

**Analysis of Comments from Public on Proposed Regulations on Evaluation of Educators**  
**603 CMR 35.00**  
**June 2011**

AFT-MA = American Federation of Teachers, MA  
ACEDONE = African Community Economic Development of New England  
BLE = Boston Leaders for Education  
BMA = The Black Ministerial Alliance of Greater Boston  
BPON = Boston Parent Organizing Network  
BSAC/YB = Boston Student Advisory Council & Youth on Board (+ several hundred petition signatures)  
BUS = Boston United for Students  
CPS = Citizens for Public Schools  
CTME = Common text (or variation of it) submitted by 300+ Massachusetts Educators  
DSNI = Dudley Street Neighborhood Initiative  
DSTE = Director, Science and Technology/Engineering, DESE, Jake Foster  
EOE = Executive Office of Education  
GM = Gerry Mroz  
HRA = Human Resources Associates  
HRC = Human Resource Consultant, Thomas Johnson  
HSTF = The Hyde Square Task Force  
JMU = J.M. Upson, School Committee Member (Cape Cod Tech) and Member of State Advisory Board for Vocational Education  
JQP = Josiah Quincy Parents (9 individual letters)  
KM = Kim Marshall, Educational Consultant  
LSC = Lincoln School Committee & Administrators  
LSS = Litwin School Staff, Chicopee  
MABE = Massachusetts Association for Bilingual Education  
MASC = Massachusetts Association of School Committees, Inc.  
MASPA = Massachusetts Association of School Personnel Administrators  
MASS = Massachusetts Association of School Superintendents, Inc.  
MATSOL = Massachusetts Association of Teachers of Speakers of Other Languages  
MBAE = Massachusetts Business Alliance for Education  
MBR = Massachusetts Business Roundtable

MDOC = Multicultural Dropout Outreach Collaborative  
 MESPA = Massachusetts Elementary Principals Association  
 META = Multicultural Education, Training & Advocacy  
 MOEC = Massachusetts Organization of Educational Collaboratives  
 MSSAA = Massachusetts Secondary School Administrators' Association  
 MTA = Massachusetts Teachers Association  
 NPS = Norton Public Schools  
 OISTE = ?Oiste? The Latino Civic Education Initiative  
 PHSN = Pentucket High School Nurse, Lois Pencinger, RN  
 Principal = Comments by various MA Principals  
 PRI = Project RIGHT Inc.  
 RAP = Representative Alice H. Peisch  
 SBA = School Business Administrator Robert Jokela, Fitchburg  
 SBLE = Springfield Business Leaders for Education  
 SFC = Stand for Children (+600 letters)  
 SSAC = State Student Advisory Council to the Board of Elementary & Secondary Education  
 SSPJ = State Senator Patricia Jehlen  
 SupCF = Superintendent Christopher Farmer, Triton  
 SupPA = Superintendent Paul Ash, Lexington  
 SupWL = Superintendent William Lupini, Brookline  
 SupAMS = Asst. Superintendent Mary Sterling, Lincoln  
 SupBD – Superintendent Barbara Dunham, EdD & Assistant Superintendent Tim Farmer, Sharon  
 SupJL = Asst. Superintendent Jonathan Landman, Randolph  
 Teacher = Comments by various MA Teachers  
 TC = Timothy Collins, President, Springfield Education Association  
 WSC = Worcester School Committee Member, Tracy Novick

All written feedback received during the public comment period has been reviewed by ESE staff and shared with BESE. This document summarizes the written feedback and is limited, with some exception, to comments regarding the regulations. A significant number of comments addressed implementation issues. These comments will inform ESE's implementation supports and development of its model system. All comments received from organizations relating to the regulations are summarized below. Individual comments that are not duplicative of comments received from organizations are also included.

Contributor	Proposed Changes	Rationale	Department Response & Recommendation
<b>I. Section 35.01 - Scope, Purpose, and Authority</b>			
MTA	<p>Retain 1995 Regulation 35.03, which reads:</p> <p>(1) The performance standards shall be measurable.</p> <p>(2) The performance standards shall reflect and allow for significant differences in assignments and responsibilities. These differences shall be described in evaluation reports.</p> <p>(3) The performance standards shall be shared with the person being evaluated in advance of the evaluation process.</p> <p>(4) The purpose of evaluation shall be stated clearly, in writing, to the person being evaluated.</p> <p>(5) The evaluation process shall be free of racial, sexual, religious and other discrimination and biases as defined in state and federal laws.</p> <p>(6) The person being evaluated shall be allowed to gather and provide additional information on his/her performance. Such information must be provided in a timely manner and must be considered by the evaluator.</p> <p>(7) The person being evaluated shall have an opportunity to respond in writing to the evaluation reports.</p>	<p>The current regulations set forth valuable criteria to guide local school committees in establishing performance standards. The underlying framework set forth in 1995 remains valid today and should be incorporated into the proposed regulations.</p>	<p>ESE agrees that these basic requirements for an evaluation system can appropriately be included in the regulations, and has added language to the proposed revised regulations which incorporates the requirements formerly found in 603 CMR 35.03 (1), (2), (3), (5), (6), and (7).</p>
	<p>Retain 1995 Regulation 35.06, which reads:</p> <p>(1) Responsibility for Evaluation</p> <p>(a) The school committee is responsible for ensuring that adequate resources are available to evaluate all administrators and teachers without professional teacher status at least annually and to evaluate teachers with professional teacher status at least once every two years and to assist teachers and administrators to improve their performance.</p>	<p>The proposed regulations do not include the statement in current 35.06 (1)(a) regarding the responsibility of a school committee to ensure that adequate resources are available to evaluate administrators and teachers are required by law and to assist teachers and administrators to improve their performance.</p>	<p>The issue of resources is addressed in the Commissioner's memorandum to the Board dated June 20, 2011, dated June 20, 2011.</p>

MASC	The regulations should clearly delineate whether and how they apply to the evaluation of superintendents.	Superintendent evaluations are assigned to the school committee. Processes are often public, making it difficult to abide by regulations pertaining to confidentiality.	ESE agrees. See 35.02 and 35.05.
MESPA		This section is well-defined and represents a wide range of opinions by every constituency. It is rare to have so many diverse groups working together for the betterment of our students and educators.	
PHSN	Specify whether school support personnel are considered “educators” according to these regulations.		The proposed revised regulations relate to the evaluation of licensed school personnel. Support personnel who are not required to hold an educator license do not fall within the scope of the revised regulations.
Teacher	Mandate that school committees must involve teachers and principals in the development of their district’s evaluation process.		These are local decisions. No change needed.
Teacher	Add the word “timely” before “feedback.” “What constitutes timely” should be left up to the evaluator, who will be held to a standard of “reasonableness.”	The word “timely” may preclude collective bargaining language that prescribes cumbersome pre/post meetings and other requirements that can inhibit real communication. While collective bargaining contract language often is inserted that outlines absolute scheduling and notification requirements for evaluative visits (observations), the scheduling of observations and pre/post meetings often impede the kind of flexibility that an evaluator needs to see sequential lessons, to complete walkthrough rituals, and to periodically visit or observe various lessons. The more rigid the collective bargaining language regarding required meeting schedules that occur pre/post an evaluation event, the more likely that the district may not meet the procedural due requirements of “just cause” if some disciplinary event occurs as a result of the evaluation.	These are local decisions. No change needed.

