



Massachusetts Department of
ELEMENTARY & SECONDARY
EDUCATION

Massachusetts Model System for Educator Evaluation

Part IV: Model Collective Bargaining Contract Language

January 2012

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Mitchell D. Chester, Ed.D.
Commissioner
January 20, 2012

Dear Educators and other interested Stakeholders,

I am pleased to present Part IV of the Massachusetts Model System for Educator Evaluation. Since late June, when the Board of Elementary and Secondary Education adopted regulations to improve student learning by overhauling educator evaluation in the Commonwealth, staff here at the Department has been working closely with stakeholders to develop the Model System called for in the regulations. With the help of thoughtful suggestions and candid feedback from a wide range of stakeholders, we developed the first six components of the Model System:

- District-Level Planning and Implementation Guide
- School-Level Planning and Implementation Guide
- Guide to Rubrics and Model Rubrics for Superintendent, Administrator, and Teacher
- Model Collective Bargaining Contract Language,
- Implementation Guide for Principal Evaluation
- Implementation Guide for Superintendent Evaluation

I am excited by the promise of Massachusetts' new regulations. Thoughtfully and strategically implemented, they will improve student learning by supporting analytical conversation about teaching and leading that will strengthen professional practice. At the same time, the new regulations provide the opportunity for educators to take charge of their own growth and development by setting individual and group goals related to student learning.

The Members of the State Board and I know that improvement in the quality and effectiveness of educator evaluation will happen only if the Department does the hard work ahead "with the field," not "to the field." To that end, we at the Department need to learn with the field. We will continue to revise and improve the Model System including the Implementation Guides based on what we learn with the field over the next few years. To help us do that, please do not hesitate to send your comments, questions and suggestions to us at EducatorEvaluation@doe.mass.edu. Please also visit the Educator Evaluation webpage at www.doe.mass.edu/edeval/. We will be updating the page regularly.

Please know that you can count on the Department to be an active, engaged partner in the challenging, but critical work ahead.

Sincerely,

Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education

The Massachusetts Model System for Educator Evaluation

The Model System is a comprehensive educator evaluation system designed by the Department of Elementary and Secondary Education (ESE), pursuant to the new educator evaluation regulations, 603 CMR 35.00. The following eight-part series was developed to support effective implementation of the regulations by districts and schools across the Commonwealth.

Part I: District-Level Planning and Implementation Guide

This Guide takes district leaders—school committees, superintendents and union leaders—through factors to consider as they decide whether to adopt or adapt the Model System or revise their own evaluation systems to meet the new educator evaluation regulation. The Guide describes the rubrics, tools, resources and model contract language ESE has developed, and describes the system of support ESE is offering. It outlines reporting requirements, as well as the process ESE will use to review district evaluation systems for superintendents, principals, teachers and other licensed staff. Finally, the Guide identifies ways in which district leaders can support effective educator evaluation implementation in the schools.

Part II: School-Level Planning and Implementation Guide

This Guide is designed to support administrators and teachers as they implement teacher evaluations at the school level. The Guide introduces and explains the requirements of the regulation and the principles and priorities that underlie them. It offers guidance, strategies, templates and examples that will support effective implementation of each of the five components of the evaluation cycle: self-assessment; goal setting and educator plan development; plan implementation and evidence collection; formative assessment/evaluation; and summative evaluation.

Part III: Guide to Rubrics and Model Rubrics for Superintendent, Administrator, and Teacher

The Guide presents the Model Rubrics and explains their use. The Guide also outlines the process for adapting them.

Part IV: Model Collective Bargaining Contract Language

This section contains the Model Collective Bargaining Contract Language that is consistent with the regulations. By March 15, 2012, ESE will provide model contract language for “Unit B” administrators and educators.

Part V: Implementation Guide for Principal Evaluation

This section details the model process for principal evaluation and includes relevant documents and forms for recording goals, evidence and ratings. The Guide includes resources that principals and superintendents may find helpful, including a school visit protocol.

Part VI: Implementation Guide for Superintendent Evaluation

This section details the model process for superintendent evaluation and includes relevant documents and a form for recording goals, evidence and ratings. The Guide includes resources that school committees and superintendents may find helpful, including a model for effective goal setting.

Part VII: Rating Educator Impact on Student Learning Using District-Determined Measures of Student Learning (July 2012)

Part VII is scheduled for publication in July 2012. It will contain guidance for districts on identifying and using district determined measures of student learning, growth and achievement, and determining ratings of high, moderate or low for educator impact on student learning.

Part VIII: Using Staff and Student Feedback in the Evaluation Process (May 2013)

Part VIII is scheduled for publication in May 2013. It will contain direction for districts on incorporating student and staff feedback into the educator evaluation process.

The Opportunity

On June 28, 2011 the Massachusetts Board of Elementary and Secondary Education adopted new regulations to guide the evaluation of all educators serving in positions requiring a license—teachers, principals, superintendents, and other administrators¹. The regulations are designed first and foremost to promote leaders’ and teachers’ growth and development. They place student learning at the center of the process using multiple measures of student learning. By 2013-14, every district in the Commonwealth will be phasing in evaluation processes and procedures that are consistent with the new regulations.

To do so will require changes in culture and practice in many schools and districts. Members of the Task Force that crafted recommendations for the regulations found that in many schools in the Commonwealth—and nationwide—the educator evaluation process is ineffective.² Too often, they found, the process is divorced from student learning and is superficial, ritualistic and passive, experienced by many as something “done to them.” Fewer than half of teachers and administrators polled described their own experience of evaluation as a process that contributed to their professional growth and development. The new regulations—well implemented—are designed to change all this. Each educator will take a leading role in shaping his/her professional growth and development.

- Every educator will assess his/her own performance and propose one or more challenging goals for improving his/her own practice. A formal process for reflection and self-assessment creates the foundation of a new opportunity for educators to chart their own course for professional growth and development.
- Every educator will be using a rubric that offers a detailed picture of practice at four levels of performance. District-wide rubrics set the stage for both deep reflection and the rich dialogue about practice that our profession seeks.
- Every educator will also consider their students’ needs using a wide range of ways to assess student growth and propose one or more challenging goals for improving student learning. They will be able to monitor progress carefully and analyze the impact of their hard work.
- Every educator will be expected to consider team goals, a clear indication of the value the new process places on both collaboration and accountability.
- Every educator will compile and present evidence and conclusions about their performance and progress on their goals, ensuring that the educator voice is critical to the process.

These and other features of the new educator evaluation system hold great promise for improving educator practice, school climate and student learning. To turn promise into reality, every educator—and the teams they work with—will need to be supported to do this new work effectively and efficiently.

¹ For the full text of the regulations, see <http://www.doe.mass.edu/lawsregs/603cmr35.html>

² For the full report of the Task Force, see Building a Breakthrough Framework for Educator Evaluation in the Commonwealth, submitted by the Massachusetts Task Force on the Evaluation of Teachers and Administrators, March 2011 available at <http://www.doe.mass.edu/edeval/breakthroughframework.doc>

The Task Force envisioned ESE playing an active role in that support, expecting ESE to develop a model to support districts to implement its “breakthrough framework”. The regulations therefore called on ESE to develop a “model system” which it defined as “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 (this regulation).”³ This guide and its companions are the first components of the Massachusetts Model System for Educator Evaluation (hereafter referred to as “the Model System”).⁴

Collective Bargaining and Educator Evaluation

The procedures for conducting educator evaluation are a mandatory subject of collective bargaining in Massachusetts.⁵ As such, all districts will be engaged in collective bargaining in order to implement the framework for teachers, caseload educators and administrators represented by bargaining agents. Many of the early adopter districts see the new framework as a welcome opportunity for labor and management to engage deeply and constructively in the conversation, collaboration and negotiation required to establish a sound foundation for implementing new practices. They understand that formal negotiations are only one step in a much longer process of collaboration that will be needed to build, monitor, update, and revise an educator evaluation process that is fair, transparent, credible, and leads to educator growth and development.

Districts 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 districts have bargained more general procedures and some of the details lie outside of formal agreements. The Model Collective Bargaining Contract Language contains very specific language. A district that chooses to adopt the model will adopt the contract language in its entirety. Districts may choose to adapt it to local conditions by adding, deleting and/or revising language. For example, while the Model refers to “primary” and “supervising” evaluators, some districts may prefer to use different terms to identify these roles. Still others may choose not to use the model language as a starting point. They may choose to revise their existing contract language to make sure it conforms to the new state regulations. As with other components of the model system, districts that choose to adapt the model or revise their existing system will need to complete the Educator Evaluation Questionnaire described in Part I, The District-Level Planning and Implementation Guide. The Questionnaire serves as both a self-assessment to help districts know ahead of time if the evaluation process they are planning conforms to the regulations, and as the vehicle for presenting its process for ESE review. At the end of the term of the parties’ collective bargaining agreement, districts will have a new opportunity to decide whether to adopt or adapt the Model Collective Bargaining Contract Language.

