February 2, 2014

Secretary Arne Duncan
c/o Ms. Sophia McArdle
U.S. Department of Education
1990 K Street NW., Room 8017
Washington, D.C. 20006

Re: Higher Education Act (HEA) Title II Report Cards on State Teacher Credentialing and Preparation, CFR Citation: 34 CFR 612, 34 CFR 686, Federal Register Number: 2014-28218

Dear Secretary Duncan,

On behalf of the Commonwealth of Massachusetts Department of Elementary and Secondary Education, Department of Higher Education, and University of Massachusetts system we submit this comment in response to the U.S. Department of Education’s (ED) notice of proposed rulemaking pertaining to teacher preparation. We ask that this response, which focuses on the proposed policies and associated implications for our state, be considered in conjunction with our comment on the burden and costs of the proposed rules (submitted to OMB on January 2, 2015 and enclosed with this letter).

Executive Summary
Overall, Massachusetts is supportive of the goals and purposes outlined in the proposed rules. Specifically, we believe:
1. It is critical to ensure programs well-prepare teachers to make impact with students.
2. States should employ an outcomes-based system to monitor performance and make meaningful differentiations among programs.
3. Data on program performance should be collected and publicly reported in support of both transparency and informed consumerism.
4. There should be accountability provisions and rewards/consequences tied to program performance.
5. Stakeholders should be engaged in identifying appropriate measures and developing effective processes for determining the quality of preparation programs in the state.

Our commitment to these beliefs extends beyond a statement of support; in the last three years, Massachusetts has strategically implemented a series of reforms driven by these same goals. Given our recent experience implementing the objectives outlined above, we have concerns about the impact of the proposed rules.

Massachusetts believes that compliance with the regulations as outlined will negatively impact and unnecessarily delay our ability to achieve the goals listed above and set forth by ED. As you will see from the details that follow (see section I. Background), the Commonwealth has built an accountability and improvement system for educator preparation that uses meaningful indicators of performance, makes data transparent, and holds programs accountable for continuous improvement and impact. Altering
our current approach to comply with ED’s proposed regulations will significantly set back Massachusetts’ efforts to date.

Our comment is grounded in two overarching concerns:

- There are a number of logistical challenges associated with implementing the proposed rules, such as reporting by program and the timeline of data availability, that impose undue and costly burdens on states.
- The provisions around annual performance designations imply an approach to accountability that conflicts with existing accountability structures in Massachusetts.

In spite of these concerns, we believe ED has a critical role to play in holding states, and by extension preparation programs, accountable for the quality of preparation provided to teachers. To this end, Massachusetts proposes an alternative framework for the regulations:

Proposed Alternative to Overall Approach: Allow states to demonstrate to ED that the state-defined accountability and improvement system for preparation programs meets ED criteria (which should include the requirement that states use outcome measures as a major component of the system). ED would then monitor and audit states’ systems for quality implementation and progress towards goals. This process could be similar to the current ESEA waiver process.

This approach highlights the ways in which the federal role can best be leveraged in support of the stated goals. It also ensures that states maintain the necessary authority to effectively implement the regulations within the context of our individual states. We are confident in our ability to achieve the same goals through our current systems and ask that ED consider granting flexibility to states that have made similar commitments such as ours.

Further, we believe that this proposed alternative is in alignment with other policies supported by ED. For example, this proposed alternative is similar to ED’s approach to supporting states to build educator evaluation systems in the K-12 system: ED described the required components of the systems (such as the inclusion of student growth measures) and approved the state-developed systems. ED did not set weights or develop an algorithm to determine performance ratings—as ED is now proposing to do in these regulations.

As a leading state on these efforts and with the student results to match, we would welcome the opportunity to work with ED on the revisions necessary to make these regulations impactful and sustainable. This includes:

- Discussing the anticipated implications and our proposed alternatives further;
- Sharing our system, all associated materials, and lessons learned; and,
- Opening our system up to review and evaluation.

We have provided an outline below. After some contextual background, we organized our comment according to the major provisions outlined in ED’s notice of proposed rulemaking.
Outline of Comment

I. Background ........................................................................................................................................... 4
   a. Context of Preparation in Massachusetts .................................................................................... 4
   b. Relevant Massachusetts Educator Preparation Reform Efforts .................................................. 4
   c. Burden Estimates .......................................................................................................................... 6

II. Major Provision: Establish necessary definitions, requirements for IHEs and States on the quality of
teacher preparation performance. The proposed regulations would support the Administration’s
goal of measuring program performance based on meaningful indicators ........................................ 7
   a. Teacher Preparation Entity ........................................................................................................... 7
   b. New Teacher and Recent Graduate .............................................................................................. 7
   c. High-Need School ......................................................................................................................... 8

III. Major Provision: Establish required indicators that States must use to report on teacher
preparation program performance and, in doing so, ensure that the quality of teacher preparation
programs is judged on reliable and valid indicators of program performance ..................................... 9
   a. Threshold ...................................................................................................................................... 9
   b. Emphasis on New Teacher .......................................................................................................... 10
   c. Timeline ...................................................................................................................................... 11
   d. Indicators - Overall Validity and Reliability Concerns ................................................................. 12
   e. Indicators - Student Learning Outcomes .................................................................................... 13
   f. Indicators - Employment Outcomes ........................................................................................... 14
   g. Indicators - Survey Outcomes ..................................................................................................... 14