SupCF	In 35.01(2)(a), address the resource implications of the proposed arrangements in terms of evaluator time and “enhanced opportunities for professional growth.”		The issue of resources is addressed in the Commissioner’s memorandum to the Board dated June 20, 2011.
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<b>II. Section 35.02 – Definitions</b>			
MASS	Define the terms “Needs Improvement” and “Unsatisfactory” more clearly.	The current definitions are ambiguous.	Definitions have been clarified.
MASS	Modify the Developing Teacher/Administrator Plans and Directed Growth Plan definitions to include the following sentence: <b>If the parties disagree on the development of said plan, the plan will be written by the evaluator and implemented by the educator.</b>	No rationale provided.	Definitions have been clarified.
MASS, SupPA	The term “evaluator” should be amended by the insertion of the following sentence: <b>The evaluator shall not be a member of the same union or bargaining unit as the educator being evaluated.</b>	No rationale provided by MASS.  The superintendent says that as long as evaluators are in the same union, they are sometimes under pressure from fellow union members to water down evaluations or to never write negative evaluations.	While ESE agrees that problems may arise when an evaluator is in the same collective bargaining unit as the individual being evaluated, the Labor Relations Commission is the state agency statutorily charged with defining the appropriate scope of collective bargaining units.  ESE has added a reference to evaluators being free of conflicts of interest. See 35.11 (7).
SupWL	Evaluators should not belong to the same bargaining unit as the educator being evaluated. Districts should be able to apply for a waiver for this provision, if needed. The regulations should encourage peer review.		See above. Also, see 35.10 on Peer Assistance and Review
DSTE	Eliminate the phrases “high expectations,” “rigorous expectations,” and “high standards” throughout the regulations. If they are used, define them.  Define the term “key teams.”  Define the term “student learning goals” and differentiate it from “classroom (school-based learning goals).	The use of the term “high expectations” is potentially ambiguous. Some believe that state standards define “high expectations,” while others believe that state standards define the floor of what students should learn. These different interpretations could affect what an evaluator looks for in an educator’s performance.	The revised regulations eliminate use of the term “key teams.” No further change needed.

KM	All observations should be unannounced.	Announced observations are a weak lever for improving teaching. Systematic, unannounced mini-observations with face-to-face feedback to teachers every time and then a brief written follow-up memo or email give each teacher the opportunity to correct misinterpretations or errors on the part of the administrator, thereby making it feel “safe.	ESE has removed any requirement for announced observations. The only observations required by the proposed revised regulations are unannounced.
MTA	<p>Modify the definition of “measurable” to read as follows:  <i>Measurable</i> shall mean that which can be classified or <del>verified</del> <del>estimated</del> in relation to a scale, rubric or standards. <i>In assessing the data underlying student learning outcomes, measureable as applied to any metric shall mean that which can be statistically validated.</i></p> <p>Add the following new definitions to clarify critical terms used in the evaluation regulations:  <i>Impact on Student Learning</i> shall mean at least the trends in student learning outcomes and may also include patterns in student learning outcomes.  <i>Multiple Measures</i> shall include a combination of classroom, school, and district assessments, and student growth percentiles from state assessments, where available and applicable.  <i>Patterns in student learning outcomes</i> shall mean the combination of multiple measures used by the district in an academic year to categorize student performance as low, moderate, or high.  <i>Student Learning Outcomes</i> shall be the results of classroom, school, district or state assessments used by the district to determine student growth, improvement or achievement on the learning standards or academic requirements.  <i>Trends</i> in student learning outcomes shall be based on three continuous years of data from state assessments and district assessments that are comparable across grades and subjects.</p>	<p>MTA maintains that it is not appropriate to define “measurable” to mean “that which can be . . . estimated . . .” since the concept of an “estimate” injects an unstable element into the process and is at odds with accepted research on fair evaluation standards. MTA proposes to strike “estimate” from the proposed definition of “measurable” and substitute “verified.” In addition, given that the proposed regulations consider an educator’s impact on student learning in determining the educator’s professional plan, the regulations must insure that the evidence to be considered is as valid and reliable as it can be. There is no doubt that multiple measures are necessary, both to add additional validation to student learning judgments but also as a practical matter. Also, to be at all meaningful, trends in student learning must be based on at least three continuous years of data. MTA therefore recommends that the regulations be amended to include their suggested new definitions.</p>	<p><i>Measurable:</i> As used in the regulations, the term “measurable” applies to performance standards (35.03 and 35.04), outcomes for lessons and goals. Hence the term requires a broader definition. No change needed.</p> <p>The revised regulations include definitions for the following terms in 35.02:</p> <ul style="list-style-type: none"> <li>• Impact on Student Learning</li> <li>• Multiple Measures</li> <li>• Patterns</li> <li>• Trends</li> </ul>

MASC	Modify the definition of “experienced educator” to read as follows: Experienced educator shall mean an administrator with three years in a position in a <a href="#">particular school district</a> or a teacher with Professional Teacher Status.	Professional Teacher Status does not apply to a teacher who moves to another school district. The same reasoning should apply to administrators.	ESE agrees. The definition has been revised.
MESPA	Modify the definition of “administrator” so that it is more specific.	The regulations include numerous references to the phrase “all educators,” but it is unclear whether they pertain to superintendent, assistant superintendent, and curriculum directors.	Taken together, 35.02 on definition of administrator,” 35.05 concerning administrators under individual employment contracts, and 35.04 directing districts to adapt performance indicators based on the role of the administrator mean that the definition is inclusive and includes all of the named administrators.
MBAE, SBLE, BLE	Add a definition of the model system, as follows. <a href="#">Model System shall mean the comprehensive model educator evaluation system designed and regularly updated by the Department of Elementary and Secondary Education for use by districts. The Model System shall include the standards and indicators, evaluation cycle, evidence, performance level ratings, and student performance measures specified in 603 CMR 35.03 through 603 CMR 35.10 below, as well as rubrics and other tools to be developed.</a> See MBAE comments for additional suggested modifications regarding the inclusion of language urging districts to adopt the Model System.	DESE should promote adoption of a statewide system more strongly.	ESE agrees that a definition will help call attention to the existence of the Model System. The revised regulations include a definition of it.
SupAMS	Include a definition of SMART goals.		This term is not used in the regulations.
SupCF	Define the term “year.”  Define the term “cultural proficiency.”		“Year” has been clarified to mean “school year,” when appropriate.  The cultural proficiency indicator has been clarified. See 35.03 and 35.04.



LSC	Differentiate between “exemplary” and “proficient” more clearly.		Definitions have been clarified.
GM	Define “all students.”	The definition of “all students” should explicitly refer to students who are academically beyond grade level, and to students who are intellectually gifted.	No change needed.