We would like to acknowledge the valuable 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 Personnel Association (MASPA), Massachusetts Association of School Superintendents (MASS), Massachusetts Secondary School Administrators Association (MSSAA),

³ See CMR 603 35.02 at <http://www.doe.mass.edu/lawsregs/603cmr35.html>

⁴ See <http://www.mass.edu/edeval/model/> for all components of the Model

⁵ M.G.L. c 71 s 38. See Appendix A for an excerpt

Massachusetts Teachers Association (MTA). We appreciate their participation and we thank them for their time and effort.

Consistent with an evaluation system that promotes continuous learning, we anticipate learning what works well and what could be improved as districts implement their new evaluation systems. In addition, ESE will provide model contract language and guidance on rating educator impact on student learning growth based on state and district-determined measures of student learning, as well as the use of student and staff feedback. For these reasons, it will be important for the collective bargaining agreements to acknowledge the parties' obligation to address these new matters in a timely manner.

ESE developed the model contract language to support district leaders—school committee members, superintendents, union leaders, human resource directors, and others—as they work together to turn the promise of a breakthrough framework for educator evaluation into reality for every educator in the district. At the very least, the model language can serve as a district's starting point for bargaining. It is ESE's hope that many districts will find the model contract language clear and comprehensive and will conclude that they can adopt it without modification.

While collective bargaining is typically led by district leaders, most of the *implementation* work involved with educator evaluation will be in the hands of school-level staff—teachers, principals and other school staff. Therefore, it is important that school-level staff—particularly principals and department heads—be engaged in the discussion about contract language. It is they who will have to make the words on the paper come alive.⁶

ESE looks forward to receiving feedback on this guide at educatorevaluation@doe.mass.edu.

⁷ Caseload educators are educators who teach or counsel individual or small groups of students through consultation with a classroom teacher, such as school nurses, guidance or adjustment counselors, speech and language pathologists, and some special education teachers.

Forms to Support Effective Implementation

The Model Contract Language does not include forms. That said, Appendix A in Part II of the Model System, the School-Level Planning and Implementation Guide, contains ten (10) forms that are fully compatible with the model contract language. They were developed in collaboration with early adopter schools and districts and in consultation with staff from the state offices of MTA and AFT-MA. They are designed to help make implementation of the 5-Step Cycle efficient, effective, clear, and concrete. Districts are urged to look to these forms as a thoughtful starting point for their own planning.

- Educator Tracking Sheet
- Self-Assessment Form
- Goal Setting Form
- Educator Plan Form
- Evaluator Record of Evidence Form
- Educator Collection of Evidence Form
- Formative Assessment Report Form
- Formative Evaluation Report Form
- Summative Evaluation Report Form
- Educator Response Form

Background: The New Educator Evaluation Framework

Key Features

Most of the public discussion about the new framework and regulations has focused on teacher evaluation. That is unfortunate because an underlying assumption of the Task Force and the regulations has been this: **the new Framework applies to every educator**. Starting in fall 2012 school committees will begin applying the framework when they evaluate superintendents. Superintendents will apply the same framework when they evaluate assistant superintendents, principals and other district administrators. Principals, in turn, will apply the framework when they evaluate teachers, caseload educators⁷ and school-level administrators. Everyone is “in this boat” together.

The framework calls for key features that apply to every educator:

1. **Statewide Standards and Indicators for Effective Administrative Leadership and Teaching Practice.** The Task Force proposed a set of standards and indicators for both teachers and administrators that it intended to promote a statewide understanding about what effective teaching and administrative practice look like. The process included an extensive comparison of relevant state and national standards. Each of four standards for teachers and for administrators is broken down into 3-6 indicators. Together, the standards and indicators serve as what the Task Force called the “spine” of the new evaluation framework, and “will do so in the evaluation systems that districts adopt”. The regulations define Standards and Indicators for Effective Teaching Practice and for Administrative Leadership Practice ([603 CMR 35.03](#) and [603 CMR 35.04](#)).

Standards for Administrators

Instructional Leadership

Management and Operations

Family and Community Engagement

Professional Culture

Standards for Teachers

Curriculum, Planning and Assessment

Teaching All Students

Family and Community Engagement

Professional Culture

2. **Role-specific rubrics define the Standards and Indicators.** The regulations require that the standards and indicators be “translated” into rubrics that describe practice in detail at different levels of proficiency ([603 CMR 35.06](#)). Educators and evaluators will use the rubric most appropriate to the role of the educator as a foundation for self-assessment, formative assessment and summative evaluation. Rubrics give substance to the standards and indicators. Each indicator is broken down into elements that are in turn described at four levels. Rubrics are a tool for making explicit and specific the behaviors and actions present at each level of performance. They can foster constructive dialogue about those expectations and how to improve practice. The rubrics prompt careful analysis and discussion. Detailed information about rubrics can be found in Part III of the Model System for Educator Evaluation, Guide to Rubrics and Model Rubrics for Superintendent, Administrator and Teacher.

⁷ Caseload educators are educators who teach or counsel individual or small groups of students through consultation with a classroom teacher, such as school nurses, guidance or adjustment counselors, speech and language pathologists, and some special education teachers.

3. **Three Categories of Evidence.** To assess educator performance on the Standards and Indicators, the Task Force called for three categories of evidence to be used in every district's educator evaluation system. The regulations describe:

- **Multiple measures of student learning, growth, and achievement**, including classroom assessments, district-determined measures comparable across grade or subject district-wide, and state-wide growth measures where available, including the MCAS Student Growth Percentile (SGP) and Massachusetts English Proficiency gain scores (MEPA);
- **Judgments based on observation and artifacts of professional practice**, including unannounced observations of practice of any duration; and,
- **Additional evidence relevant to one or more Performance Standards** ([603 CMR 35.07\(1\)](#)). Starting in 2013-14, student feedback will have to be used as a source of evidence when evaluating teachers and administrators, and staff feedback will have to be used when evaluating administrators.⁸

4. **A Statewide Performance Rating Scale.** The performance of every educator is rated against the Performance Standards described above. All educators earn one of four ratings: *Exemplary*, *Proficient*, *Needs Improvement*, or *Unsatisfactory*. Each rating has a specific meaning:

Proficient performance is understood to be fully satisfactory. This is the rigorous expected level of performance; demanding, but attainable.

Exemplary performance represents a level of performance that exceeds the already high standard of Proficient. A rating of Exemplary is reserved for performance on an Indicator or Standard that is of such a high level that it could serve as a model. Few educators are expected to earn Exemplary ratings on more than a handful of Indicators.

Needs Improvement indicates performance that is below the requirements of a Standard but is not considered to be Unsatisfactory at the time. Improvement is necessary and expected. For new educators, Needs Improvement can be understood as “developing” in cases where the educator is “on track” to proficiency within three years.

Unsatisfactory performance is merited when performance has not significantly improved following a rating of Needs Improvement, or performance is consistently below the requirements of a standard and is considered inadequate, or both.

The regulations also call for a higher bar for tenure: “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 Standard 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.” (See [603 CMR 35.08\(6\)](#))

⁸ Starting in 2013-14, additional evidence relevant to one or more performance standards will include student feedback and, for administrators, staff feedback. The regulations call on ESE to provide direction for collecting and using student and staff feedback by July 1, 2013.

5. **Rating Educator Impact on Student Learning.** Every educator earns a second rating that reflects his/her impact on student learning. The Board added this more explicit focus on student learning by requiring that the impact on student learning of every educator be rated high, moderate or low based on trends and patterns in learning gains on state and district-determined measures of student learning, growth and achievement. Beginning in 2013-14, each district will identify “district-determined measures of student learning which must be comparable across grade or subject district-wide”. The rating of impact on student learning is distinct, however, from the use of multiple measures as a category of evidence to rate educator performance.

6. **Four Educator Plans.** The Task Force prioritized differentiating evaluation by both career stage and performance. The regulations define four differentiated Educator Plans. The following three plans apply only to “Experienced” educators defined as a teacher with Professional Teacher Status (PTS) or an administrator with more than three years in an administrative position in the district:

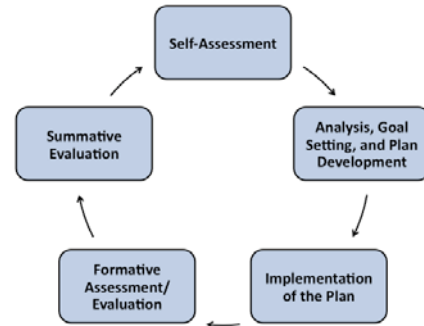
- The *Self-Directed Growth Plan* applies to educators rated Proficient or Exemplary and is developed by the educator. When the Rating of Impact on Student Learning is implemented (beginning in 2013-14), educators with a Moderate or High Rating of Impact will be on a two-year plan; educators with a Low Rating will be on a one-year plan.
- The *Directed Growth Plan* applies to educators rated Needs Improvement and is a plan of one school year or less developed by the educator and the evaluator.
- The *Improvement Plan* applies to educators rated Unsatisfactory and is a plan of no less than 30 calendar days and no longer than one school year, developed by the evaluator.