IV. Major Provision: Establish the required areas States must consider in identifying low-performing
and at-risk teacher preparation programs, the actions States must take with respect to those
programs, and the consequences for a low-performing program that loses State approval or
financial support. These proposed regulations would also establish the conditions under which a
program that loses State approval or financial support would regain its eligibility for title IV, HEA
funding ............................................................................................................................................... 16
   a. Satisfactory or Higher Learning Outcomes ................................................................................. 16
   b. Annual Rating Designations ........................................................................................................ 16
   c. Weighting of Indicators .............................................................................................................. 17
   d. Technical Assistance ..................................................................................................................... 18
I. Background

a. Context of Preparation in Massachusetts

There are 77 Sponsoring Organizations (throughout this document referred to as “entities”) in Massachusetts. Entities vary in type and size, from traditional institutions of higher education to alternative providers such as district-based programs, non-profits, and others. All entities in Massachusetts, regardless of type, must meet the same approval standards and undergo the same review processes. There are:

- 55 Institutions of Higher Education (IHE)
- 22 Alternative (non-IHE)

Within the 77 entities, there are approximately 2,000 individual programs that lead to licensure. Six entities provide leadership or other Professional programs only; as a result, there are 71 entities approved to offer programs leading to Initial teacher licensure (the first stage of a tiered licensure system).

On average, Massachusetts completes approximately 6,000 program graduates from Initial licensure programs annually. Of those who have completed a Massachusetts program:

- 62 percent are employed in their first year following completion (placement)
- 92 percent are retained for at least a second-year (two-year retention rate)

The Department of Elementary and Secondary Education (ESE) holds authority for reviewing and approving all entities and programs leading to licensure in the state. The Department of Higher Education (DHE) reviews and grants institutions the authority to offer degrees and expand degree authority. ESE works closely with DHE to coordinate efforts around program reviews for our state universities. Similarly, ESE works closely with the University of Massachusetts (UMass) on issues related directly to educator preparation programs offered by four of the UMass campuses. There are currently twelve preparation entities that pursue national accreditation under agreements Massachusetts has previously established with specialized accrediting agencies, of which eight are public institutions. National accreditation is not required in Massachusetts.

b. Relevant Massachusetts Educator Preparation Reform Efforts

In 2010, Massachusetts began the process of updating regulations for program approval to deepen expectations for preparation in the state and update long-standing protocols to hold programs accountable for outcomes and to drive improvement. The Board of Elementary and Secondary Education (BESE) in June 2012 codified new Regulations for Educator Licensure and Preparation Program Approval. An excerpt from the Commissioner’s memo that introduced companion Guidelines for Program Approval (July 2013) articulates theses shifts well:

“Together, the revised regulations and these Guidelines communicate a shift in the program approval process. ESE will incorporate program outcome measures to indicate:

- Whether (or not) programs are preparing graduates who are ready to effectively teach and lead in the Commonwealth’s schools.
- Whether (or not) programs are preparing educators to assume positions in high-needs placements across the Commonwealth.

As an expectation for continuous improvement, ESE will collect and report data such as educator evaluation ratings, program graduates’ impact in producing growth in student learning, employment and survey data. With the collection and analysis of these data, ESE will be able to..."
better identify strong programs worthy of recognition and replication and weed out those programs failing to produce the types of educators required for the needs of Massachusetts’ schools.” (p.4-5)

In an effort to uphold the rigor outlined in the 2012 Program Approval Standards, ESE overhauled the entire system of review and approval. Over the course of the 2013-2014 academic year we built and piloted a new and more effective, efficient, and consistently rigorous review process. This included:

- Articulating **actionable, concrete criteria** on which programs are evaluated
- **Embedding outcomes** as a major component in the review
- Redesigning how we recruit, select and train a **highly effective group of reviewers**, emphasizing the inclusion of current PK-12 educators’ participation in addition to preparation program faculty
- **Systematized, streamlined and standardized the review process**

Through these changes, each review yields a solid evidentiary base from which informed and accurate decisions about performance can be made. This evidence base will be differentiated by standard, discrete criteria, and across the individual programs within an entity. Together with the summative judgments from reviewers, the new review process will result in an unprecedented amount of quantitative and qualitative information that can be used to support state decisions regarding approval, organizations’ efforts for continuous improvement, and the field’s understanding about effective and ineffective practices in educator preparation.

Massachusetts launched our first full implementation of the new process in April 2014. We are encouraged by the early results. While still in process, we would be willing to share our preliminary efficacy data with ED upon request.

At the conclusion of this review cohort we will have, for the first time in Massachusetts, the ability to pinpoint, with a body of evidence to substantiate claims, aspects of programs or programs themselves that are exemplary or in need of improvement. Not only is an entity rated overall, but each entity receives a **performance designation** (exemplary, proficient, needs improvement or unsatisfactory) across several domains such as: Continuous Improvement, Partnerships, and Field-Based Experiences. ESE plans to publish an annual report detailing the efficacy of the process and summarizing findings from the cohort of entities under review during that year. The first summary report will be published in fall 2015.