MASPA	<p>Modify definitions as follows:</p> <p><i>Evaluator:</i> Supervisors and evaluators should <u>not be</u> included in the same bargaining unit as the employees whom they supervise.</p> <p><i>Experienced Educator:</i> Previous service need not be with the current employer.</p> <p><i>Formative Assessment/evaluation:</i> Replace the word “evaluator” with “peer observers, supervisors and /or evaluators.”</p> <p><i>Goal:</i> Specify that Goals and “plans” are subject to approval by the educator’s evaluator.</p> <p><i>Improvement Plan:</i> Delete the word “experienced” from line 1.</p> <p><i>Measurable:</i> After the word “standards” insert “that are set forth in the educators Improvement Plan by the evaluator.”</p> <p><i>Observation:</i> Delete “category of measurement” and insert “data gathering process.”</p> <p><i>Rubric:</i> Insert the word “examples” after the word “describes.”</p> <p><i>Self Directed Growth Plan:</i> This plan may be part of or include the educator’s “professional development plan” required for license renewal.</p> <p><i>Unsatisfactory:</i> The definition of “unsatisfactory” should include the concepts of inefficiency, incompetency and/or a failure to meet the district’s performance standards.</p> <p>The following sentence should be added. “Two or more overall ratings of “unsatisfactory” within the time-frame set forth in the Improvement Plan (not to exceed one school year) shall constitute “just cause” as that term is used in M.G.L. c. 71, §42.</p>	No rationale provided.	<p><i>Evaluator:</i> See above.</p> <p><i>Experienced Educator:</i> No change recommended</p> <p><i>Formative assessment/evaluator:</i> Agreed. Issue addressed in revised regulations. See 35.10.</p> <p><i>Goal:</i> ESE agrees. See definition of Educator Plan.</p> <p><i>Improvement Plan:</i> ESE agrees.</p> <p><i>Measurable:</i> No change necessary because all elements of the Educator Plan are subject to the evaluator’s approval. See definition of Educator Plan.</p> <p><i>Observation:</i> ESE agrees..</p> <p><i>Rubric:</i> ESE has modified the definition to provide greater clarity. .</p> <p><i>Self-directed Growth Plan:</i> see Commissioner’s memorandum to the Board dated June 20, 2011 addressing the need to review and align educator plan requirements for evaluation and individual professional development plan required for license renewal.</p> <p><i>Unsatisfactory:</i> The definition of unsatisfactory has been clarified. Also, 35.06 cites the authority of a school or district to dismiss an educator consistent with applicable law. No further change needed.</p>
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AFT	<p>Use the phrase “progress towards goals” consistently throughout the document. Begin by modifying the definitions of each plan so that the phrase “progress toward goals” replaces the phrase “must meet goals.”</p>	<p>The phrase “progress toward goals” is not used consistently throughout the proposed regulations. As the Task Force agreed, the phrase “progress toward goals” is superior to language such as “must meet goals” for the following reasons:</p> <ul style="list-style-type: none"> <li>• Enhances, rather than restricts, the professional judgment of evaluators.</li> <li>• Ensures that educators who set high goals but fall short of them need not be automatically penalized but can instead get “credit” for progress. This creates a safe space for educators to set ambitious, challenging goals instead of low goals that are easy to meet.</li> <li>• Acknowledges, especially in the case of student learning goals, that external factors may sometimes impede the attainment of goals, despite the best efforts of educators, students, parents, and others.</li> </ul>	<p>The revised regulations are now consistent. “Progress toward goals” is the yardstick used for formative assessment. In summative assessment/evaluation, “attainment of goals” is the yardstick. In determining goal attainment, the evaluator is free to characterize progress toward attainment of goals and identify external factors that may have affected progress.</p>
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AFT	<p>Modify definitions for terms as follows:</p> <p><i>Directed Growth Plans:</i> Replace the phrase “one year or less” with the phrase “one year.”</p> <p><i>Evaluation:</i> Delete the word “evaluation” after “formative assessment” wherever it appears.</p> <p><i>Goal:</i> Throughout the regulations, add the following language: “Goals may be developed individually, or by school-level, department-level, grade-level, or other teams of educators who share responsibility for student results.”</p> <p><i>Performance Standards:</i> Delete references to performance “indicators.”</p>	<p><i>Directed Growth Plans:</i> This change will ensure clarity and consistency across districts in how directed growth plans are implemented.</p> <p>The primary purpose of a directed growth plan is to help educators get better so that they can reach proficiency. For example, an experienced teacher may not necessarily be “proficient” right off the bat if his/her assignment changes and the teacher is suddenly facing a new grade, subject, curriculum, or student population. This doesn’t mean this person is a “bad” teacher; it just means he or she needs some time and assistance to get up to speed. Establishing directed growth plans for a full year will help assure educators that these plans are about improvement, not “gotcha,” and will reduce disincentives for educators to take on new assignments and challenges. If administrators believe that an educator warrants a plan of a shorter duration, they have the option of rating the educator “unsatisfactory” and placing the educator on an improvement plan.</p> <p><i>Evaluation:</i> Formative assessments should center on feedback, support, improvement, and growth; summative evaluations result in a rating that carries consequences.</p> <p><i>Goal:</i> This language acknowledges what research has proven: Collaboration among educators is essential to school and student success. We must develop policies and systems that explicitly promote collaboration among teachers, administrators, and other school personnel. The inclusion of this language throughout the regulations will send the strong message that districts and schools are not only allowed to create group goals but are encouraged to do so.</p> <p><i>Performance Standards:</i> DESE does not have the authority to mandate indicators at the local level. It is also not a good idea to do so. Districts should have the flexibility to use long-established and successful evaluation rubrics.</p>	<p><i>Directed Growth Plans:</i> No change recommended</p> <p><i>Formative evaluation:</i> ESE has modified the definition to provide greater clarity. .</p> <p><i>Goal:</i> ESE has modified the definition to provide greater clarity regarding team goals, which are permitted. In addition, all educators and evaluators are required to consider team goals. See 35.06(3)(b)</p> <p><i>Performance Standards:</i> the revised regulations eliminate most “sub-indicators”</p>
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Teacher	Evaluator should be a person with at least 5 years of teaching experience and a refresher course every ten years.	It's difficult for someone with little teaching experience to support teachers in improving their practice.	Among existing skilled evaluators are those with fewer than five years of teaching experience. No change needed. See Commissioner's memorandum to the Board dated June 20, 2011 for plans to review re-licensure requirements. In addition, revised regulations permit establishment of peer assistance and review programs.
SupWL		The standards are an improvement over what is currently in place. Support for the inclusion of differentiation to meet the needs of all students, cultural proficiency, and a focus on family and community engagement as distinct areas of focus in the regulations.	
SupBD		It will be difficult to achieve inter-rater reliability for a standard like Family and Community Engagement.	The Model system will offer some guidance in this area.

<b>III. Section 35.03 - Standards and Indicators of Effective Teaching</b>			
<b>IV. Section 35.04 – Standards and Indicators of Effective Administrative Leadership</b>			
MTA	<p>Modify regulations to substitute the term “principles” for the term “standards” throughout.</p> <p>Modify 35.03 to read: Principles of Practice for Effective Teaching Practice, and:            In 35.03 (1) delete subsection (a) through (c)            In 35.03 (2) delete subsection (a) through (d)            In 35.03 (3) delete subsection (a) through (c)            In 35.03 (4) delete subsection (a) through (e)</p> <p>Modify 35.04 to read: Principles of Practice for Effective Administrative Leadership, and:            In 35.04 (1) delete subsection (a) through (e)            In 35.04 (2) delete subsection (a) through (e)            In 35.04 (3) delete subsection (a) through (d)            In 35.04 (4) delete subsection (a) through (f)</p>	<p>The establishment of standards of productivity and performance in proposed 35.03 and 35.04 are mandatory subjects of bargaining pursuant to G.L. c. 150E, § 6. G.L. c. 71, § 38 establishes a very concrete process for bargaining to take place, and for an agreement to be finalized. DESE’s proposed regulations intrude into the statutory authority of local school committees to establish standards of performance and to negotiate evaluation procedures to evaluate staff on those measures. As it has done in the past, DESE should adhere to its statutory authority and promulgate principles or “guidelines.” And, by prescribing specific, detailed indicators and conduct or practice to be considered by the evaluator in rating educators and administrators on a principle, the regulations impermissibly intrude into matters reserved for bargaining and are best determined by local school districts. The regulations should refer to “principles” rather than “standards” and the specific indicators should be deleted from the regulations. The indicators use terminology to reference evaluation concepts and teaching techniques that will change over time; it is more appropriate that they be identified in DESE’s model evaluation system.</p>	<p>ESE has further refined and streamlined the standards 35.03 and 35.04. ESE believes that the articulation of a broader set of evaluation principles, inclusive of these standards and indicators, is consistent with both its regulatory authority and the strong recommendation of the Task Force that there be greater consistency in evaluation practices across the Commonwealth.</p>
MESPA	<p>Principals should not be held accountable for ensuring that all teachers should know what students should know and be able to do at the end of each grade level.</p>	<p>We are no longer running school like an industry that is lock step. Teachers need to ensure high expectations are addressed, but not in the old model.</p>	<p>ESE is committed to ensuring that students have access to the MA Curriculum Frameworks. Therefore it is reasonable to expect principals and teachers to align curriculum with the Frameworks. No change needed.</p>
Teacher		<p>If teachers are expected to plan their units backwards, training must be provided. Not all teachers do not know how to do this.</p>	<p>ESE has deleted this subsection.</p>

