

## Appendix B. Model Collective Bargaining Language & General Considerations

The procedures for conducting educator evaluation are a mandatory subject of collective bargaining in Massachusetts. As such, all districts have engaged in collective bargaining in order to implement the new educator evaluation framework for teachers, specialized instructional support personnel/caseload educators and administrators represented by bargaining agents.

District and association/union leaders have approached contract language concerning educator evaluation differently. Some have included every detail of the evaluation process in their collective bargaining agreements. Others have included some aspects of the process in the contract and others in side letters or other documents. Still other district and association/union leaders have bargained more general procedures, leaving some details to lie outside of formal agreements. The Model Contract Language released by ESE in 2012 to support implementation of the Summative Performance Rating (see [Appendix C](#) and [Appendix D](#) of [Part IV of the Massachusetts Model System for Educator Evaluation](#)) and in 2014 to support implementation of the Student Impact Rating (see [Appendix E](#) of Part IV) contains specific language that describes a complete process. Districts have adopted these contract models, adapted them to meet local needs, or have chosen not to use them - instead revising their existing systems to meet the regulatory requirements.

As it relates to the incorporation of student and staff feedback into the evaluation framework, ESE recognizes that the regulations, through a lack of prescription, afford great flexibility. Rather than issue model contract language outlining a specific process for collecting and utilizing student and staff feedback, ESE offers the following language, as well as additional considerations regarding collective bargaining.

### Language

#### **23. Using Student feedback in Educator Evaluation**

In accordance with 603 CMR 35.07(1)(c)(2), the parties agree that student feedback shall be used as evidence relevant to one or more Performance Standards in the evaluation of each educator (see Section 3.C). The instruments used to collect student feedback shall include safeguards necessary to protect student confidentiality.

#### **24. Using Staff feedback in Educator Evaluation**

In accordance with 603 CMR 35.07(1)(c)(3), the parties agree that staff feedback shall be used as evidence relevant to one or more Performance Standards in the evaluation of each administrator. The instruments used to collect staff feedback shall include safeguards necessary to protect staff confidentiality.

## General Considerations

### Consideration #1

Districts may identify the instruments educators will use to collect student feedback (district-wide instruments) or the collaborative process that educators and evaluators may use to identify the methods and means of collecting and using student and staff feedback (educator-specific instruments). Note that these approaches are not mutually exclusive. Districts may ultimately choose to vary the approach by educator role.

### District-Wide Feedback Instruments

*Which instruments will be aligned to particular educator roles?*

Feedback instruments should be aligned to educator roles. It is unlikely that a single feedback collection instrument will be appropriate for all educator roles. For example, a student survey may be identified as the most appropriate instrument for classroom teachers in grades 3-12, but student-completed exit slips might be deemed more appropriate for some specialized instructional support personnel (SISP).

*From which students/staff should feedback be solicited?*

A process should be established for determining which students and staff members are asked to provide feedback on a given educator's practice. For example, if the district is using a student survey for classroom teachers, teachers should have an opportunity to confirm the roster of students who will access the survey. It is also important to determine whether all of an educator's students must participate or whether sampling is acceptable. This is particularly relevant as it relates to survey fatigue for secondary school students who frequently receive instruction from several teachers. Similarly, a clear process or set of expectations is important as it relates to which staff members are asked to provide feedback on various administrator roles.

*How often and when is feedback collected?*

The frequency and timing of feedback collection must be established. The educator evaluation framework relies on upfront transparency to ensure that there are "no surprises" when an educator and evaluator reach the summative evaluation step of the five-step evaluation cycle. Educators must have full knowledge of when students or staff will complete feedback instruments. For example, consideration should be given to ensure that feedback instruments are not introduced too early in the school year, before educators have an opportunity to build rapport with students and exhibit a range of instructional practices.

*What systems will be put in place for data collection, analysis, and reporting?*

Student and staff confidentiality is paramount when using feedback instruments such as surveys. Processes around the collection of feedback (e.g., paper/pencil, online), determinations related to access and analysis of individual, school-level, and/or district-wide data (e.g., district staff, third-party), and content of data reports, must be established.