Our ability to make meaningful designations of performance is due in great part to our parallel investments in data and data linkages. Through our Race to the Top grant, Massachusetts has been able to develop the necessary mechanisms to:

- Establish links between performance in PK-12 sector and preparation, including employment, evaluation ratings, survey data, etc.
- Publicly report that data on our **profiles** annually
- Create **data analysis tools** that ensure programs have access to outcome data for continuous improvement efforts

We hope that it is apparent that Massachusetts’ efforts are aligned with those proposed by ED. The most significant difference in our approach is that we have embedded the use of outcomes within our review process, not as a separate component. We believe that this actually gives greater weight to the
outcomes than establishing a simple cut off or benchmark for performance. For example, during this cohort when entities were asked to demonstrate that they are “responsive to district/school needs” reviewers examined the rate of employment in each of the named partner districts. Employment rates, thereby, served to affirm or deny entities’ claims of strength of partnership within the context of the review. We believe that using outcomes this way – as opposed to developing rating designations by formula – drives improvement within our organizations; maintains accountability for impact; limits perverse incentives; and recognizes the limitations inherent in the newness of these data linkages.

Additional context for Massachusetts’ reform efforts relevant to preparation, such as the adoption of the Common Core, aligned professional standards for the programs and the development of a teacher performance assessment, are embedded with the comment for specific provisions of the proposed rules.

c. Burden Estimates

As the context above describes, while the Commonwealth is well positioned to act on many of the proposed rules should they be adopted, after careful analysis, we have concluded that ED has significantly underestimated the cost and burden of implementing these rules. Without considerations made to account for these burdens, states and teacher preparation entities will work towards compliance rather than meaningful implementation reflective of the full intention of the proposed rules. Because we have begun implementing many of the reforms that will be required under these proposed rules, we were able to speak knowledgeably about the necessary capacity, resources, and time required to effectively implement such statutes in our burden comment (see Attachment 1 for the full document).

According to ED estimates, nationwide the burden of the proposed rules will cost approximately $42.1 million over the next ten years. While ED does not specify the specific total cost per state, Massachusetts estimates that the proposed would cost the state:
- $248,130 in start-up costs
- $226,447 annually

The 10-year cumulative cost of the proposed rules on the state is estimated to be $2,512,605. Massachusetts considers this a very conservative estimate.

Within the notice of proposed rulemaking, ED explains that the rules will result in enough benefit to outweigh the estimated costs. For Massachusetts, this is likely not the case. The Commonwealth, with the financial support of ED through the Race to the Top grant, has invested heavily over the last three years to implement similar reforms in Massachusetts. We are currently staffed and resourced to continue on a trajectory that we believe will allow us to achieve the same goals as those outlined in proposed rules. In Massachusetts, having to alter our current course to meet the full scope and nuanced differences in these rules, compared to our own regulations and systems, will cost us more than the benefit we would have gained.

As an unfunded federal mandate, shifting to an outcomes-focused accountability and improvement system will be a costly endeavor for states, regardless of where each is currently in the transition. As stated above, we encourage ED to carefully consider the far greater costs of under valuing the work required to implement these rules well. In order for the proposed rules to have the impact envisioned by ED, adjustments will need to be made and we recommend that ED consider funding states to support the implementation of the proposed rules.
II. Major Provision: Establish necessary definitions, requirements for IHEs and States on the quality of teacher preparation performance. The proposed regulations would support the Administration’s goal of measuring program performance based on meaningful indicators.

a. Teacher Preparation Entity: In § 612.2(d) “teacher preparation entity” is defined as an institution of higher education or other organization that is authorized by the State to prepare teachers.

Context/Comment
There is strong alignment between Massachusetts and ED around establishing consistent expectations between traditional and alternative preparation entities. Massachusetts has always maintained that all entities, whether alternative or traditional IHE, should be held to the same standards of performance. All entities in Massachusetts are held accountable for the same standards, reporting and review expectations. We strongly encourage ED to maintain the provision in the proposed rules that requires states to report equivalent information for both traditional and alternative teacher preparation providers.

We believe that ED should not make allowances, as outlined in 612.5(a)(2), that would allow states to “assess traditional and alternative route teacher preparation programs differently based on whether there are differences in the programs that affect employment outcomes, provided that varied assessments result in equivalent levels of accountability.” Making allowances such as this will inevitably set up a dichotomous system along lines that are not always reflective of starkly different programs. For instance, in Massachusetts many of our traditional preparation programs have innovated in ways that resemble more characteristically with what may be considered alternative preparation (e.g. residency based models, teacher of record programs, etc.). As a result, in Massachusetts there is actually greater variation across individual entities than between entities that are considered ‘traditional’ or ‘alternative.’

b. New Teacher and Recent Graduate: In § 612.2(d) “New Teacher” is defined as a recent graduate or alternative route participant who, within the last three title II reporting years, has received a level of certification or licensure that allows him or her to serve in the State as a teacher of record for K-12 students and, at the State’s discretion, for preschool students. “Recent Graduate” refers to an individual whom a teacher preparation program has documented as having met all the requirements of a teacher preparation programs within the last three title II reporting years. Being hired as a full-time teacher or being recommended to the state for licensure may not be used as a criterion for determining who is a recent graduate.