Teacher	<p>Modify 35.03(1)(a) to read: Knows the content and <b>skills</b> for the discipline being taught.</p> <p>Clarify that the Assessment Indicator requires pre-assessment of student learning and skills prior to developing units and lessons.</p> <p>Modify 35.03(2)(a)(2) to indicate that differentiation is not limited to designing lessons; specify that it extends to teaching.</p> <p>Modify 35.03(2)(a)(5) to indicate that teacher values questions from the students and makes student-generated questions part of the culture of the classroom.</p> <p>Modify 35.03(2)(b) to specify that students need low-stakes practice where they are allowed to explore, experiment, and practice skills and concepts.</p> <p>Modify 35.03(2)(d)(2) to include supporting academically advanced students or students with mastery in a particular skill or concept. Potential wording: <i>Has next steps or extensions to lessons available for those students who are ready and able to move on; provides non-threatening opportunities for students to go more deeply into a subject where interest and ability allow.</i></p> <p>Modify 35.03 to include the term “levels of readiness,” as it is used in 35.04.</p> <p>Modify 35.04(1)(b)(1) to include a reference to backwards design.</p> <p>Modify 35.04(1)(c) Highlight the importance of pre-assessment.</p>		<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>
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GM	<p>In the Teaching All Students standard and the Curriculum, Instruction and Assessment standard, specify metrics for educating gifted and above-grade-level students.</p> <p>In 35.04(a)(1), administrators must be evaluated on expectations of what is relevant for each student a teacher has – not just what “all students should know and be able to do...”</p> <p>35.04(a)(1)(a)(2) should require that administrators be evaluated on educators whom they supervise setting targets based on growth goals that are applicable and measurable for students at each and all levels, not just developing basic grade-level criterion goals.</p> <p>35.04(1)(b) should require that administrators be evaluated on how they ensure that there are relevant high level expectations for gifted and above-grade-level students.</p>		See above.
MASPA	<p>35.03 (3)(c): The term “culturally proficient communication” should be defined.</p> <p>35.03 (4)(b): The collaboration indicator should not be limited to “in teams.”</p> <p>35.04 (1)(d)(2): Insert the words “announced and” between frequent and unannounced.</p> <p>35.04(2)(c)(2): The statement should include a qualifier such as “to the extent permitted by available resources.”</p> <p>35.04(2)(c)(2): This language assumes that there will be adequate staffing and other resources available to implement this indicator.</p>	No rationale provided.	<p>ESE has deleted subsections.</p> <p>ESE has clarified the cultural proficiency indicator in 35.03 and 35.04.</p> <p>ESE sees the need for unannounced visits, and leaves to local districts the decision about announced visits.</p> <p>ESE has deleted “in teams” from 35.03(4)(c).</p>



MATSOL, META, MABE	<p>For all educators, indicators and standards must include pedagogy that is appropriate for ELLs (e.g. developing academic language, sheltering content-area instruction, use of first language for clarification, learning environments that are culturally responsive to the specific needs of ELLs, and teaching reading and writing to ELLs.)</p> <p>Section 35.04(3) must include language about the use of interpreters for family-school meetings and translations for notices and all school documents.</p>	<p>To communicate a “clear sense of purpose” for planning, implementing instructing, supervising and evaluating instruction for ELLS, DESE must clearly communicate requirements for educating ELLs, and the educator evaluation indicators and standards must be clearly aligned with those requirements. Likewise, involving the parents of ELLs will often require specific outreach efforts, and that should be specified in the regulations.</p>	<p>The “Teaching All Students and Curriculum, Planning and Assessment” Standards provide an adequate set of principles to address these important needs.</p> <p>The Communication indicator in 35.04(3) ESE addresses this issue. No change recommended.</p>
BSAC	<p>The Family and Community Engagement standard should include the word “students.” In addition, the word “student” should be added to the engagement indicator so that it reads “Welcomes and encourages every family and student to become active participants in the classroom and school community.”</p>	<p>In schools, the term “family” is often used as a synonym for “parent.” A Family, Student, and Community Engagement standard would “strengthen the way students, parents, and community members take ownership of the education system.</p>	<p>The standards and indicators in 35.03 and 35.04 emphasize student engagement. In addition, student surveys that provide information on student engagement will be required. See 35.07. No change needed.</p>

DSTE	<p>Strike the explanatory text for subindicators in 35.03(2)(d)(1) (Expectations) and replace it with text that is more in line with the Expectations subindicator from 35.04(1)(a)(1). Suggested phrasing: “Ensures that students know specifically what they should know and be able to do by the end of each lesson or unit.</p> <p>35.04(1)(c) Rewrite the text of the Assessment indicator so that it matches the text of the corresponding sub-indicators.</p> <p>35.04(1)(d)(1) Rewrite the text of the Evaluation indicator so that it is clear what “student learning goals” should refer to.</p> <p>35.04(2)(a) The text of the Environment indicator and the Expectations subindicator should use the phrase “students and staff” rather than just students.</p> <p>35.04(2)(c)(2) Clarify the term “key teams.”</p> <p>35.04(2)(d) Clarify this section.</p> <p>35.04(3)(b)(2) Do not limit the Conference sub-indicator to report card conferences.</p> <p>35.04(4) Define “high expectations” and “high standards.”</p>	<p>Whether a teacher conveys to students that they will not give up on students is not indicative of what the teacher expects the student to learn.</p> <p>The indicator language is written from the perspective of ensuring individual teachers do these things, while the subindicator language is written entirely from a collective perspective (common assessments, teacher teams).</p> <p>Student learning goals could be construed to be anything ranging from individual lesson goals all to yearly student achievement gains on state standardized tests.</p> <p>Administrators should be developing environments that encompass both the students and adults in the school. This is done in the third instance, but not in the first two.</p> <p>It is unclear what the term “key teams” refers to. Does this provide administrators the justification to only provide team time to ELA and math teams, and not to other subject area or grade-level teams, as is often done?</p> <p>35.04(2)(d) is unclear. It is very likely that 2 or more of the laws, policies, guidelines, etc. conflict with each other at some point. An effective administrator should be able to effectively resolve such conflicts.</p> <p>There are a number of types of conferences that support face-to-face interactions.</p>	<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>
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AFT	<p>Modify 35.03 as follows:  <b>Standards and Indicators of Effective Teaching.</b>  School committees shall establish evaluation systems and performance standards for the evaluation of all teachers that <b>are consistent with the four core standards include all of the standards, and indicators within each standard,</b> adopted by the Board of Elementary and Secondary Education and set forth in 603 CMR 35.03. School committees may supplement the standards <b>and indicators</b> in 603 CMR 35.03 with additional performance standards and indicators consistent with state law and collective bargaining agreements where applicable. The district shall adapt <b>the standards and</b> indicators based on the role of the teacher.</p> <p>Modify 35.04 as follows:  <b>Standards and Indicators of Effective Administrative Leadership.</b> School committees shall establish evaluation systems and performance standards for the evaluation of all administrators that <b>are consistent with the four core standards include all of the standards, and indicators within each standard,</b> adopted by the Board of Elementary and Secondary Education and set forth in 603 CMR 35.04. School committees may supplement the standards <b>and indicators</b> in 603 CMR 35.04 with additional performance standards <b>and indicators</b> consistent with state law and collective bargaining agreements where applicable. The district shall adapt <b>the standards and</b> indicators based on the role of the administrator.</p>	<p>Districts should retain the flexibility to use long-established and successful evaluation rubrics.</p> <p>AFT deleted the word “indicator” and all the descriptive information under each indicator, as this language is overly prescriptive.</p>	<p>ESE has eliminated most subindicators, leaving more flexibility for local districts to use existing rubrics with minimal modification.</p> <p>See above.</p>
AFT	<p>Modify 35.03(3) as follows:  Family <b>and Community</b> Engagement standard:  Promotes the learning and growth of all students through effective engagement activities <b>partnerships</b> with families, caregivers, <b>community members</b>, and school-related organizations.</p>	<p>AFT revised the Family and Community Engagement standard to eliminate roles and responsibilities that go beyond those of the typical teacher. A teacher’s work should be centered on engaging families, caregivers, and school-related organizations. Engagement with the broader community may occur as part of a teacher’s job, but it should not be a central component of an evaluation rubric.</p>	<p>The indicators under this standard reflect the teacher’s responsibility to families and caregivers. No change needed.</p>