Few new educators are expected to be Proficient on every Indicator or even every Standard in their first years of practice. Therefore, the fourth plan applies to teachers without Professional Teacher Status, an administrator in their first three years in a district, or, at the discretion of an evaluator, an educator in a new assignment:

- The *Developing Educator Plan* is developed by the educator and the evaluator and is for one school year or less.

7. Five-Step Evaluation Cycle with Goals for Student Learning and Professional Practice.

Every educator participates in a one- or two-year, five-step cycle of continuous improvement. The cycle is the centerpiece of the new regulations designed to have all educators play a more active, engaged role in their professional growth and development. For every educator, evaluation begins with self-assessment. The self-assessment leads to establishing at least two goals in the Educator's Plan for the year, one focusing on student learning and another focusing on improving the educator's own practice. The cycle concludes with the summative evaluation and the rating of the educator's impact on student learning. It also is a continuous improvement process in which evidence from the summative evaluation and rating of impact on learning become important sources of information for the educator's self-assessment and subsequent goal setting [603 CMR 35.06](#).



More details about the regulations appear in other components of the Model System, including the District-Level Planning and Implementation Guide (Part I) and School-Level Planning and Implementation Guide (Part II). For more information on the regulations, please see the Educator Evaluation webpage on the ESE website: <http://www.doe.mass.edu/eval/>

Implementation Timetable

The regulations call for districts to phase in components of the evaluation system over several years:

- **Phase I:** Rate every educator based on attainment of goals and performance against the four Standards defined in the educator evaluation regulations.
- **Phase II:** Rate every educator's impact on student learning gains based on trends and patterns on state and district-determined measures of student learning.
- **Phase III:** Use feedback from students and (for administrators) staff as evidence in the evaluation process. ESE will provide guidance by June 2013.

The Board's decision to phase in different components of the framework over a two year period permits ESE and districts to continue to learn from early adopters, practitioners and researchers both here in Massachusetts and in other states. For example, recent national research is confirming that survey data measuring students' perception of what happens in classrooms in terms of student relationships, teacher expectations, and academic press is significantly correlated with student achievement gains.⁹ ESE's direction on student surveying, required by June 2013, can be informed by that research and continued dialogue with practitioners in the field. Just as importantly, having eighteen additional months will give the Department time to identify and secure tools that can make it easier and less costly for schools to collect and use this important source of information.

⁹ See, for example: T. Crow, The View from the Seats, Student input provides a clearer picture of what works in schools, *Journal of Staff Development* 32 (6), December 2011.

Below is the schedule for key ESE and district action over the next eighteen months.

January 2012: ESE publishes first components of model system

March 2012: ESE publishes model contract language for “Unit B”

Winter/Spring 2012: Race to the Top (RTTT) districts begin collective bargaining

June 2012: ESE provides guidance on rating educator impact on student learning based on state and district-determined measures

Summer 2012: RTTT districts begin training for evaluators and develop plans for a process to identify, develop and/or adopt district-determined measures

By September 1, 2012: RTTT districts submit their proposed educator evaluation systems to ESE for review, including collective bargaining agreements for teachers and administrators represented by bargaining units (Phase I)

September 2012: RTTT districts begin implementation of educator evaluation for superintendents, principals, teachers and other administrators

By January 2013: All remaining districts begin collective bargaining

By June 2013: ESE issues direction on collecting and using student and staff feedback

By September 2013: All districts submit to ESE plans for district-determined measures and their proposed processes for rating educator impact on student learning (Phase II) and using student and staff feedback (Phase III)

September 2013: All districts are implementing the educator evaluation framework in ways consistent with the educator evaluation regulations

District Options: Adopt the Contract Language, Adapt it, or Revise an Existing Contract

No district is compelled to adopt the model contract. School committees and school districts can adopt the model contract language, adapt it, or revise their existing contract to align with the framework. That said, the Board established a critical role for ESE:

“All evaluation systems and changes to evaluation systems shall be subject to the Department’s review to ensure the systems are consistent with the Board’s Principles of Evaluation. A District may continue to use its existing evaluation systems until the District has fully implemented its new system.”¹⁰ (603 CMR 35.11(2))

For each unit represented through collective bargaining, a district has three options:

Adopt—A district that adopts the model contract for one or more groups of educators will be using the contract created by ESE without making any changes. When ESE updates the contract, the district will follow the implementation timeline detailed by ESE for transitioning to the revised language.

Adapt—A district that adapts the model contract for one or more groups of educators will be using the model contract language as its starting point, but has decided to alter them in some way(s).

Revise—A district with an existing contract for one or more groups of educators that it considers stronger than the model contract may choose to revise that system to ensure alignment with all of the principles of educator evaluation detailed in the regulations.

ESE’s Review Process

Districts that adopt the model contract language will simply notify ESE of its decision to adopt the model and submit a short Educator Evaluation Review Questionnaire.

Districts that decide to adapt the model contract language or revise their existing contract language for one or more groups of educators will need to complete the Educator Evaluation Review Questionnaire for each group. In both cases, the district will need to complete a separate Educator Evaluation Review Questionnaire for the group(s) of educators for which it is adapting the model contract, and submit its proposed contract language for review.

The more components of the model a district adapts, the more extensive its response to the questionnaire will need to be. For example, a district that adopts the model contract for teachers with a few changes will be responding to fewer questions than one that makes many changes.

¹⁰ See CMR 603 35.11(2)

To facilitate local district decision-making, ESE is piloting a review process with early adopter districts that are anticipating adapting the contract language or revising their existing language. ESE will be reviewing their contract(s) for consistency with the regulations. Through this pilot, ESE is developing the criteria and questionnaire process it will use to assess whether an adaptation to the model contract language or a revision to existing language meets the regulatory requirements. ESE will make available final details of the review criteria and process no later than March 31, 2012. Districts participating in Race to the Top will submit their plans to ESE by September 2012. Other districts will submit their plans by September 2013. ESE will report its review findings to the district and the Board of Elementary and Secondary Education as soon after a district submits its plans as is feasible.

Reporting Requirements and Educator Confidentiality

The regulations require districts to provide ESE with individual educator evaluation data for each educator. The regulations are explicit that educator evaluation data for each educator will not be made public. The single exception is the superintendent whose evaluation must be conducted in public and whose summative evaluation is a public document, consistent with state open meeting and public records laws. For all other educators, the regulations guarantee that any information concerning an educator's formative assessment, formative evaluation or summative evaluation is considered personnel information and is not subject to disclosure under the public records law. However, aggregate data that do not identify individual educators may be made public. ESE will also produce detailed collection guidance for the ongoing school year implementations. Appendix B details district reporting requirements beginning for some districts at the close of the 2011-12 school year, and for most districts at the close of the 2012-13 school year.



Appendices: Resources to Support Effective Implementation

Appendix A. Educator Evaluation and Collective Bargaining

Excerpts from M G.L. c. 71, § 38.

The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers, principals, and administrators within the school district to be evaluated using any principles of evaluation established by the board of education pursuant to section one B of chapter sixty-nine and by such consistent, supplemental performance standards as the school committee may require, including the extent to which students assigned to such teachers and administrators satisfy student academic standards or, in the case of a special education student, the individual education plan, and the successful implementation of professional development plans required under section thirty-eight Q; provided, however, that such principles and standards be consistent with the anti-discrimination requirements of chapter one hundred and fifty-two B. The superintendent shall require the evaluation of administrators and of teachers without professional teacher status every year and shall require the evaluation of teachers with professional teacher status at least once every two years. The procedures for conducting such evaluations, but not the requirement for such evaluations, shall be subject to the collective bargaining provisions of chapter one hundred and fifty E.