Context/Comment
The definitions of “new teacher” and “recent graduate” proposed by ED are not appropriate in the Massachusetts context. Specifically:

- In Massachusetts, teachers may obtain a preliminary license and thus begin teaching before enrolling in or completing an Initial licensure program. As a result, recent completers of preparation entities may have been employed in full-time teaching roles for up to five years before being considered a “new teacher” by ED. Designating these individuals as “new teachers” is misleading and may result in outcomes being misinterpreted. The number of completers impacted by this is significant: In 2012, one of four teachers employed in
Massachusetts public schools for the first time were doing so under the preliminary license (this figure increases to 35 percent for first year educators in high-needs schools)\(^1\).

- In Massachusetts, being recommended by an entity for Initial licensure is synonymous with having “met all the requirements of a teacher preparation program” and therefore is the criteria we use to classify people as recent graduates. We are able to do this because of a new electronic endorsement system with a unique identifier that follows candidates in a preparation program beginning at the point of enrollment through to completion. Once enrolled, entities cannot remove a candidate from the system without intentionally exiting them (and the system collects this data). All candidates, even those who do not pursue licensure in the state, are endorsed for licensure by the program.

**Proposed Alternative:**
ED should use the term “program completer” in place of recent graduate. This term is more inclusive of candidates who have met all program requirements, whether in an alternative or traditional program. States should be allowed to determine the criteria, not excluding being recommended for Initial licensure, that define “program completer.” Similarly, the term “new teacher” should be replaced with “employed completer” for greater clarity.

c. **High-Need School:** In § 612.5(a)(2) ED proposes the requirement that states report disaggregated outcome measures for new teachers in high-need schools.

**Context/Comment**
Massachusetts strongly supports ED’s proposal for reporting employment outcomes disaggregated by high-needs school. As explained by ED, we believe that this requirement will ensure greater transparency about which programs are encouraging and preparing candidates for placement at high-need schools.

**Proposed Alternative**
Because the definition of “high-need school” in Massachusetts differs from that proposed in the regulations, Massachusetts proposes that states be allowed to develop and use their own definitions of “high-need school” so that current systems and structures across the state do not need to be modified and/or duplicated.

We also propose that ED consider including an additional disaggregation requirement for high-need subject areas. In support of Louisiana’s public comment and one the recommendations in their submission, the demands of the workforce should be a factor in a preparation program’s employment outcomes.

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III. Major Provision: Establish required indicators that States must use to report on teacher preparation program performance and, in doing so, ensure that the quality of teacher preparation programs is judged on reliable and valid indicators of program performance.

a. Threshold: § 612.4(b)(4)(i) requires annual reporting on the performance of each teacher preparation program that produces a total of 25 or more new teachers in a given reporting year. States may set the threshold lower. ED outlines three additional methods for reporting on programs that do not meet the state-determined threshold.

Context/Comment
The disaggregation of data can be an impactful lever of change as it provides valuable information to programs and increases transparency around performance. However, while the proposed rules create several allowances for establishing an appropriate threshold, despite these, the feasibility of annual reporting at the program level in Massachusetts would be so limited it would not be meaningful.

Massachusetts has a strong market for teacher preparation, consisting of 712 entities approved to offer Initial teacher licenses. Completers from these programs can range from as few as one to over 50 in a given year. We recognize that the quantity of preparation entities and this range in program completion may be unique to our state. We are committed to ensuring high-quality preparation in Massachusetts, regardless of the size of the program. This context is important for understanding our concern in establishing a threshold for annual reporting. Consider the following:

- In Massachusetts, only 11 out of 787 programs, or 0.014 percent, actually met the threshold of 25 employed new teachers in 2013-2014.
- If Massachusetts were to drop the threshold to n=15 new teachers, which is discouraged in the proposed regulations for validity and reliability concerns, there are 24 additional programs that could be reported on, making for a total of only 35 of the 787 discrete programs in the state.
- When aggregation strategies proposed in § 612.4(b)(4) were applied, however, there are still 20 out of 77 entities in Massachusetts for whom even if we aggregate all programs and aggregate for three years of data, we will still not meet the 25 new teacher threshold. That means that regardless of our aggregation strategies, Massachusetts will be able to report on less than three-quarters of our entities.

If Massachusetts were to comply with the threshold of 25, the manual calculation that would be required to do so would not only be excessive, but may lead to significant inconsistencies across entities and from one year to the next. This presents serious capacity and reliability concerns for Massachusetts. As explained in our burden comment, in order to meet the threshold for the majority of our programs we will have to conduct a significant amount of manual calculation on an annual basis. Given the heightened accountability around the reporting, we will be required to use human judgment to make common-sense groupings and aggregations in order to meet the necessary threshold.

Currently, Massachusetts reports outcome data – including survey, educator evaluation ratings, and employment data – with a threshold of six. Our current threshold is much lower than that proposed in the rules because the data is used for reporting purposes and not as a single component of accountability as suggested by the ED framework. With a threshold of six, we are able to publicly report and make much more data available to programs for continuous improvement; 26 percent of programs

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2 Of the 77 approved entities in MA, six provide leadership or other Professional programs only; as a result, there are 71 entities approved to offer programs leading to Initial teacher licensure
meet this threshold with no additional aggregation necessary, 63 percent meet it when data is aggregated over three years.