SupPA	<p>Modify 35.04(2) to read as follows: Development: Organizes ongoing coaching and professional development that is aligned with school and district goals and builds educator proficiency and student learning.”</p> <p>Add “Leadership” as a standard.</p>	<p>“Professional development” is a more current term than “training.”</p> <p>Increasing classroom proficiency is not the goal. The goal is to increase educator proficiency. In addition, adding student learning emphasizes the ultimate goal of increasing student learning.</p>	<p>This subindicator has been eliminated. No further change needed.</p> <p>The revised standards for administrators now include “Instructional Leadership” as the first standard. No further change needed.</p>
HRC	<p>Require that weighting of the major components be established by each school district. Highly rated components become “employability” factors. If a teacher cannot meet the requirements of an indicator, the consequence can be disciplinary action.</p> <p>Add “coherent” before “cohesion.”</p>		<p>These are local decisions. No change needed.</p>
SupJL	<p>Clarify the “expectations” indicator for teachers.</p>	<p>The bullets below the indicator only elaborate on “support.” half of the equation. They do not illustrate what is meant by the “high expectations.”</p>	<p>The subindicator for this standard have been eliminated. No further change needed.</p>
SBA	<p>Mandate that districts include teacher attendance as an indicator upon which to evaluate PTS teachers and administrators.</p>	<p>Absenteeism in districts is too high.</p>	<p>Whether to include an indicator on attendance is a local decision. No change needed.</p>

SupCF	<p>Modify 35.03(1)(c) as follows: Analyzes data from assessments, draws conclusions, and shares them appropriately, <b>and modifies instruction accordingly or seeks assistance from colleagues.</b></p> <p>Modify 35.03(2)(a)(2) as follows: Designs lessons that target <b>identified</b> learning needs, styles, and interests, <b>and respond to student readiness.</b></p> <p>Modify 35.03(2)(a)(4) as follows: Selects and matrhcues <b>research-based</b> strategies, materials, and classroom groupings to foster student learning.</p> <p>Add additional section, 35.03(2)(a)(6) as follows: <b>Makes optimum use of instructional time.</b></p> <p>Modify 35.03(2)(c) as follows: Enables students to interact effectively in a culturally diverse environment in which each person is a member of many groups, with numerous identities, challenges, and strengths. <b>Uses materials or themes that are responsive to diversity within the classroom and school.</b></p> <p>Modify 35.04(1)(b)(1) to read: <b>Ensures that</b> teacher teams cooperatively plan curriculum units.</p> <p>Add additional section 35.04(1)(b)(3) as follows: Content Knowledge: <b>Ensures that teachers have a strong command of content knowledge.</b></p> <p>In 35.04(1)(c), include a reference to Pre-Assessment. This is critical to effective differentiation.</p> <p>Modify 35.04(2) to read: Promotes the learning and growth of all students and the success of all staff by ensuring a safe, <b>personalized</b>, efficient, and effective learning environment.</p> <p>Modify 35.04(2)(b)(1) to read: Recruits and hires effective teachers and staff who share the school's mission <b>and values.</b></p>		<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>
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SupCF	<p>Modify 35.04(2)(c)(2) to read: Creates a schedule that provides meeting times for all key teams... <a href="#">within the available resources</a>.</p> <p>Modify 35.04(2)(e) to read: Develops, <a href="#">with the School Council</a>, for the superintendent and school committee a budget that supports <a href="#">the School Improvement Plan</a>, the district's vision... resources.</p> <p>Modify 35.04(3) to read: Promotes the learning and growth of all students and the success of all staff through partnerships with families, community members, <a href="#">organizations</a>, and other stakeholders... district.</p> <p>Modify 35.04(3)(b)(2) to read: Works to <a href="#">optimize</a> the number of face-to-face parent/teacher report card conferences.</p> <p>Add additional section, 35.04(2): <a href="#">School goals and progress made towards them</a>.</p> <p>Modify 35.04(3)(d) to read: Addresses family concerns in an equitable, <a href="#">sensitive</a>, effective and efficient manner.</p> <p>Modify 35.04(4)(a)(1) to read: Develops, promotes and secures staff commitment <a href="#">to core values that are aligned with those of the school district</a>... decision making.</p> <p>Modify 35.04(4)(a)(2) to read: Plans and leads well-run and engaging meetings that have a <a href="#">clear</a> purpose and engage... important school matters, <a href="#">with a focus on teaching and learning</a>.</p> <p>Modify 35.04(4)(c)(2) to read: Facilitates groups effectively including <a href="#">encouraging and accepting and considering</a> feedback... communication.</p>		<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>
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	<p>Modify 35.04(4)(d) to read Develops and nurtures... to inform how <a href="#">instruction and school practices</a> needs to be adapted...</p> <p>Modify 35.04(4)(d)(1) to read: Nurtures a culture that supports continual analysis, <a href="#">research-based</a> experimentation... learning.</p>		<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>
SupCF		35.03(3)(a) & 35.04(3)(a): It is not usual for families to actively participate in the secondary classroom.	<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>
EOE	<p>Add section 35.03(4)(d): <a href="#">Professional growth indicator: Actively pursues different types of professional development and learning opportunities to improve the quality of practice or build the expertise to assume different instructional and leadership roles (including mentoring other teachers, contributing to school improvement planning and school-wide decision making, and conducting teacher evaluations).</a></p> <p>Add section 35.04(2)(b)(3): <a href="#">Professional Growth: Provides opportunities for teachers (who have demonstrated the necessary expertise and experience) to assume different instructional and leadership roles including mentoring other teachers, contributing to school improvement planning and school-wide decision making, and conducting teacher evaluations.</a></p>		<p>The revised regulations refine a “continuous learning” indicator under 35.04 and include provision for peer assistances and review.</p> <p>In addition, the revised regulations incorporate administrator’s support for educator’s career growth into the “Human Resources and Development” indicator.</p>
<b>V. Section 35.05 – Evaluation of Administrators under Individual Employment Contracts</b>			
AFT	Remove language regarding indicators.	See earlier AFT comments.	<p>Most of these sections have been deleted in the revised regulations.</p> <p>ESE has streamlined and refined the standards and indicators, while permitting local districts to supplement them consistent with state law. No further change needed.</p>

Teacher	Strengthen the language about teacher collaboration throughout the regulations. For example, in 35.05(1)(b)(1), change “ask” to “ensures.”	Teachers should be strongly encouraged to work in teams, to co-teach, and to cultivate an interdisciplinary curriculum.	See 35.06(3)(b) on team goals. No further change needed.
HRC	Specify that the failure to utilize the teacher evaluation system in promoting improved student learning may become a disciplinary matter for administrators.		The regulations are not a disciplinary code; that said, the revised regulations include subindicators under the Supervision and Evaluation indicator for administrators that emphasize the importance of taking evaluation seriously.
<b>VI. Section 35.06 – Evaluation Cycle</b>			
MASS	35.06(1) should be more specific about what system might be considered “consistent with” DESE principals.	Collective bargaining about whether to adopt DESE’s model system or to adapt a local system is difficult without a rubric of what constitutes a system “consistent with” DESE principles.	ESE plans to develop guidance districts can use to assess “gaps” between their current system and the requirements of these regulations. To ensure compliance, districts should consider adopting ESE’s Model System.
MASS	35.06(8): The regulations should be amended to read “a district may dismiss or non-renew any educator if after one school year they have failed to satisfactorily complete or implement an improvement plan or a directed growth plan under these regulations.	As currently framed, the district’s authority to dismiss or non-renew an educator is expressed passively.	ESE believes the language in the proposed regulations is adequate. No change needed.
MTA	Eliminate section 35.06 of the proposed regulations and adopt the entirety of section 35.09 (also entitled “Evaluation Cycle) from MTA’s comprehensive rewrite.	The regulations need to be clarified to avoid confusion about the components and process of the proposed evaluation cycle.	35.06 has been revised to clarify components of the cycle.
MTA	Delete 35.06(7)(a)(2)(b) and rewrite as follows: 2. For the educator who has Professional Teacher Status and whose impact on student learning is either moderate or high, the evaluator <del>shall</del> <b>may</b> place the educator on a Self-directed Growth Plan. a. The educator shall receive a summative evaluation at least every two years. b. The educator may be eligible for additional roles <b>and</b> , responsibilities <del>and compensation</del> , as determined by the district <b>and through collective bargaining, where applicable.</b>	The Board’s proposed regulation purporting to set eligibility criteria for “additional roles, responsibilities and compensation” exceeds its statutory authority vis-à-vis setting evaluation principles for districts to follow in evaluating staff. There is no statutory authority for the Board to weigh in on hiring, assignment and compensation decisions made by school committees, superintendents and principals based on managerial prerogatives and, where applicable, through bargaining under G.L. c. 150E.	As written, these regulations do not usurp managerial authority or, where appropriate, collective bargaining. No change needed.