Performance standards for teachers and other school district employees shall be established by the school committee upon the recommendation of the superintendent, provided that where teachers are represented for collective bargaining purposes, all teacher performance standards shall be determined as follows: The school committee and the collective bargaining representative shall undertake for a reasonable period of time to agree on teacher performance standards. Prior to said reasonable period of time, the school district shall seek a public hearing to comment on such standards. In the absence of an agreement, after such reasonable period, teacher performance standards shall be determined by binding interest arbitration. Either the school district or the teachers' collective bargaining representative may file a petition seeking arbitration with the commissioner of education. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. The school committee and the collective bargaining representative within three days of receipt of the list from the commissioner of education shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from among the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. In reaching a decision, the arbitrator shall seek to advance the goals of encouraging innovation in teaching and of holding teachers accountable for improving student performance. The arbitrator shall consider the particular socioeconomic conditions of the student population of the school district. Both the parties and the arbitrator may adopt performance standards established by state or national organizations. The performance standards shall be incorporated into the applicable collective bargaining agreement; provided, however, that any subsequent modification of the performance standards shall be made pursuant to the procedures set forth in this section.

Appendix B. Reporting Requirements and Educator Confidentiality

The regulations require districts to provide ESE with individual educator evaluation data for each educator. The regulations are explicit that educator evaluation data for each educator will not be made public. The single exception is the superintendent whose evaluation must be conducted in public and whose summative evaluation is a public document, consistent with state open meeting and public records laws. For all other educators, the regulations guarantee that any information concerning an educator's formative assessment, formative evaluation or summative evaluation is considered personnel information and is not subject to disclosure under the public records law. However, aggregate data that do not identify individual educators may be made public. ESE will also produce detailed collection guidance for the ongoing school year implementations.

The Massachusetts Education Personnel Identifier (MEPID) is used to uniquely identify an educator. ESE will require the following seven (7) data elements for each educator MEPID:

Required Data	Data Element
District Level Educator's Professional Teacher Status Educator's professional teacher status as of the end of the school year for which evaluation ratings are being reported.	Yes, No
Overall Annual Summative Evaluation or Formative Evaluation Rating Educator's current school year overall summative evaluation rating or formative evaluation rating.	Unsatisfactory, Needs Improvement, Proficient, Exemplary
Standard (1) Evaluation Rating Educator's current school year evaluation rating on Standard (1).	Unsatisfactory, Needs Improvement, Proficient, Exemplary
Standard (2) Evaluation Rating Educator's current school year evaluation rating on Standard (2).	Unsatisfactory, Needs Improvement, Proficient, Exemplary
Standard (3) Evaluation Rating Educator's current school year evaluation rating on Standard (3).	Unsatisfactory, Needs Improvement, Proficient, Exemplary
Standard (4) Evaluation Rating Educator's current school year evaluation rating on Standard (4).	Unsatisfactory, Needs Improvement, Proficient, Exemplary
Impact on Student Learning Growth Rating * Educator's current school year rating on impact on student learning growth.	Low, Moderate, High

* see below

Level 4 Schools: Districts with Level 4 Schools identified in spring 2010 will be required to report for their Level 4 School educators the first 6 elements tied to each educator's MEPID at the end of the 2011-2012 school year. ESE will release the data collection standards for the 2011-2012 collection for Level 4 schools in February 2012.

Teacher Incentive Fund (TIF) Schools in Boston and Springfield: Schools participating in the Teacher Incentive Fund (TIF) program have additional federal reporting requirements and will be required to report Impact on Student Learning data starting in 2011-2012. For 2011-12, the impact rating will be based on the current district defined measures and will migrate to the 603 CMR 35.00 District Determined Measures during the 2013-2014 school year.

Race to the Top Districts: Districts receiving Race to the Top funds need to be prepared to report the first 6 elements tied to an educators MEPID at the end of the 2012-2013 school year. ESE will release data collection guidance in conjunction with current data collection initiatives in a timely manner.

All other Districts: All districts will be required to report at minimum the first 6 elements tied to an educator's MEPID at the end of the 2013-2014 school year.

*Reporting Impact on Student Learning Ratings of High, Moderate and Low: With the exception noted above for Teacher Incentive Fund (TIF) schools in Boston and Springfield, no district is expected to report an Impact on Student Learning Rating until after its District Determined Measures have been identified and reviewed by ESE (by September 2013). Since, the regulations require these ratings to be based on trends and patterns of data (at least two years); many educators will not have ratings until 2014-15.

All educators should receive an Impact on Student Learning rating by the 2014-15 school year if trends and patterns of data are available.

Appendix C. Teacher and Caseload Educator Model Contract Language

Article ____

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Appendix C: Teacher and Caseload Educator Contract

1) Purpose of Educator Evaluation

- A) This contract language is locally negotiated and based on M.G.L., c.71, § 38; M.G.L. c.150E; the Educator Evaluation regulations, 603 CMR 35.00 et seq.; and the Model System for Educator Evaluation developed and which may be updated from time to time by the Department of Elementary and Secondary Education. See 603 CMR 35.02 (definition of model system). In the event of a conflict between this collective bargaining agreement and the governing laws and regulations, the laws and regulations will prevail.
- B) The regulatory purposes of evaluation are:
 - i) To promote student learning, growth, and achievement by providing Educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, 603 CMR 35.01(2)(a);
 - ii) To provide a record of facts and assessments for personnel decisions, 35.01(2)(b);
 - iii) 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, 35.01(3); and
 - iv) To assure effective teaching and administrative leadership, 35.01(3).

2) Definitions (* indicates definition is generally based on 603 CMR 35.02)

- A) ***Artifacts of Professional Practice:** Products of an Educator's work and student work samples that demonstrate the Educator's knowledge and skills with respect to specific performance standards.
- B) **Caseload Educator:** Educators who teach or counsel individual or small groups of students through consultation with the regular classroom teacher, for example, school nurses, guidance counselors, speech and language pathologists, and some reading specialists and special education teachers.
- C) **Classroom teacher:** Educators who teach preK-12 whole classes, and teachers of special subjects as such as art, music, library, and physical education. May also include special education teachers and reading specialists who teach whole classes.
- D) **Categories of Evidence:** Multiple measures of student learning, growth, and achievement, judgments based on observations and artifacts of professional practice, including unannounced observations of practice of any duration; and additional evidence relevant to one or more Standards of Effective Teaching Practice (603 CMR 35.03).
- E) ***District-determined Measures:** Measures of student learning, growth and achievement related to the Massachusetts Curriculum Frameworks, Massachusetts Vocational Technical Education 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.
- F) ***Educator(s):** Inclusive term that applies to all classroom teachers and caseload educators, unless otherwise noted.

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- G) ***Educator Plan:** The growth or improvement actions identified as part of each Educator's evaluation. The type of plan is determined by the Educator's career stage, overall performance rating, and the rating of impact on student learning, growth and achievement. There shall be four types of Educator Plans:
- i) **Developing Educator Plan** shall mean a plan developed by the Educator and the Evaluator for one school year or less for an Educator without Professional Teacher Status (PTS); or, at the discretion of an Evaluator, for an Educator with PTS in a new assignment.
 - ii) **Self-Directed Growth Plan** shall mean a plan developed by the Educator for one or two school years for Educators with PTS who are rated proficient or exemplary.
 - iii) **Directed Growth Plan** shall mean a plan developed by the Educator and the Evaluator of one school year or less for Educators with PTS who are rated needs improvement.
 - iv) **Improvement Plan** shall mean a plan developed by the Evaluator of at least 30 calendar days and no more than one school year for Educators with PTS who are rated unsatisfactory with goals specific to improving the Educator's unsatisfactory performance. In those cases where an Educator is rated unsatisfactory near the close of a school year, the plan may include activities during the summer preceding the next school year.
- H) ***ESE:** The Massachusetts Department of Elementary and Secondary Education.
- I) ***Evaluation:** 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").
- J) ***Evaluator:** Any person designated by a superintendent who has primary or supervisory responsibility for observation and evaluation. The superintendent is responsible for ensuring that all Evaluators have training in the principles of supervision and evaluation. Each Educator will have one primary Evaluator at any one time responsible for determining performance ratings.
- i) **Primary Evaluator** shall be the person who determines the Educator's performance ratings and evaluation.
 - ii) **Supervising Evaluator** shall be the person responsible for developing the Educator Plan, supervising the Educator's progress through formative assessments, evaluating the Educator's progress toward attaining the Educator Plan goals, and making recommendations about the evaluation ratings to the primary Evaluator at the end of the Educator Plan. The Supervising Evaluator may be the primary Evaluator or his/her designee.