Proposed Alternative
While we support the disaggregation of data, we think states should be required to report outcomes by entity, not program. There are other ways to prevent the dilution of data than reporting by program. For instance, if states report by entity they could report the range in addition to the median or report data by quartile. In so doing, you would make transparent the differences within an entity while maintaining appropriate thresholds.

States should still report performance ratings by program, but be allowed to determine the most appropriate way to include outcomes in the individual program determinations, including determining how to roll-up outcomes at the program level to the entity level.

b. Emphasis on New Teacher: In § 612.4, the proposed rules require that states report on four indicators of “academic content knowledge and teaching skills.” Three of the four (student learning outcomes, employment outcomes, and survey outcomes) require active employment in the state.

Context/Comment
Through this provision, the proposed rules place a significant emphasis on the “new teacher.” To do so leaves an incomplete and very limited representation of program performance.

Many teacher candidates come to Massachusetts for college, but have aspirations to return to their home states to begin their professional career. As a result, Massachusetts exports many new teachers, particularly at the Baccalaureate level, with limited strain on the workforce in the Commonwealth. For instance, about 65 percent of completers in the 2012-2013 academic year at the Initial license level were employed in Massachusetts’ public schools in school year 2013-2014. Further data analysis indicates that there are 20 entities in the state with less than 50 percent of their recent completers employed in Massachusetts’ public schools. These figures could be explained in many ways, including completers who leave to teach in other states or teachers who teach in private schools. Additionally, for those program completers who do stay in the state and wish to work in the public school system, the market is highly competitive for placement. As a result, many program completers take positions other than as teacher of record; one third of first time teachers have held a position other than teacher of record (e.g., paraprofessional, long term substitute, etc.) prior to gaining full-time employment as a full time teacher in their licensure field and level.

The percentage of program completers who gain employment in a Massachusetts’ public school, as outlined above, indicates that if emphasis is placed on outcome data from only new teachers in reporting and accountability, then we will miss the opportunity to gain a complete picture of program performance.

Proposed Alternative
In addition to proposed new teacher outcome data, ED should require indicators that capture academic content knowledge and teaching skills of all recent graduates, not just those who obtain employment. Potential indicators could include:

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• Results of teacher performance assessments (e.g., edTPA)
• Retake analysis for licensure assessments (as opposed to pass rates)

Additionally, states should be allowed to build a multiple measures accountability and improvement system that includes both outcome data from new teachers and other meaningful indicators of performance.

c. Timeline: The proposed timeline asks entities to share data in the month of October and have data posted and designations made by the state in April. The first full implementation is expected in 2019.

Context/Comment
Like ED, Massachusetts would like to see data be collected, analyzed and reported in a more timely manner to ensure relevancy, ongoing continuous improvement and a reduction in lag time. We believe this is essential to producing useful data for the public and for programs. Still, there are constraints and considerations that are not factored into ED’s proposal. Our comment and proposed alternatives weight the quality of data and accuracy of performance designations over expediency.

With regards to the reporting cycles, we will be unable to establish the necessary linkages as outlined by ED. The proposed rules suggest that entities will be the ones to report data on the outcome indicators in October. First to clarify: It will be the state, not entities that will be in a position to provide this data. Second, ESE receives data from Local Education Agencies (LEAs) (both employment and student learning) in the fall, which makes reporting on outcomes in October impossible.

With regards to the overall implementation timeline, we appreciate that ED has built in a readiness year in 2015-2016 where no reporting is required and states can work to create systems and structures to support reporting the new data. This is an important recognition of the effort that will be required to enact the regulations. The phasing in of the performance designations is also appreciated.

Despite this, the timeline assumes entities have access to all of the data required under the four proposed indicators. This is not the case. Many states will have to create the data linkages required for annual reporting of outcomes, including Massachusetts. Therefore, Massachusetts will be unable to provide required outcome data that has been validated in accordance with ED’s proposed timeline. Additionally, some data by its nature will not be available according to the proposed timeline. As an example, in Massachusetts, an educator’s Student Impact Rating is determined using a minimum of two years of student growth and achievement data, which includes Student Growth Percentiles (SGPs) derived from state assessment data, and District-Determined Measures (DDMs). Therefore, we could not provide data on Student Learning Outcomes for new teachers until they were in their 3rd year of employment. Some districts have negotiated for three years of student growth data, so we would not be able to provide data for some new teachers until they are in their fourth year. As a result of all of these considerations, the earliest Massachusetts could provide a full data set is in the 2020 report year. Subsequently, we would not be in a position to designate performance, which must take into account the provision that effective ratings must include satisfactory student outcomes using these measures, until 2021.

In reference to our overall concerns and proposed alternative, it is worth noting that if allowed to continue on our current trajectory, Massachusetts will meet the goals outlined in the executive summary by the end of the 2020-2021 academic year – well before we could meet the proposed
regulations. By the end of the 2020-2021 academic year all 77 entities and approximately 2,000 programs in the state will have been evaluated against our new state standards and review procedures, which includes an increasing number of outcome measures as they become available. According to ED’s implementation dates, the 2021 report would be the earliest all regulations are in full effect. As a result, if Massachusetts were allowed to move forward with our current system it would yield more meaningful change in our preparation programs sooner.

**Proposed Alternative**

Require that indicators be reported in 2019 and require performance ratings beginning in 2021. Allow states additional readiness years with the expectation or submission of evidence that they are creating and maintaining the necessary data systems for 2019 reporting.