DSTE	<p>In 35.06(3)(d)(1), explicitly state that the full set of standards be addressed in the Educator Plan.</p> <p>In 35.06(3)(d)(3) and (4), Specify who is responsible for funding the PD that educators are obligated to participate in.</p> <p>In 35.06(7)(c)(2)(a), clearly state whether an PTS educator can be dismissed once they are on an improvement plan.</p>	<p>35.06(3)(d)(1) In comparison with 35.07(1)(c), it is unclear whether the Educator Plans must include the full set of standards of effective teaching, or selected standards. 35.06(3)(d)(1) implies, but does not state, that it is the full set. This is further confused by the language of “a minimum of one goal” tied to the “standards” (plural). In 35.07(1)(c), the text states that additional evidence relevant to “one or more” standards can be brought to bear, suggesting only select standards need to be addressed. There is no explicit statement until 35.08.</p>	<p>Plans are to be matched to educator needs. Therefore, no pre-determined number of standards must be addressed in every Educator Plan. Therefore, revised 35.06(3)(f)(1) now reads “one or more performance standards.”</p> <p>Funding for professional development is a local matter.</p> <p>35.06(9) makes explicit that “nothing in these regulations shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L.c.71 s 41 and 42.”</p>
LSC		<p>A multi-step process, with time for educator self-reflection and goals setting is important. This self-reflection should be guided by individual teacher PD goals that are aligned with school and district goals.</p>	

MTA	<p>Modify 35.06(8)(a) as follows:          Nothing in these regulations shall <del>affect</del> <del>abridge</del> the <del>rights and obligations</del> <del>authority</del> of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L. c. 71, §42, <del>and any applicable collective bargaining agreement. Decisions related to educator dismissal may not be based solely on any metric resulting from district, state or national student standardized test scores.</del></p>	<p>The Board's proposed regulations reference section 42 of G.L. c. 71 as granting authority to a school or district to dismiss or non-renew an educator. Section 42 also affords statutory rights and protections to PTS educators facing dismissal and the Board has no authority to diminish educators' statutory protections through regulations. There are similar contractual rights for educators and obligations of districts that may exist under the terms of a collective bargaining agreement duly-negotiated pursuant to G.L. c. 150E. Insofar as the regulations state that the regulations shall not abridge statutory rights, it is appropriate that they reference collective bargaining rights as well. MTA also proposes that the regulations should be clear that, insofar as student learning outcomes, judged in part by standardized tests scores, are incorporated into the evaluation process, no educator should be dismissed based on any metric that results solely from district, state or national student standardized test scores. It is important to be unambiguous about the limited usefulness of this type of evidence as a stand-alone measure of teacher performance.</p>	<p>This section does not grant authority that does not already exist. No change recommended.</p> <p>Revised 35.08(4) now states explicitly that MCAS Growth Scores cannot be the sole basis for a summative evaluation rating.</p>
MASC	<p>Modify 35.06(3)(c)(1) as follows:          Developing Teacher/Administrator Plan for all administrators in their first three years <del>in a particular school district</del> and teachers without Professional Teacher Status who received an overall rating of Proficient or higher and whose impact on student learning is either moderate or high.</p>	<p>Professional Teacher Status does not apply to a teacher who moves to another school district. The same reasoning should apply to administrators.</p>	<p>Revision accepted.</p>

MASC	Modify 35.06(8)(a) as follows: Nothing in these regulations shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including, <a href="#">without limitation</a> , G.L. c. 71, § <a href="#">41</a> and 42.	Chapter 71, §41 addresses, in part, the procedure for the non-renewal of a teacher who has not yet obtained PTS. Chapter 71, §42 governs the dismissal of a teacher, and since both non-renewal and dismissal are referenced in paragraph 8, MASC recommends the additional statutory reference to Section 41.	Revision accepted. See 35.08(4)
MESPA	Eliminate the word “formative” from 35.06(5). Begin the section with “For PTS teachers...” and then explain how the cycle will unfold.	This section is unclear, because the word formative connotes a growth producing process that does not fit here. The section should begin with the most important information.	The revisions address this concern about clarity. See 35.02 and 35.06.
MASPA	35.06 (1): The concept of “... approval by DESE...” should be maintained. Include the following words “and that does not nullify any aspect of these regulations. 35.06 (3)(b): Delete the word “adequate”; it add nothing to the paragraph. 35.06 (3)(c): The terms “high” “moderate” and “low” require more description. 35.06 (6): This paragraph should include the concept of fact finding based upon any evidence that has been documented through data gathered in accordance these regulations and locally negotiated procedures that have been approved by DESE. 35.06 (7)(3)(a): The Evaluator should determine the length of the plan which should <u>not</u> exceed one school year. 35.06 (8): Restore the language “at any time.”	No rationale provided.	35.06(1) Review and reporting is the appropriate role for ESE. ESE can take a range of actions on the basis of the review as is the case when districts do not comply with any state regulation. 35.06(3)(b) Agreed. Change made. 35.06(3)(c) The revised regulations provide more clarity. 35.06(6) This issue is addressed in revised 35.07(1)(c)(4) 35.05(7)(3)(a) See 35.02 Evaluators can determine the duration of Directed Growth Plans, Improvement Plans and Developing Plans. No change needed. 35.06(8) No change needed because the process for formative assessment or evaluation has been clarified to permit placement on a different type of plan when warranted.
Teacher	Evaluation cycles for all teachers who have been rated Needs Improvement or Unsatisfactory should be the same length.	Administrators will not be able to track multiple deadlines, so while less than a year might be ideal, a standardized time frame will be more manageable for administrators.	Evaluators need the flexibility outlined in the current regulations. No change needed.

MSSAA		Most districts do not have the supervisory capacity to meet the requirements of implementing the 5-step evaluation cycle, which will require multiple meetings and extended dialogue between educators and evaluators.	Several components of the cycle, not widely used in MA currently, will enable evaluators to establish priorities for their supervision and evaluation responsibilities, including: <ul style="list-style-type: none"> <li>○ The formal self-assessment process;</li> <li>○ An explicit requirement to consider team, grade-level or department goals;</li> <li>○ A formative evaluation for proficient and exemplary educators at the end of year 1 focusing on progress toward goals;</li> <li>○ A requirement for unannounced, as opposed to announced, classroom visits.</li> </ul> In addition, the opportunity to establish peer assistance and review systems means that, if established, supervisors will not have to be responsible for <u>all</u> observation, conferencing, etc.
MSSAA	The regulations grant non-PTS teachers inadequate time for making improvements.	MSSAA questions whether 90-days is enough time for a teacher to improve practice. Furthermore, MSSAA questions how improvement will be measured if standardized testing is used to determine that the teacher has a low- or moderate-impact on learning.	The revised regulations eliminate the 90-day requirement and give evaluators discretion in establishing the duration of developing educator plans, directed growth plans, and improvement plans. Discretion is necessary to address different situations. The focus of all plans is improvement in practice against the standards.
SupAMS	Specify the phase-in period for current teachers.  Be more specific about how the Directed and Improvement Plans differ substantively.		ESE agrees. The revised regulations provide for a two-year phase-in. See 35.11.  The revised definitions of “needs improvement” and “unsatisfactory” clarify the difference in urgency of the two plans. See 35.02.
SBA	Limit the amount of time a non-proficient teacher has to reach proficient to one year.	A two-year window condemns two years’ student population to inferior teaching and learning.	The revised regulations make it clear that the evaluator determines the duration of “developing educator,” “directed growth” and “improvement plans.” In addition, the revised regulations make it clear that an evaluator can conclude at the time of the formative assessment, with evidence, that the educator merits a different rating and, hence, a different plan.