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- iii) **Teaching Staff Assigned to More Than One Building:** Each Educator who is assigned to more than one building will be evaluated by the appropriate administrator where the individual is assigned most of the time. The principal of each building in which the Educator serves must review and sign the evaluation, and may add written comments. In cases where there is no predominate assignment, the superintendent will determine who the primary evaluator will be.
- iv) **Notification:** The Educator shall be notified in writing of his/her primary Evaluator and supervising Evaluator, if any, at the outset of each new evaluation cycle. The Evaluator(s) may be changed upon notification in writing to the Educator.
- K) **Evaluation Cycle:** A five-component process that all Educators follow consisting of 1) Self-Assessment; 2) Goal-setting and Educator Plan development; 3) Implementation of the Plan; 4) Formative Assessment/Evaluation; and 5) Summative Evaluation.
- L) ***Experienced Educator:** An educator with Professional Teacher Status (PTS).
- M) ***Family:** Includes students' parents, legal guardians, foster parents, or primary caregivers.
- N) ***Formative Assessment:** The process used to assess progress towards attaining goals set forth in Educator plans, performance on standards, or both. This process may take place at any time(s) during the cycle of evaluation, but typically takes place at mid-cycle.
- O) ***Formative Evaluation:** An evaluation conducted at the end of Year 1 for an Educator on a 2-year Self-Directed Growth plan which is used to arrive at a rating on progress towards attaining the goals set forth in the Educator Plan, performance on Standards and Indicators of Effective Teaching Practice, or both.
- P) ***Goal:** 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. Goals may be developed by individual Educators, by the Evaluator, or by teams, departments, or groups of Educators who have the same role.
- Q) ***Measurable:** That which can be classified or estimated in relation to a scale, rubric, or standards.
- R) **Multiple Measures of Student Learning:** Measures must include a combination of classroom, school and district assessments, student growth percentiles on state assessments, if state assessments are available, and student MEPA gain scores. This definition may be revised as required by regulations or agreement of the parties upon issuance of ESE guidance expected by July 2012.

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- S) ***Observation:** A data gathering process that includes notes and judgments made during one or more classroom or worksite visits(s) of any duration by the Evaluator and may include examination of artifacts of practice including student work. An observation may occur in person or through video. Video observations will be done openly and with knowledge of the Educator. The parties agree to bargain the protocols of video observations should either party wish to adopt such practice. Classroom or worksite observations conducted pursuant to this article must result in feedback to the Educator. Normal supervisory responsibilities of department, building and district administrators will also cause administrators to drop in on classes and other activities in the worksite at various times as deemed necessary by the administrator. Carrying out these supervisory responsibilities, when they do not result in targeted and constructive feedback to the Educator, are not observations as defined in this Article.
- T) ***Parties:** The parties to this agreement are the local school committee and the employee organization that represents the Educators covered by this agreement for purposes of collective bargaining (“Employee Organization/Association”).
- U) ***Performance Rating:** Describes the Educator’s performance on each performance standard and overall. There shall be four performance ratings:
- Exemplary: the Educator’s performance consistently and significantly exceeds the requirements of a standard or overall. The rating of exemplary on a standard indicates that practice significantly exceeds proficient and could serve as a model of practice on that standard district-wide.
 - Proficient: the Educator’s performance fully and consistently meets the requirements of a standard or overall. Proficient practice is understood to be fully satisfactory.
 - Needs Improvement: the Educator’s performance on a standard or overall is below the requirements of a standard or overall, but is not considered to be unsatisfactory at this time. Improvement is necessary and expected.
 - Unsatisfactory: 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.
- V) ***Performance Standards:** Locally developed standards and indicators pursuant to M.G.L. c. 71, § 38 and consistent with, and supplemental to 603 CMR 35.00. The parties may agree to limit standards and indicators to those set forth in 603 CMR 35.03.
- W) ***Professional Teacher Status:** PTS is the status granted to an Educator pursuant to M.G.L. c. 71, § 41.
- X) **Rating of Educator Impact on Student Learning:** A rating of high, moderate or low based on trends and patterns on state assessments and district-determined measures. The parties will negotiate the process for using state and district-determined measures to arrive at an Educator’s rating of impact on student learning, growth and achievement, using guidance and model contract language from ESE, expected by July 2012.

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- Y) **Rating of Overall Educator Performance:** The Educator's overall performance rating is based on the Evaluator's professional judgment and examination of evidence of the Educator's performance against the four Performance Standards and the Educator's attainment of goals set forth in the Educator Plan, as follows:
- i) Standard 1: Curriculum, Planning and Assessment
 - ii) Standard 2: Teaching All Students
 - iii) Standard 3: Family and Community Engagement
 - iv) Standard 4: Professional Culture
 - v) Attainment of Professional Practice Goal(s)
 - vi) Attainment of Student Learning Goal(s)
- Z) ***Rubric:** A scoring tool that describes characteristics of practice or artifacts at different levels of performance. The rubrics for Standards and Indicators of Effective Teaching Practice are used to rate Educators on Performance Standards, these rubrics consists of:
- i) Standards: Describes broad categories of professional practice, including those required in 603 CMR 35.03
 - ii) Indicators: Describes aspects of each standard, including those required in 603 CMR 35.03
 - iii) Elements: Defines the individual components under each indicator
 - iv) Descriptors: Describes practice at four levels of performance for each element
- AA) ***Summative Evaluation:** 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 attainment of goals set forth in the Educator's Plan.
- BB) ***Superintendent:** The person employed by the school committee pursuant to M.G.L. c. 71 §59 and §59A. The superintendent is responsible for the implementation of 603 CMR 35.00.
- CC) ***Teacher:** An Educator employed in a position requiring a certificate or license as described in 603 CMR 7.04(3)(a, b, and d) and in the area of vocational education as provided in 603 CMR 4.00. Teachers may include, for example, classroom teachers, librarians, guidance counselors, or school nurses.
- DD) ***Trends in student learning:** At least two years of data from the district-determined measures and state assessments used in determining the Educator's rating on impact on student learning as high, moderate or low.

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3) Evidence Used In Evaluation

The following categories of evidence shall be used in evaluating each Educator:

- A) Multiple measures of student learning, growth, and achievement, which shall include:
 - i) 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;
 - ii) At least two district-determined measures of student learning related to the Massachusetts Curriculum Frameworks or the Massachusetts Vocational Technical Education Frameworks or other relevant frameworks that are comparable across grades and/or subjects district-wide. These measures may include: portfolios, approved commercial assessments and district-developed pre and post unit and course assessments, and capstone projects. One such measure shall be the MCAS Student Growth Percentile (SGP) or Massachusetts English Proficiency Assessment gain scores, if applicable, in which case at least two years of data is required.
 - iii) Measures of student progress and/or achievement toward student learning goals set between the Educator and Evaluator for the school year or some other period of time established in the Educator Plan.
 - iv) 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. The measures set by the district should be based on the Educator's role and responsibility.
- B) Judgments based on observations and artifacts of practice including:
 - i) Unannounced observations of practice of any duration.
 - ii) Announced observation(s) for non-PTS Educators in their first year of practice in a school, Educators on Improvement Plans, and as determined by the Evaluator.
 - iii) Examination of Educator work products.
 - iv) Examination of student work samples.

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- C) Evidence relevant to one or more Performance Standards, including but not limited to:
 - i) Evidence compiled and presented by the Educator, including :
 - (a) Evidence of fulfillment of professional responsibilities and growth such as self-assessments, peer collaboration, professional development linked to goals in the Educator plans, contributions to the school community and professional culture;
 - (b) Evidence of active outreach to and engagement with families;
 - ii) Evidence of progress towards professional practice goal(s);
 - iii) Evidence of progress toward student learning outcomes goal(s).
 - iv) Student and Staff Feedback – see # 23-24, below; and
 - v) Any other relevant evidence from any source that the Evaluator shares with the Educator. Other relevant evidence could include information provided by other administrators such as the superintendent.

4) **Rubric**

The rubrics are a scoring tool used for the Educator's self-assessment, the formative assessment, the formative evaluation and the summative evaluation. The districts may use either the rubrics provided by ESE or comparably rigorous and comprehensive rubrics developed or adopted by the district and reviewed by ESE.

5) **Evaluation Cycle: Training**

- A) Prior to the implementation of the new evaluation process contained in this article, districts shall arrange training for all Educators, principals, and other evaluators that outlines the components of the new evaluation process and provides an explanation of the evaluation cycle. The district through the superintendent shall determine the type and quality of training based on guidance provided by ESE.
- B) By November 1st of the first year of this agreement, all Educators shall complete a professional learning activity about self-assessment and goal-setting satisfactory to the superintendent or principal. Any Educator hired after the November 1st date, and who has not previously completed such an activity, shall complete such a professional learning activity about self-assessment and goal-setting within three months of the date of hire. The district through the superintendent shall determine the type and quality of the learning activity based on guidance provided by ESE.

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6) Evaluation Cycle: Annual Orientation

- A) At the start of each school year, the superintendent, principal or designee shall conduct a meeting for Educators and Evaluators focused substantially on educator evaluation. The superintendent, principal or designee shall:
 - i) Provide an overview of the evaluation process, including goal setting and the educator plans.
 - ii) Provide all Educators with directions for obtaining a copy of the forms used by the district. These may be electronically provided.
 - iii) The faculty meeting may be digitally recorded to facilitate orientation of Educators hired after the beginning of the school year.

