and development of the educator, the evaluator may recommend modifications to the educator’s instructional practice.

ii. Educators shall have an opportunity to review and confirm the roster of students whose scores will be used in the determination of their impact on student growth for each DDM.
(a) For full-year or fall semester courses, the DDM results from students who are not enrolled in the grade or course by October 1st or do not remain enrolled through the final date the DDM is administered shall not be used in the determination of an educator’s impact on student growth.

(b) For spring semester courses, the DDM results from students who are not enrolled in the grade or course by the end of the fourth week of the semester or do not remain enrolled through the final date the DDM is administered shall not be used in the determination of an educator’s impact on student growth.

(c) DDM results from students who are not present for instruction or education services for at least 90 percent of the allotted instructional or service time shall not be used in the determination of an educator’s impact on student growth.

D) Determining a Student Impact Rating

i. The evaluator shall use his/her professional judgment to determine whether an educator is having a high, moderate, or low impact on student learning. The evaluator will consider the designations of impact (high, moderate, or low) from at least two measures (a statewide growth measure must be used as one measure, where available) in each of at least two years and will apply professional judgment to those designations in order to establish trends and patterns in student learning, growth, and achievement, before determining the educator’s Student Impact Rating. The evaluator’s professional judgment may include, but is not limited to, consideration of the educator’s student population and specific learning context.

(a) A rating of high indicates that the educator’s students demonstrated significantly higher than one year’s growth relative to academic peers in the grade or subject.

(b) A rating of moderate indicates that the educator’s students demonstrated one year’s growth relative to academic peers in the grade or subject.

(c) A rating of low indicates that the educator’s students demonstrated significantly lower than one year’s student learning growth relative to academic peers in the grade or subject.

ii. The evaluator shall meet with the educator rated low to discuss the Student Impact Rating. The evaluator may meet with the educator rated moderate or high to discuss the Student Impact Rating, if either the educator or the evaluator requests such a meeting.

E) Intersection between the Summative Performance Rating and the Student Impact Rating

i. An educator’s Summative Performance Rating is a rating of educator practice and remains independent from the educator’s Student Impact Rating, which is a rating of impact on student learning, growth, and achievement.

ii. Educators with PTS whose overall Summative Performance Rating is exemplary and whose Student Impact Rating is moderate or high shall be recognized and rewarded with leadership roles, promotions, additional compensation public commendation, or other acknowledgement as determined by the district through collective bargaining where applicable. See Section 21.C.
iii. Educators with PTS whose overall Summative Performance Rating is proficient and whose Student Impact Rating is moderate or high may be eligible for additional roles, responsibilities, and compensation, as determined by the district through collective bargaining where applicable.

iv. Educators with PTS whose overall Summative Performance Rating is exemplary or proficient and whose Student Impact Rating is moderate or high shall be placed on a two-year self-directed growth plan. See Section 17.A.

v. Educators with PTS whose overall Summative Performance Rating is exemplary or proficient and whose Student Impact Rating is low shall be placed on a one-year self-directed growth plan. See Section 17.B.

(a) In such cases, the evaluator’s supervisor shall discuss and review the Summative Performance 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 review. See Section 14.D.

(b) The educator and the evaluator shall analyze the discrepancy between the Summative Performance Rating and Student Impact Rating to seek to determine the cause of the discrepancy.

(c) The Educator Plan may include a goal related to examining elements of practice that may be contributing to low impact.

vi. Evaluators shall use evidence of educator performance and impact on student learning, growth, and achievement in the goal setting and educator plan development processes, based on the educator’s self-assessment and other sources that the evaluator shares with the educator.

F) Initial Reporting of Student Impact Ratings

i. The district shall implement DDMs and collect the first year of Student Impact Rating data during the 2014-15 school year.

ii. The district shall implement DDMs and collect the second year of Student Impact Rating data during the 2015-16 school year.

iii. Initial Student Impact Ratings shall be determined based on trends and patterns following the 2015-16 school year and shall be reported to ESE.