LSC		<p>The summative performance rating system combining a rating of educator practice and the impact on student learning is appropriate. The process of allowing the evaluator's judgment to supersede the impact on student learning provides the opportunity to support our district's desire to have frequent and productive discussions between educators.</p> <p>While it is likely that the great majority of educators will be rated as proficient or higher on practice and moderate or higher on impact, it is important to maintain short timelines for decisions about contract renewal in the rare circumstances that educator performance does not meet standard.</p>	
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AFT	<p>1. 35.06 (1): Delete language relating to a “comprehensive evaluation system... by the Department.”</p> <p>2. 35.06 (2): Delete the phrase “self reflection.”</p> <p>3. 35.06(3)(a): Clarify that goals may be set individually or collectively.</p> <p>4. 35.06(3)(b): Add language saying that plans shall be designed to provide educators with “adequate time, support, resources, and feedback.”</p> <p>5. 35.06(3)):©: Modify to reflect the following: All non-PTS educators rated proficient or higher be placed on Developing Plans; all experienced educators rated exemplary or proficient be placed on Self-Directed Growth Plans; all experienced educators rated needs improvement be placed on Directed Growth Plans; all experienced educators rated unsatisfactory be placed on Improvement Plans. In addition, add language requiring educators with “low” impact on student learning to develop growth plans that include strategies designed to increase student learning.</p> <p>35.06(3)(d): Replace “be measured by... district-wide assessments” with “assessed through one or more of the student performance measures set forth in 35.07(1)(a).”</p> <p>35.06(4): Add “the school district is responsible for ensuring that the educator has the necessary time, resources, and supports to complete the actions in the plan,” and “all prescribed PD activities shall be at no cost to the educator.”</p> <p>35.06(5): Delete the word “evaluation” after “formative assessment.”</p>	<p>35.06 (1) : That option is addressed in 35.10 (3).</p> <p>35.06 (2): It is confusing and probably unnecessary to refer to both words here. Since self-reflection is a natural part of self-assessment, it seems that “self-assessment” alone would suffice here.</p> <p>35.06(3)(a): See earlier AFT comment.</p> <p>35.06(3)(b): This reflects AFT’s core belief that accountability must be a two-way street. Just as educators will be held accountable for completing the actions in their plans, districts and schools must be held accountable for providing the time, resources, and support that will help educators be successful.</p> <p>35.06(3)(c): These modifications conform with the near-unanimous recommendations of the Task Force report.</p> <p>35.06(3)(d): AFT’s concern is that the proposed regulations, which limit measures to either “statewide assessments or district-wide assessments,” is far too restrictive and likely unworkable. Consistent with the views of Task Force members, AFT urges a broader conception of student learning measures here and throughout the document. (See AFT comments page 8 for further explanation).</p> <p>35.06(4): Accountability must be a two-way street.</p> <p>35.06(5): The proposed regulations are unclear about the distinction between the formative and summative stages and the different purposes of each. AFT revised the paragraph to make it clear that formative assessment centers on improvement-oriented feedback. Consistent with that focus, AFT does not believe that evaluators should give an “initial rating” during or upon completion of the formative assessment, and thus suggests deleting such references.</p>	<p>35.06(1): See 35.02 for definition of Model System.</p> <p>35.06(2): References to “self-reflection” have been deleted.</p> <p>35.06(3): Revised regulations require educators and evaluators to “consider” team goals.</p> <p>35.06(3)(b): Content of plans will vary; the educator has responsibility for achieving and/or maintaining proficient performance.</p> <p>35.06(3)(c): ESE sees it as necessary to distinguish among educators with moderate and high impact on student learning outcomes and those with low impact.</p> <p>35.06(3)(d). ESE recognizes that educators with certain assignments (e.g. some special educators, guidance counselors) will need a broader array of assessments than state- or district-wide assessments, Therefore, the revised regulations make appropriate allowances for educators whose roles are not primarily as classroom teachers. See 35.07(1)(a)(5).</p> <p>35.06(4) ESE sees the district and educator as sharing responsibility for addressing the requirements of the Educator Plan. Not all professional development activities in a Plan can reasonably be expected to be provided at no cost to the educator.</p> <p>35.06(5)The revised regulations make clear the differences between “formative assessment” and “formative evaluation.”</p>
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AFT	<p>35.06(6): Add the phrase “progress toward goals,” and “in assessing progress toward student learning goals, the evaluator shall consider school/classroom conditions, the availability and degree of classroom resources and supports, and other factors beyond the control of the educator that may influence student learning.”</p> <p>35.06(7): Revise this section to be consistent with Task Force recommendations and AFT’s rewrite to 35.06 (3)(c).</p>	<p>35.06(6): This language is essential to creating a process that educators perceive as credible and fair and is consistent with Task Force recommendations.</p>	<p>35.06(6) “attainment” of goals is what is to be assessed. Determining the degree of attainment of a goal is tantamount to determining progress toward its attainment.</p> <p>35.06(7) ESE believes the appropriate balance is struck in the revised regulations between performance and impact on student learning.</p>
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EOE	<p>Add section 35.06: <b>Peer Assistance and Evaluation.</b> Superintendents shall have the authority to designate teachers as peer mentors and/or evaluators, and shall also have the authority to establish mentoring and evaluation programs in collaboration with collective bargaining units. These individuals shall be required to demonstrate the competence and experience necessary to provide professional support to other teachers regarding instruction, curriculum and assessment, pedagogy, and other issues affecting classroom instruction, and/or conduct evaluations in accordance with the procedures described in 603 CMR 35.07.</p>		<p>See new section, 35.10 on peer assistance and review, which highlights the opportunity districts have to design and implement peer assistance and review programs.</p>
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<b>VII. Section 35.07 – Evidence Used in Evaluation</b>			
CTME	The regulations should “explicitly prohibit” the use of multiple measures of student learning “to make decisions concerning teacher dismissals.”	While multiple measures of student learning are appropriate to consider in evaluating educators, they are not an accurate enough indicator of teacher effectiveness to be used to make decisions concerning teacher dismissals.	ESE agrees. See 35.08 (4): MCAS Growth Scores cannot be the sole basis for a summative evaluation rating.
CTME	The regulations should specify that “in any use of student standardized test score growth measures, trends over time should be used rather than data from just one year.”	Every teacher knows that classes of students vary and some are more challenging than others. No single year provides a meaningful picture.	ESE agrees. See 35.02 for definitions of trends and patterns.
BPON, JQP, PRI, ACED, ONE, BSAC, HSTF, DSNI, SFC, OISTE, BMA, MDOC	Student and parent feedback should go directly to the evaluator and should not be filtered through or by the individual being evaluated.	Allowing educators to collect student and parent feedback could result in a limited or biased body of evidence and miss the breadth of feedback. It would also limit evaluator’s ability to use parent and student feedback as a tool for developing educators and strengthening relationships between various members of the school community.	ESE agrees. See revised 35.07(1)(c) which requires student feedback to be collected by the district and provided to the evaluator, and commits ESE to identifying instruments and protocols by July 2013.
SSAC	35.07(1)(c)(3): Strike the phrase “including surveys of climate, engagement, and other indicators of their experience with the educator. The sentence should read “Analysis of data from parents, staff (for administrators), and students.” Add a section (1)(e) requiring “Feedback from students, parents, and staff (for administrators), compiled by the evaluator.”	These changes will allow student voice to be heard confidentially, while still giving educators the opportunity to highlight their successes in reaching out to students, parents and staff (for administrators).  (See above comments for additional rationale provided by SSAC).	See above.
BUS	As an additional category of evidence: “Data gathered on a systematic, confidential basis from all students (high school), parents, and staff (in the case of administrators) on the performance of the educator or administrator and given directly to the evaluator.		See above.
Teacher		Giving parents the opportunity to evaluate teachers is fine, so long as the administrator has the right to acknowledge when there is a parent evaluation that does not correspond with those that are typically returned.	See 35.07(3), which calls for ESE to research the feasibility and possible methods for districts to collect and analyze parent feedback as part of educator evaluation and to issue a report and recommendation by July 1, 2013.