7) Evaluation Cycle: Self-Assessment

- A) Completing the Self-Assessment
 - i) The evaluation cycle begins with the Educator completing and submitting to the Primary or Supervising Evaluator a self-assessment by October 1st or within four weeks of the start of their employment at the school.
 - ii) The self-assessment includes:
 - (a) An analysis of evidence of student learning, growth and achievement for students under the Educator's responsibility.
 - (b) An assessment of practice against each of the four Performance Standards of effective practice using the district's rubric.
 - (c) Proposed goals to pursue:
 - (1st) At least one goal directly related to improving the Educator's own professional practice.
 - (2nd) At least one goal directed related to improving student learning.
- B) Proposing the goals
 - i) Educators must consider goals for grade-level, subject-area, department teams, or other groups of Educators who share responsibility for student learning and results, except as provided in (ii) below. Educators may meet with teams to consider establishing team goals. Evaluators may participate in such meetings.
 - ii) For Educators in their first year of practice, the Evaluator or his/her designee will meet with each Educator by October 1st (or within four weeks of the Educator's first day of employment if the Educator begins employment after September 15th) to assist the Educator in completing the self-assessment and drafting the professional practice and student learning goals which must include induction and mentoring activities.
 - iii) Unless the Evaluator indicates that an Educator in his/her second or third years of practice should continue to address induction and mentoring goals pursuant to

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603 CMR 7.12, the Educator may address shared grade level or subject area team goals.

- iv) For Educators with PTS and ratings of proficient or exemplary, the goals may be team goals. In addition, these Educators may include individual professional practice goals that address enhancing skills that enable the Educator to share proficient practices with colleagues or develop leadership skills.
- v) For Educators with PTS and ratings of needs improvement or unsatisfactory, the professional practice goal(s) must address specific standards and indicators identified for improvement. In addition, the goals may address shared grade level or subject area team goals.

8) **Evaluation Cycle: Goal Setting and Development of the Educator Plan**

- A) Every Educator has an Educator Plan that includes, but is not limited to, one goal related to the improvement of practice; one goal for the improvement of student learning. The Plan also outlines actions the Educator must take to attain the goals established in the Plan and benchmarks to assess progress. Goals may be developed by individual Educators, by the Evaluator, or by teams, departments, or groups of Educators who have the similar roles and/or responsibilities. See Sections 15-19 for more on Educator Plans.
- B) To determine the goals to be included in the Educator Plan, the Evaluator reviews the goals the Educator has proposed in the Self-Assessment, using evidence of Educator performance and impact on student learning, growth and achievement based on the Educator's self-assessment and other sources that Evaluator shares with the Educator. The process for determining the Educator's impact on student learning, growth and achievement will be determined after ESE issues guidance on this matter. See #22, below.
- C) Educator Plan Development Meetings shall be conducted as follows:
 - i) Educators in the same school may meet with the Evaluator in teams and/or individually at the end of the previous evaluation cycle or by October 15th of the next academic year to develop their Educator Plan. Educators shall not be expected to meet during the summer hiatus.
 - ii) For those Educators new to the school, the meeting with the Evaluator to establish the Educator Plan must occur by October 15th or within six weeks of the start of their assignment in that school
 - iii) The Evaluator shall meet individually with Educators with PTS and ratings of needs improvement or unsatisfactory to develop professional practice goal(s) that must address specific standards and indicators identified for improvement. In addition, the goals may address shared grade level or subject matter goals.
- D) The Evaluator completes the Educator Plan by November 1st. The Educator shall sign the Educator Plan within 5 school days of its receipt and may include a written response. The Educator's signature indicates that the Educator received the plan in a timely fashion. The signature does not indicate agreement or disagreement with its contents. The Evaluator retains final authority over the content of the Educator's Plan.

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9) **Evaluation Cycle: Observation of Practice and Examination of Artifacts – Educators without PTS**

- A) In the first year of practice or first year assigned to a school:
 - i) The Educator shall have at least one announced observation during the school year using the protocol described in section 11B, below.
 - ii) The Educator shall have at least four unannounced observations during the school year.
- B) In their second and third years of practice or second and third years as a non-PTS Educator in the school:
 - i) The Educator shall have at least three unannounced observations during the school year.

10) **Evaluation Cycle: Observation of Practice and Examination of Artifacts – Educators with PTS**

- A) The Educator whose overall rating is proficient or exemplary must have at least one unannounced observation during the evaluation cycle.
- B) The Educator whose overall rating is needs improvement must be observed according to the Directed Growth Plan during the period of Plan which must include at least two unannounced observations.
- C) The Educator whose overall rating is unsatisfactory must be observed according to the Improvement Plan which must include both unannounced and announced observation. The number and frequency of the observations shall be determined by the Evaluator, but in no case, for improvement plans of one year, shall there be fewer than one announced and four unannounced observations. For Improvement Plans of six months or fewer, there must be no fewer than one announced and two unannounced observations.

11) **Observations**

The Evaluator's first observation of the Educator should take place by November 15. Observations required by the Educator Plan should be completed by May 15th. The Evaluator may conduct additional observations after this date.

The Evaluator is not required nor expected to review all the indicators in a rubric during an observation.

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- A) Unannounced Observations
 - i) Unannounced observations may be in the form of partial or full-period classroom visitations, Instructional Rounds, Walkthroughs, Learning Walks, or any other means deemed useful by the Evaluator, principal, superintendent or other administrator.
 - ii) The Educator will be provided with at least brief written feedback from the Evaluator within 3-5 school days of the observation. The written feedback shall be delivered to the Educator in person, by email, placed in the Educator's mailbox or mailed to the Educator's home.
 - iii) Any observation or series of observations resulting in one or more standards judged to be unsatisfactory or needs improvement for the first time must be followed by at least one observation of at least 30 minutes in duration within 30 school days.

- B) Announced Observations
 - i) All non-PTS Educators in their first year in the school, PTS Educators on Improvement Plans and other educators at the discretion of the evaluator shall have at least one Announced Observation.
 - (a) The Evaluator shall select the date and time of the lesson or activity to be observed and discuss with the Educator any specific goal(s) for the observation.
 - (b) Within 5 school days of the scheduled observation, upon request of either the Evaluator or Educator, the Evaluator and Educator shall meet for a pre-observation conference. In lieu of a meeting, the Educator may inform the Evaluator in writing of the nature of the lesson, the student population served, and any other information that will assist the Evaluator to assess performance
 - (1st) The Educator shall provide the Evaluator a draft of the lesson, student conference, IEP plan or activity. If the actual plan is different, the Educator will provide the Evaluator with a copy prior to the observation.
 - (2nd) The Educator will be notified as soon as possible if the Evaluator will not be able to attend the scheduled observation. The observation will be rescheduled with the Educator as soon as reasonably practical.

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- (c) Within 5 school days of the observation, the Evaluator and Educator shall meet for a post-observation conference. This timeframe may be extended due to unavailability on the part of either the Evaluator or the Educator, but shall be rescheduled within 24 hours if possible.
- (d) The Evaluator shall provide the Educator with written feedback within 5 school days of the post-observation conference. For any standard where the Educator's practice was found to be unsatisfactory or needs improvement, the feedback must:
 - (1st) Describe the basis for the Evaluator's judgment.
 - (2nd) Describe actions the Educator should take to improve his/her performance.
 - (3rd) Identify support and/or resources the Educator may use in his/her improvement.
 - (4th) State that the Educator is responsible for addressing the need for improvement.

12) Evaluation Cycle: Formative Assessment

- A) A specific purpose for evaluation is to promote student learning, growth and achievement by providing Educators with feedback for improvement. Evaluators are expected to make frequent unannounced visits to classrooms. Evaluators are expected to give targeted constructive feedback to Educators based on their observations of practice, examination of artifacts, and analysis of multiple measures of student learning, growth and achievement in relation to the Standards and Indicators of Effective Teaching Practice.
- B) Formative Assessment may be ongoing throughout the evaluation cycle but typically takes place mid-cycle when a Formative Assessment report is completed. For an Educator on a two-year Self-Directed Growth Plan, the mid-cycle Formative Assessment report is replaced by the Formative Evaluation report at the end of year one. See section 13, below.
- C) The Formative Assessment report provides written feedback and ratings to the Educator about his/her progress towards attaining the goals set forth in the Educator Plan, performance on Performance Standards and overall, or both
- D) No less than two weeks before the due date for the Formative Assessment report, which due date shall be established by the Evaluator with written notice to the Educator, the Educator shall provide to the Evaluator evidence of family outreach and engagement, fulfillment of professional responsibility and growth, and progress on attaining professional practice and student learning goals. The educator may provide to the evaluator additional evidence of the educator's performances against the four Performance Standards.
- E) Upon the request of either the Evaluator or the Educator, the Evaluator and the Educator will meet either before or after completion of the Formative Assessment Report.