Additionally, a third reporting deadline should be included to account for the data linkages that must be established:

- **October →** Entities would provide states recent graduate data
- **February →** States would report outcome data to ED
- **June →** States provide performance designations to ED

**d. Indicators - Overall Validity and Reliability Concerns**

**Context/Comment**

Massachusetts agrees that the proposed indicators (student learning outcomes, employment outcomes, survey data, and assurance of accreditation) are important indicators of program performance and should be considered in performance designations. Despite this, we have several overall concerns about the validity and reliability of using these metrics for assessing the performance of teacher preparation programs for accountability purposes:

- Setting benchmarks or cut-offs for these data will create perverse incentives that do not catalyze actual improvement, but result in unintended consequences. We witnessed a similar situation occur when many states, Massachusetts included, established an 80 percent pass rate on state licensure tests. Shortly after this benchmark was set, entities built these licensure tests into their program requirements and began using them as gateways. As a result, almost all entities nationally now have pass rates that hover right around 100 percent, which does very little to provide meaningful indications of performance. This serves as a caution against using potential proxy measures as anything more than one factor to consider in overall performance.

- It is important that outcome data be part of a multiple measure system. For Massachusetts, so many of these data linkages are brand new. For example, the data from the educator evaluation system is only three years old and includes a limited number of educators. We have not yet accumulated enough years of data nor conducted the significant analyses necessary to know what meaningful inferences we should be drawing about performance from a singular data point. At this point it would be premature for Massachusetts to make judgments on these few, not well understood, outcomes. As an example, we point to a finding from Louisiana. Louisiana found that new teachers with the highest VAM scores were also those that were most critical of their preparation programs on surveys. As a result, if you were looking only at the survey outcomes program performance would appear low-performing whereas if you looked at the VAM data it may appear high-performing.
We need more time to understand the connections between these measures and their appropriate application in determining program performance. Massachusetts has built a review system that when consistently employed over the next five years will generate a robust evidence base against which we can examine the causal or correlative relationships between these outcomes and other indicators of performance.

Further, in support of the use of these outcomes, ED references Louisiana, Tennessee, Washington and Missouri as states that have established at least some of these outcome linkages over the last 10 years. While ED points to several studies in these states that have “found statistically significant differences between teachers prepared at different preparation programs,” there is no reference in ED’s notice of proposed rulemaking that points to these states improving the overall quality of preparation at their entities as a result of establishing and reporting on these outcomes. ED later asserts that “a robust evaluation system that includes outcomes could spur innovation and increase differentiation between teacher preparation programs.” Massachusetts argues that the accountability system we are currently implementing embeds outcomes in a way that accounts for all of the considerations outlined above, maintains high performance standards for preparation in our state, will differentiate among programs that need support and high-flyers from whom we can learn and will result in continuous program improvement and positive impact on students.

Proposed Alternative
In light of the aforementioned validity and reliability concerns, Massachusetts believes states and their stakeholders should be allowed to determine how and to what extent outcomes are included in accountability provisions. This would allow our state to maintain our current course, which includes continuing to seek understanding about the predictive validity of different measures before setting cut scores and weights.

e. Indicators - Student Learning Outcomes: In § 612.2(d) “Student learning outcomes” are defined, for each teacher preparation program in a State, as data on the aggregate learning outcomes of students taught by new teachers and calculated by the State using student growth, a teacher evaluation measure, or both.

Context/Comment
The only comparable student growth data Massachusetts has are the Student Growth Percentiles, generated from the state assessment data for educators in grades 4-8. This data is available only for about 14 percent of the educators in the state.

Since educator evaluation is a mandatory subject of collective bargaining, ESE passed regulations that define the Educator Evaluation Framework with which districts have to align their systems. Due to differences that may exist between local district systems, we have found it challenging to produce reports that compare educator evaluation ratings across district lines. We do so for the purposes of ESEA flexibility and Race to the Top compliance - with some reservations. We would have to strongly consider the implications of holding entities accountable using educator evaluation ratings or other educator evaluation data generated by different district systems aligned to the state framework. Further, since we used a phase-in approach to educator evaluation, we are in the third year of implementation of educator evaluation for Race to the Top districts and the first year of full implementation for all educators and all districts (RTTT- and non-RTTT districts). We may have more confidence in the comparability of the educator evaluation ratings as we gain more data and complete
more analyses; we will have better knowledge then of the implications of policy of using the educator evaluation ratings as accountability measures for educator preparation programs. Massachusetts currently provides this data to entities for improvement purposes and is working to determine a system for public reporting that accounts for the differences across districts.

Additionally, Massachusetts is concerned about the reliability, validity, and feasibility of using current student growth metrics as an independent accountability measure for teacher preparation programs. See section III.d for additional comment.

Proposed Alternative
Require that states use student learning outcomes as a factor in performance designations but allow each state to determine how best to incorporate these outcomes into accountability systems.

f. Indicators - Employment Outcomes: In § 612.2(d), “employment outcomes” is defined as teacher placement rate, the teacher placement rate calculated for high-need schools, the teacher retention rate, and the teacher retention rate calculated for high-need schools.