NOTE: feedback data as it relates to one individual (e.g. a principal or a teacher) is considered personnel information within the meaning of G.L. c. c. 4, § 7(26)(c) and is not subject to disclosure under the public records law. See, 603 CMR 35. 11(6); aggregated data at the school- or district-level that cannot be linked to an individual educator may be subject to disclosure under the public records law (see, Ch. 131 of the Acts of 2012: "The

board shall establish and maintain a data system to collect information from school districts for the purpose of assessing the effectiveness of district evaluation systems in assuring effective teaching and administrative leadership in the public schools. Such information shall be made available in the aggregate to the public; provided, however, that any data or information that school districts, the department or both create, send or receive in connection with educator evaluation that is evaluative in nature and which may be linked to an individual educator, including information concerning an educator's formative assessment or evaluation 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 subclause (c) of clause Twenty-sixth of [section 7 of chapter 4](#) and shall not be subject to disclosure under said clause Twenty-sixth of said [section 7 of said chapter 4](#) or under [section 10 of chapter 66](#))."

## **Educator-Specific Feedback Instruments**

*Who is responsible for ensuring the appropriateness of the instruments?*

If each educator/evaluator pairing is authorized to select appropriate feedback instruments, questions of fairness across educators may arise. Educators and evaluators should choose instruments collaboratively and responsibly (see Key Principles of Effective Feedback). Districts should determine a process for determining which feedback instruments will be used when educators and evaluators are unable to come to a collaborative decision.

*When should feedback instruments be selected?*

In districts where educator-specific instruments will be employed, said instruments should be agreed to by educators and evaluators well in advance of implementation. For example, a best practice might be to embed the discussion of appropriate methods for collecting feedback at the goal setting and plan development step of the 5-step evaluation cycle, so that the educator can identify appropriate points in the school year to collect feedback and be prepared to discuss how feedback was used in relation to professional practice and/or student learning during the formative assessment/evaluation and summative evaluation meetings.

## **Consideration #2**

Districts must also decide how student and staff feedback will be integrated into the 5-step evaluation cycle. As described in Part VIII, feedback may be an excellent source of evidence to consider during steps 1 and 2 of the cycle, Self-Assessment and Goal Setting & Plan Development, particularly as it relates to analyzing aspects of practice or student learning that are less readily “observable” through classroom observations and artifacts such as student work samples. However, feedback can also be an appropriate and important component of evidence considered during steps 4 and 5 of the cycle, Formative Assessment/Evaluation and Summative Evaluation. Again, note that these approaches are not mutually exclusive. Districts may ultimately choose to use student feedback at all steps of the cycle.

### **Feedback at the Self-Assessment and Goal Setting & Plan Development Steps**

*When should feedback be collected?*

If feedback is to be used during the self-assessment, goal setting, and/or educator plan development processes, such feedback should be collected shortly before these processes commence. Part II of the Model System provides, “...the self-assessment step should be informed by the summative evaluation. Given a typical one or two year cycle, most summative evaluations will occur at the end of a school year—therefore, self-assessment may start at the end of one year as educators reflect on their performance and continue through the beginning of the next year as educators analyze data for their new students.” As a result, feedback used during the self-assessment, goal setting, and/or educator plan development processes is likely to be feedback collected toward the end of a school year.

### **Feedback at the Formative Assessment/Evaluation and Summative Evaluation Steps**

*When should feedback be collected?*

If feedback is to be used during the formative assessment/evaluation and/or summative evaluation processes, the collection of feedback should be timed appropriately. For example, educators on one-year plans may collect feedback in the fall, prior to the formative assessment, and then again in the spring, prior to the summative evaluation.

ESE hopes these considerations will be helpful as districts begin to think about the most strategic and appropriate ways to introduce the collection of feedback in their local context. As ESE continues to learn about best practices related to the collection and use of student and staff feedback, Part VIII and this appendix may be supplemented with additional guidance.