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- F) The Evaluator shall complete the Formative Assessment report and provide a copy to the Educator. All Formative Assessment reports must be signed by the Evaluator and delivered face-to-face, by email or to the Educator's school mailbox or home.
 - G) The Educator may reply in writing to the Formative Assessment report within 5 school days of receiving the report.
 - H) The Educator shall sign the Formative Assessment report by within 5 school days of receiving the report. The signature indicates that the Educator received the Formative Assessment report in a timely fashion. The signature does not indicate agreement or disagreement with its contents.
 - I) As a result of the Formative Assessment Report, the Evaluator may change the activities in the Educator Plan.
 - J) If the rating in the Formative Assessment report differs from the last summative rating the Educator received, the Evaluator may place the Educator on a different Educator Plan, appropriate to the new rating.
- 13) **Evaluation Cycle: Formative Evaluation for Two Year Self-Directed Plans Only**
- A) Educators on two year Self-Directed Growth Educator Plans receive a Formative Evaluation report near the end of the first year of the two year cycle. The Educator's performance 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 the performance standards may change, and the Evaluator may place the Educator on a different Educator plan, appropriate to the new rating.
 - B) The Formative Evaluation report provides written feedback and ratings to the Educator about his/her progress towards attaining the goals set forth in the Educator Plan, performance on each performance standard and overall, or both.
 - C) No less than two weeks before the due date for the Formative Evaluation report, which due date shall be established by the Evaluator with written notice provided to the Educator, the Educator shall provide to the Evaluator evidence of family outreach and engagement, fulfillment of professional responsibility and growth, and progress on attaining professional practice and student learning goals. The educator may also provide to the evaluator additional evidence of the educator's performance against the four Performance Standards.
 - D) The Evaluator shall complete the Formative Evaluation report and provide a copy to the Educator. All Formative Evaluation reports must be signed by the Evaluator and delivered face-to-face, by email or to the Educator's school mailbox or home.
 - E) Upon the request of either the Evaluator or the Educator, the Evaluator and the Educator will meet either before or after completion of the Formative Evaluation Report.
 - F) The Educator may reply in writing to the Formative Evaluation report within 5 school days of receiving the report.

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- G) The Educator shall sign the Formative Evaluation report by within 5 school days of receiving the report. The signature indicates that the Educator received the Formative Evaluation report in a timely fashion. The signature does not indicate agreement or disagreement with its contents.
 - H) As a result of the Formative Evaluation report, the Evaluator may change the activities in the Educator Plan.
 - I) If the rating in the Formative Evaluation report differs from the last summative rating the Educator received, the Evaluator may place the Educator on a different Educator Plan, appropriate to the new rating.
- 14) **Evaluation Cycle: Summative Evaluation**
- A) The evaluation cycle concludes with a summative evaluation report. For Educators on a one or two year Educator Plan, the summative report must be written and provided to the educator by May 15th.
 - B) The Evaluator determines a rating on each standard and an overall rating based on the Evaluator's professional judgment, an examination of evidence against the Performance Standards and evidence of the attainment of the Educator Plan goals.
 - C) The professional judgment of the primary evaluator shall determine the overall summative rating that the Educator receives.
 - D) 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 primary evaluator, the superintendent's decision on the rating shall not be subject to review.
 - E) The summative evaluation rating must be based on evidence from multiple categories of evidence. MCAS Growth scores shall not be the sole basis for a summative evaluation rating.
 - F) To be rated proficient overall, the Educator shall, at a minimum, have been rated proficient on the Curriculum, Planning and Assessment and the Teaching All Students Standards of Effective Teaching Practice.
 - G) No less than four weeks before the due date for the Summative Evaluation report, which due date shall be established by the Evaluator with written notice provided to the Educator, the Educator will provide to the Evaluator evidence of family outreach and engagement, fulfillment of professional responsibility and growth, and progress on attaining professional practice and student learning goals. The educator may also provide to the evaluator additional evidence of the educator's performance against the four Performance Standards.
 - H) The Summative Evaluation report should recognize areas of strength as well as identify recommendations for professional growth.

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- I) The Evaluator shall deliver a signed copy of the Summative Evaluation report to the Educator face-to-face, by email or to the Educator's school mailbox or home no later than May 15th.
 - J) The Evaluator shall meet with the Educator rated needs improvement or unsatisfactory to discuss the summative evaluation. The meeting shall occur by June 1st.
 - K) The Evaluator may meet with the Educator rated proficient or exemplary to discuss the summative evaluation, if either the Educator or the Evaluator requests such a meeting. The meeting shall occur by June 10th.
 - L) Upon mutual agreement, the Educator and the Evaluator may develop the Self-Directed Growth Plan for the following two years during the meeting on the Summative Evaluation report.
 - M) The Educator shall sign the final Summative Evaluation report by June 15th. The signature indicates that the Educator received the Summative Evaluation report in a timely fashion. The signature does not indicate agreement or disagreement with its contents.
 - N) The Educator shall have the right to respond in writing to the summative evaluation which shall become part of the final Summative Evaluation report.
 - O) A copy of the signed final Summative Evaluation report shall be filed in the Educator's personnel file.
- 15) **Educator Plans – General**
- A) Educator Plans shall be designed to provide Educators with feedback for improvement, professional growth, and leadership; and to ensure Educator effectiveness and overall system accountability. The Plan must be aligned to the standards and indicators and be consistent with district and school goals.
 - B) The Educator Plan shall include, but is not limited to:
 - i) At least one goal related to improvement of practice tied to one or more Performance Standards;
 - ii) At least one goal for the improvement the learning, growth and achievement of the students under the Educator's responsibility;
 - iii) An outline of actions the Educator must take to attain the goals and benchmarks to assess progress. Actions must include specified professional development and learning activities that the Educator will participate in as a means of obtaining the goals, as well as other support that may be suggested by the Evaluator or provided by the school or district. Examples may include but are not limited to coursework, self-study, action research, curriculum development, study groups with peers, and implementing new programs.
 - C) It is the Educator's responsibility to 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 Plan.

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- 16) **Educator Plans: Developing Educator Plan**
- A) The Developing Educator Plan is for all Educators without PTS, and, at the discretion of the Evaluator, Educators with PTS in new assignments.
 - B) The Educator shall be evaluated at least annually.
- 17) **Educator Plans: Self-Directed Growth Plan**
- A) A Two-year Self-Directed Growth Plan is for those Educators with PTS who have an overall rating of proficient or exemplary, and after 2013-2014 whose impact on student learning is moderate or high. A formative evaluation report is completed at the end of year 1 and a summative evaluation report at the end of year 2.
 - B) A One-year Self-Directed Growth Plan is for those Educators with PTS who have an overall rating of proficient or exemplary, and after 2013-2014 whose impact on student learning is low. In this case, the Evaluator and Educator shall analyze the discrepancy between the summative evaluation rating and the rating for impact on student learning to seek to determine the cause(s) of the discrepancy.
- 18) **Educator Plans: Directed Growth Plan**
- A) A Directed Growth Plan is for those Educators with PTS whose overall rating is needs improvement.
 - B) The goals in the Plan must address areas identified as needing improvement as determined by the Evaluator.
 - C) The Evaluator shall complete a summative evaluation for the Educator at the end of the period determined by the Plan, but at least annually, and in no case later than June 10th.
 - D) For an Educator on a Directed Growth Plan whose overall performance rating is at least proficient, the Evaluator will place the Educator on a Self-Directed Growth Plan for the next Evaluation Cycle.
 - E) For an Educator on a Directed Growth Plan whose overall performance rating is not at least proficient, the Evaluator will rate the Educator as unsatisfactory and will place the Educator on an Improvement Plan for the next Evaluation Cycle.
- 19) **Educator Plans: Improvement Plan**
- A) An Improvement Plan is for those Educators with PTS whose overall rating is unsatisfactory.
 - B) The parties agree that in order to provide students with the best instruction, it may be necessary from time to time to place an Educator whose practice has been rated as unsatisfactory on an Improvement Plan of no fewer than 30 calendar days and no more than one school year. In the case of an Educator receiving a rating of unsatisfactory near

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the close of one school year, the Improvement Plan may include activities that occur during the summer before the next school year begins.