Context/Comment
Massachusetts currently reports and holds programs accountable for employment outcomes. In contrast to the proposed rules, our employment data includes all recent completers employed in a Massachusetts public school, regardless of the position they hold. We are creating a filter in our data analysis tool that allows programs to sort employment data by only those who are employed in the same license area for which they were endorsed. Having to report with this additional constraint on the data will further reduce the number of programs that meet the threshold.

For the 2013-2014 academic year, the employment placement rates was 62 percent. We also report the retention rate which has exceeded 92 percent in each of the last two years. Massachusetts does not currently report employment data in relation to high needs school, although we support reporting employment data as it relates to high-need schools. See section II.c for additional comment on data reporting pertaining to high need schools.

Additionally, Massachusetts is concerned about the reliability, validity, and feasibility of using employment outcomes as an independent accountability measure for teacher preparation programs. See section III.d for additional comment.

Proposed Alternative
Require that states use employability data as a factor in performance designations but allow each state to determine how best to incorporate these outcomes into accountability systems.

g. Indicators - Survey Outcomes: In § 612.2(d), “survey outcomes” is defined as qualitative and quantitative data collected through survey instruments, including, but not limited to, a teacher survey and an employer survey, designed to capture perceptions of whether new teachers who are employed as teachers in their first year of teaching in the State where the teacher preparation program is located and have the skills needed to succeed in the classroom.
Context/Comment
Massachusetts is currently building valid and reliable surveys on educator preparation for new teachers, recent graduates, employers, and supervising practitioners. Our work in this area exceeds the expectation set forth by the proposed rules. These additional surveys serve to validate one another at different points in both the preparedness of the candidates and in soliciting data from different perspectives. These surveys also align with the Staff and Student Feedback model surveys in use as part of our educator evaluation system.

The proposed rules miss an opportunity to collect meaningful data about program performance by only surveying new teachers serving in full time teaching positions for the grade level/subject in which they were prepared and not all the completers of programs. Massachusetts plans to collect survey data from recent graduates upon completion and new teachers after a year of employment.

The proposed rules do not make clear the reporting mechanism for sharing the results of a survey that captures both qualitative and quantitative data. Massachusetts does not believe that aggregating data from the survey to provide a single data point for reporting purposes will convey valuable information. We believe that this diminishes the usefulness of the data from these surveys and could lead to distorted conclusions.

Additionally, Massachusetts is concerned about the reliability, validity, and feasibility of using survey outcomes as an independent accountability measure for teacher preparation programs. See section III.d for additional comment.

Proposed Alternative
States should be required to survey recent graduates in addition to new teachers. Require that states use survey outcomes as a factor in performance designations, but allow each state to determine how best to incorporate these outcomes into accountability systems.
IV. Major Provision: Establish the required areas States must consider in identifying low-performing and at-risk teacher preparation programs, the actions States must take with respect to those programs, and the consequences for a low-performing program that loses State approval or financial support. These proposed regulations would also establish the conditions under which a program that loses State approval or financial support would regain its eligibility for title IV, HEA funding.

a. Satisfactory or Higher Learning Outcomes: In § 612.4(b)(2), the proposed regulations specify that states may identify the performance level for teacher preparation program as effective of higher quality only if it has satisfactory or higher student learning outcomes.

Context/Comment
To measure student learning outcomes, Massachusetts would use Student Growth Percentiles (SGPs) and District Determined Measures (DDMs), which are measures of student growth and achievement in the educator evaluation system. These components of the educator evaluation framework that would be used to make the teacher preparation program performance determination are not designed for this purpose, see section III.e. We are also concerned about the reliability, validity, and feasibility of using current student growth metrics as an independent accountability measure for teacher preparation programs. See section III.d for additional comment.

Additionally, we are especially concerned that using these metrics in a way in which they were not intended may undermine the implementation of Massachusetts’ Educator Evaluation Framework as well as other state initiatives. Still in the nascent stages of implementation (2014-2015 is the first year of full implementation for all districts), Massachusetts needs to be cautious about overextending the use and function of the evaluation system beyond anything other than its original purpose: to support the growth and development of educators in Massachusetts. Similarly, another initiative that may be open to potential strain under this provision are Massachusetts’ efforts to develop and launch a 21st century student assessment system (PARCC). Given the political climate concerning high-stakes testing nationally and within Massachusetts, we urge ED to caution against compounding the challenges of these individual efforts.

Proposed Alternatives
Although Massachusetts agrees that student learning outcomes should be included in an accountability system for teacher preparation programs, as a result of the aforementioned concerns, we believe that how and to what extent these outcomes are included in accountability provisions should be determined by states and their stakeholders. States should be allowed to determine the criteria for performance level ratings without this requirement from ED.

b. Annual Rating Designations: §612.4(b)(1) specifies that states must make meaningful differentiations in teacher preparation program performance using at least four performance levels based on the indicators in § 612.5 including, in significant part, employment outcomes for high-need schools and student learning outcomes.

Context/Comment
It is unclear to us from the proposed regulations whether or not performance ratings are required to be designated and/or reported annually. Currently, Massachusetts is implementing a system that will provide meaningful designations by entity and program based on multiple measures, including
outcomes. All programs in the state will receive a performance designation before 2021 and will be monitored for continuing to meet standards throughout this period. At this time, Massachusetts does not have the capacity or the resources necessary to designate over 2,000 programs with meaningful performance levels annually. Nor do we believe that this is necessary to ensure quality performance of preparation entities within Massachusetts.