- C) The Evaluator must complete a summative evaluation for the Educator at the end of the period determined by the Evaluator for the Plan.
- D) An Educator on an Improvement Plan shall be assigned a Supervising Evaluator (see definitions). The Supervising Evaluator is responsible for providing the Educator with guidance and assistance in accessing the resources and professional development outlined in the Improvement Plan. The primary evaluator may be the Supervising Evaluator.
- E) The Improvement Plan shall define the problem(s) of practice identified through the observations and evaluation and detail the improvement goals to be met, the activities the Educator must take to improve and the assistance to be provided to the Educator by the district.
- F) The Improvement Plan process shall include:
 - i) Within ten school days of notification to the Educator that the Educator is being placed on an Improvement Plan, the Evaluator shall schedule a meeting with the Educator to discuss the Improvement Plan. The Evaluator will develop the Improvement Plan, which will include the provision of specific assistance to the Educator.
 - ii) The Educator may request that a representative of the Employee Organization/Association attend the meeting(s).
 - iii) If the Educator consents, the Employee Organization/Association will be informed that an Educator has been placed on an Improvement Plan.
- G) The Improvement Plan shall:
 - i) Define the improvement goals directly related to the performance standard(s) and/or student learning outcomes that must be improved;
 - ii) Describe the activities and work products the Educator must complete as a means of improving performance;
 - iii) Describe the assistance that the district will make available to the Educator;
 - iv) Articulate the measurable outcomes that will be accepted as evidence of improvement;
 - v) Detail the timeline for completion of each component of the Plan, including at a minimum a mid-cycle formative assessment report of the relevant standard(s) and indicator(s);
 - vi) Identify the individuals assigned to assist the Educator which must include minimally the Supervising Evaluator; and,
 - vii) Include the signatures of the Educator and Supervising Evaluator.

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- H) A copy of the signed Plan shall be provided to the Educator. The Educator's signature indicates that the Educator received the Improvement Plan in a timely fashion. The signature does not indicate agreement or disagreement with its contents.
- I) Decision on the Educator's status at the conclusion of the Improvement Plan.
 - i) All determinations below must be made no later than June 1. One of three decisions must be made at the conclusion of the Improvement Plan:
 - (a) If the Evaluator determines that the Educator has improved his/her practice to the level of proficiency, the Educator will be placed on a Self-Directed Growth Plan.
 - (b) In those cases where the Educator was placed on an Improvement Plan as a result of his/her summative rating at the end of his/her Directed Growth Plan, if the Evaluator determines that the Educator is making substantial progress toward proficiency, the Evaluator shall place the Educator on a Directed Growth Plan.
 - (c) In those cases where the Educator was placed on an Improvement Plan as a result of his/her Summative rating at the end of his/her Directed Growth Plan, if the Evaluator determines that the Educator is not making substantial progress toward proficiency, the Evaluator shall recommend to the superintendent that the Educator be dismissed.
 - (d) If the Evaluator determines that the Educator's practice remains at the level of unsatisfactory, the Evaluator shall recommend to the superintendent that the Educator be dismissed.

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20. Timelines (Dates in italics are provided as guidance)

Activity:	Completed By:
Superintendent, principal or designee meets with evaluators and educators to explain evaluation process	<i>September 15</i>
Evaluator meets with first-year educators to assist in self-assessment and goal setting process Educator submits self-assessment and proposed goals	October 1
Evaluator meets with Educators in teams or individually to establish Educator Plans (Educator Plan may be established at Summative Evaluation Report meeting in prior school year)	October 15
Evaluator completes Educator Plans	November 1
Evaluator should complete first observation of each Educator	November 15
Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards, if desired) * or four weeks before Formative Assessment Report date established by Evaluator	<i>January 5*</i>
Evaluator should complete mid-cycle Formative Assessment Reports for Educators on one-year Educator Plans	<i>February 1</i>
Evaluator holds Formative Assessment Meetings if requested by either Evaluator or Educator	<i>February 15</i>
Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards, if desired) *or 4 weeks prior to Summative Evaluation Report date established by evaluator	<i>April 20*</i>
Evaluator completes Summative Evaluation Report	May 15
Evaluator meets with Educators whose overall Summative Evaluation ratings are Needs Improvement or Unsatisfactory	June 1
Evaluator meets with Educators whose ratings are proficient or exemplary at request of Evaluator or Educator	June 10
Educator signs Summative Evaluation Report and adds response, if any within 5 school days of receipt	June 15

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A) Educators with PTS on Two Year Plans

Activity:	Completed By:
Evaluator completes unannounced observation(s)	Any time during the 2-year evaluation cycle
Evaluator completes Formative Evaluation Report	<i>June 1 of Year 1</i>
Evaluator conducts Formative Evaluation Meeting, if any	<i>June 1 of Year 1</i>
Evaluator completes Summative Evaluation Report	May 15 of Year 2
Evaluator conducts Summative Evaluation Meeting, if any	June 10 of Year 2
Evaluator and Educator sign Summative Evaluation Report	June 15 of Year 2

B) Educators on Plans of Less than One Year

- i) The timeline for educators on Plans of less than one year will be established in the Educator Plan.

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21. Career Advancement

- A) In order to attain Professional Teacher Status, the Educator should achieve ratings of proficient or exemplary on each Performance Standard and overall. A principal considering making an employment decision that would lead to PTS for any Educator who has not been rated proficient or exemplary on each performance standard and overall on the most recent evaluation shall confer with the superintendent by May 1. The principal's decision is subject to review and approval by the superintendent.
- B) In order to qualify to apply for a teacher leader position, the Educator must have had a Summative Evaluation performance rating of proficient or exemplary for at least the previous two years.
- C) Educators with PTS whose summative performance rating is exemplary and, after 2013-14 whose impact on student learning is rated 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.

22. Rating Impact on Student Learning Growth

ESE will provide model contract language and guidance on rating educator impact on student learning growth based on state and district-determined measures of student learning by July 15, 2012. Upon receiving this model contract language and guidance, the parties agree to bargain with respect to this matter.

23. Using Student feedback in Educator Evaluation

ESE will provide model contract language, direction and guidance on using student feedback in Educator Evaluation by June 30, 2013. Upon receiving this model contract language, direction and guidance, the parties agree to bargain with respect to this matter.

24. Using Staff feedback in Educator Evaluation

ESE will provide model contract language, direction and guidance on using staff feedback in Administrator Evaluation by June 30, 2013. Upon receiving this model contract language, direction and guidance, the parties agree to bargain with respect to this matter.

25. Transition from Existing Evaluation System

- A) The parties may agree that 50% or more of Educators in the district will be evaluated under the new procedures at the outset of this Agreement, and 50% or fewer will be evaluated under the former evaluation procedures for the first year of implementation of the new procedures in this Agreement.

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- B) The parties shall agree on a process for identifying the Educator Plan that each Educator will be placed on during the Educator's first year being evaluated under the new procedures, providing that Educators who have received ratings of unsatisfactory or its equivalent in the prior year will be placed on Self-Directed Growth or Improvement Plans at the sole discretion of the Superintendent.
- C) The parties agree that to address the workload issue of Evaluators, during the first evaluation cycle under this Agreement in every school or department, the names of the Educators who are being placed on Self-directed Growth Plans shall be literally or figuratively "put into a hat." The first fifty (50) percent drawn shall be on a 1-year Self-directed Growth Plan and the second fifty (50) percent shall be on a 2-year Plan.
- C) The existing evaluation system will remain in effect until the provisions set forth in this Article are implemented. The relevant timeframe for adopting and implementing new systems is set forth in 603 CMR 35.11(1).

26. General Provisions

- A) Only Educators who are licensed may serve as primary evaluators of Educators.
- B) Evaluators shall not make negative comments about the Educator's performance, or comments of a negative evaluative nature, in the presence of students, parents or other staff, except in the unusual circumstance where the Evaluator concludes that s/he must immediately and directly intervene. Nothing in this paragraph is intended to limit an administrator's ability to investigate a complaint, or secure assistance to support an Educator.
- C) The superintendent shall insure that Evaluators have training in supervision and evaluation, including the regulations and standards and indicators of effective teaching practice promulgated by ESE (35.03), and the evaluation Standards and Procedures established in this Agreement.
- D) Should there be a serious disagreement between the Educator and the Evaluator regarding an overall summative performance rating of unsatisfactory, the Educator may meet with the Evaluator's supervisor to discuss the disagreement. Should the Educator request such a meeting, the Evaluator's supervisor must meet with the Educator. The Evaluator may attend any such meeting at the discretion of the superintendent.
- D) The parties agree to establish a joint labor-management evaluation team which shall review the evaluation processes and procedures annually through the first three years of implementation and recommend adjustments to the parties.
- E) Violations of this article are subject to the grievance and arbitration procedures. The arbitrator shall determine whether there was substantial compliance with the totality of the evaluation process. When the evaluation process results in the termination or non-renewal of an Educator, then no financial remedy or reinstatement shall issue if there was substantial compliance.

Appendix D. Administrator Model Contract Language

Available March 15, 2012