Several factors referenced in our comment earlier should be considered here as well, including:

- Threshold concerns (section III.a): The majority of entities in Massachusetts will be unable to meet the threshold. If required to comply with this provision, Massachusetts will need to manually aggregate programs and program outcomes. The extent of aggregation required in our state will most certainly result in significant inconsistencies across entities and from one year to the next.
- Overall validity and reliability concerns (section III.d): The proposed rules imply a formulaic approach to designating program performance levels; it is the only way that doing so annually would even be conceivable. Given the n=size of programs in Massachusetts, as well as the validity and reliability concerns of available outcome measures, annual performance designations as outlined in the proposed rules, would not be meaningful, nor would they be fair and they would be compliance-driven, not improvement-driven.
- Emphasis on New Teacher (Section III.b): By requiring that ratings take employment and student learning outcomes into significant account, performance designations will provide a potentially very limited perspective on overall performance.

Proposed Alternative
Massachusetts asks that ED consider any of the following proposed alternatives, individually or in combination:

- States should designate and report performance levels by entity annually
- States should be allowed to create a staggered system of program designations such that programs are rated on a rotating basis.

c. Weighting of Indicators: In §612.4(b)(3)(B)(ii) the proposed regulations specify that for each teacher preparation program, a state must report the State’s weighting of the different indicators in §612.5 for purposes of describing the State’s assessment of program performance.

Context/Comment
Currently, Massachusetts does not weight individual measures in reviewing or reporting on entities or programs. Our reviewers are trained to triangulate evidence and determine the resulting impact of individual criteria on the entities ability to prepare effective educators. The only weighting that is present in our system is that given to evidence of impact (usually outcomes) which is weighted to a greater extent over plans or inputs. We believe that this approach values the necessary professional judgment needed to understand and assess a complex system and supports the goals of continuous improvement and soliciting evidence of outcomes.

As stated previously, Massachusetts does not believe that a formulaic approach, which again is implied by the requirement that we establish weightings for each outcome, will yield meaningful differentiations among programs.
Further, the Massachusetts Educator Evaluation system is one of the few systems in the nation that does not use an algorithmic approach to performance ratings. Data shows that this approach is producing differentiation among levels of performance. Data shows that Massachusetts’ results are more differentiated than other states. For example, in 2013-2014, only eight percent of educators were rated as “exemplary,” which is the highest performance category, in contrast to other states where well over half of those evaluated were rated in the highest category. Massachusetts has experienced success in performance evaluation by relying on a system that includes multiple measures, extensive evidence, and on professional judgment. We would like to apply these lessons from educator evaluation in the evaluation and reform of teacher preparation.

Proposed Alternative
Allow states to build a multiple measures system that requires robust evidence and includes outcomes and incorporates professional judgment into performance designations. In addition, stakeholders should provide input as to how and to what extent outcomes are included in overall performance rating.

d. Technical Assistance: Under proposed § 612.6(b), At a minimum, a State must provide technical assistance to low-performing teacher preparation programs in the State to help them improve their performance in accordance with section 207(a) of the HEA.

Context/Comment
Massachusetts has built and is employing a new accountability and improvement system for educator preparation that reflects our present and continuing commitment to identifying and disseminating best practices; to providing meaningful data; and convening the field around problems of practice. This type of assistance relies on individual programs and entities to drive their own improvement. It also allocates resources and opportunities equitably across entities. Additionally, our current approach to technical assistance ensures that ESE staff, who are primarily responsible for implementing accountability provisions, do not confront a conflict of interest when it comes to both supporting improvement and subsequently evaluating it. If not revised, the ED requirement as outlined above, which emphasizes technical assistance to low-performing programs, could do more to undermine accountability provisions than bolster actual improvement.

Massachusetts believes that the burden of providing assistance that will result in program improvement would be significant to the state. This is not a cost that the state is currently in a position to assume, nor is it one that is necessitated given the current teacher labor market in Massachusetts. Massachusetts, unlike many other states, does not rely on only one or two entities to provide teachers statewide or regionally; both prospective teachers and employers have many providers from which to select. Contrast this to the role the state plays in the accountability and support structure for our PK-12 system where there is clearly the need for the state to assist in the improvement of our publicly funded districts and schools. The relationship between the state and preparation entities, many of whom are private or independent non-profit organizations, is not the same as that between the state and struggling schools/districts.

Finally, Massachusetts also believes that technical assistance should not focus mainly on low-performing programs. Doing so will risk missing essential opportunities to identify best practices from high-performing programs and supporting those programs who are best-positioned to be increasingly productive and effective providers.
Proposed Alternative
Technical assistance should be the discretion of the state. ED should not require that technical assistance focus on low-performing allowing states to distribute support as appropriate to individual context. Teacher preparation entities should be responsible for seeking and resourcing improvement for their low performing programs. ED could also make competitive grants available to states to distribute to low performing programs in support of program improvement.
We appreciate ED’s efforts in the development of these proposed rules and are grateful for the opportunity to provide public comment. We hope that our reactions and experiences are helpful as you consider changes to and the impact of these proposed regulations.

Sincerely,

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Massachusetts Commissioner of Elementary and Secondary Education

Richard M. Freeland, Ph.D.
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