Teacher	Teachers should be evaluated exclusively by administrators who have a strong background in education, or by specialists in the certification areas of the teacher being evaluated.	Parents do not have the background knowledge in child development or educational theory, or in the specific subject area content knowledge required to evaluate an educator.	See above.
Teacher		Support for including student input in the evaluation process. Student responses to teaching are helpful formative assessments upon which a teacher can base changes that will be effective for his/her teaching and for their learning. The kinds of evaluation forms used in colleges give places for open-ended responses as well as the rating scale of skills. The open responses give the students an opportunity to respond to aspects of a specific class or teacher performance that may not be part of a standard evaluation form. This can be done at all grade levels.	ESE agrees. See revised 35.07(1)(c), which requires student feedback to be collected by the district and provided to the evaluator. It also commits ESE to identifying instruments and protocols by July 2013.
LSC		Support the practice of educators collecting and contributing other forms or evidence as data to be considered in their evaluation.	
DSTE	Delete 35.07(1)(c)(2) .	Engagement with families is already an entire category within the standards for effective teaching and administrative leadership.	This provision affords the educator the opportunity to present evidence related to his or her performance on family and community engagement standard. No change needed.
SupCF	Modify 35.07(1)(c)(3) to read: Analysis of <b>reliable and verifiable</b> data... with the educator.		This section has been substantially revised. See 35.07(1)(c)(2-4). No additional change needed.

MTA	<p>35.07(1) should be modified as follows:</p> <p>1) The following categories of evidence shall be used in each district's educator evaluation systems:</p> <p>(a) <del>b. Multiple measures of student learning ; growth, and achievement, outcomes</del> which shall include <del>but are not limited to</del>:</p> <p>1. Measures of student progress on classroom <del>or (school-based)</del> learning goals set between the educator and evaluator for the academic year; <del>this may include progress on teacher-developed or teacher-selected assessments that are approved by the district or school and use a common scoring rubric across similar classrooms.</del></p> <p>2. Trends in student learning over time that are comparable based on school-level student demographics as measured by <del>s</del>State-wide growth measure(s) where applicable, including MCAS Student Growth Percentile and Massachusetts English Proficiency Assessment (MEPA);</p> <p>3. District-determined measure(s) of student learning <del>related to the learning standards of the Massachusetts curriculum frameworks that are comparable across grade or subject district-wide.</del></p>	<p>The proposed regulations promote use of multiple measures of student learning, growth and achievement. MTA recommends using precise terminology in describing the categories of evidence to be considered. This is necessary to prevent the misuse of student achievement data and to provide districts and educators with a clear understanding of the data to be used.</p>	<p>The revised regulations clarify this section. No additional change needed.</p>
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MTA	<p>(2) All educators shall compile and present to the evaluator evidence <del>including:</del>  <del>1. Evidence</del> of fulfillment of professional responsibilities <del>and growth</del>, such as: self-<del>reflections</del><del>assessments</del>; peer collaboration; professional development linked to <del>goals and/or growth</del> professional growth plan <del>or improvement plan</del>goals; contributions to the school or district <del>community and</del> professional culture.;</p> <p>(3) All educators shall compile and present to the evaluator evidence of the following<del>,2. Evidence of outreach to and engagement with families where applicable.;</del></p> <p><del>3.(a) Outreach to and engagement with families, such as the Analysis of data from surveys of parents, staff (for administrators), and students, including surveys of climate, students; exemplars of family engagement activities, and other indicators of their experience with the educator.</del></p> <p>(b) For administrators only, analysis of data from staff, including surveys of climate or working conditions; evidence of partnerships with community organizations.</p> <p>(c<del>d</del>) Any other relevant evidence that the evaluator shares in advance with the educator or the educator shares with the evaluator.</p>	<p>DESE has indicated that it intends surveys to be a mandatory aspect of the evaluation of educators. Evaluation procedures are a mandatory subject of bargaining; DESE's regulations should encourage, rather than prescribe, the data that it believes would be informative in evaluating personnel. The decisions as to whether surveys of students and/or parents will be part of the evaluation evidence is a local decision and the Board should modify its regulation accordingly.</p>	<p>See above for revised language on surveys in 35.07(1)(c)(2-4).</p>
MASC	<p>The regulations should be clear that determinations about measures of student performance will be subject to collective bargaining.</p>	<p>The regulations are not clear about how measures of student performance would be identified and/or developed, particularly for non-MCAS subjects. These determinations should be decided upon locally so that "those standards most appropriate to the community may be utilized."</p>	<p>The regulations identify categories and characteristics of measures but leave to local determination the specific measures with the requirement that MCAS Growth and MEPA growth must be among the measures used where available. No change needed.</p>
MASPA	<p>35.07(1)(a)(1): Insert "and / or" between the words classroom and school based.</p> <p>35.07(1)(c): Insert "from any source" between evidence and relevant.</p>	<p>No rationale provided.</p>	<p>These sections have been re-written, addressing these issues. See 35.07(1)(a)(2) and 35.07(1)(c)(5). No additional change needed.</p>

AFT	Modify 35.07(1)(a) to include “school- or classroom-based learning goals” that may include “progress on teacher-developed or teacher-selected assessments that are approved by the district or school and that use a common scoring/grading rubric across similar classrooms.”	AFT is opposed to the use of MCAS as a measure of teacher effectiveness. However, if MCAS must be used, it is imperative that evaluators look at trends over time, not a one-time snapshot. Because it is unclear what “district-determined measures” will look like and how they will be developed and used, AFT urges for the inclusion of educator-developed measures in a true multiple measures system (as per written suggestions).	Significant revision has been made to this section.
SupWL		Some districts have developed common assessments that teachers are already using to discuss curriculum and practice. If these assessments cannot be used in the evaluation process, the new evaluation system will have negative consequences in such districts.	Nothing in the regulations preclude the continued use of existing common assessments. No change needed.
MSSAA		MSSAA has concerns that the effectiveness of teachers and administrators may be unfairly judged by poorly designed tests and other assessments, given the accelerated timeframe for implementation.	See revised 35.11 (4)(b) By July 2012, ESE will provide districts with guidance on student performance measures including issues of attribution. No further change needed.
MSSAA	The regulations should specify how to properly identify the teacher of record when using student performance data to measure teacher impact.	It is unclear how MCAS growth data will be attributed to teachers.	See above.
MSSAA		Educators will be asked to gather a Collection of Evidence and develop Professional Growth Plans. These plans and collections will only be consistent for those districts that decide to adopt the state-wide model. Since districts will need to collectively bargain the templates for these plans and the collection of evidence, it is conceivable that they will vary considerably across the state.	While ESE anticipates some variation, it was the aspiration of the Task Force and is the aspiration of ESE that the Model System will be compelling and widely adopted.
HRC	Require that districts use the DESE DART data in their analysis of the effects of instruction of various sub-groupings of students.		Nothing in these regulations precludes use of this tool. No change needed.

LSC		A differentiated path, depending on the state of an educator's career and recent performance, is critical to fostering educator engagement. LSC recommends that this remain a strong component of any system of educator evaluation.	No change needed.
Teacher	Indicate how special education students will be assessed.	People with disabilities learn differently and at different rates. Evaluating teachers based on student performance is risky unless it is in accordance with evaluating progress toward IEP goals.	See revised 35.11 (4)(b). By July 2012, ESE will provide districts with guidance on developing and using student performance measures. The guidance will address this issue. No further change needed.

VIII. Section 35.08 – Performance Level Ratings			
MTA	<p>35.08(2) should be modified as follows: In rating educators on principles <del>standards</del> for the purposes of either formative or summative assessment/evaluation, districts may use either the rubric provided by the Department in its model system or a comparably rigorous and comprehensive rubric developed by the district. The form and content of the rubric shall be determined through collective bargaining. <del>and approved by the Department</del></p>	<p>DESE does not have the statutory authority to approve the rubric in an evaluation model bargained by between an exclusive bargaining agent and a school committee pursuant to G.L. c. 150E. The regulation should state that the rubric is to be developed by the district through collective bargaining.</p>	<p>ESE will be “reviewing” – not “approving” – local evaluation systems. No change needed.</p>
MTA	<p>35.08(3) should be modified as follows: (3) Evidence and professional judgment shall inform the ratings on standards and overall educator performance in accordance with the above rating <del>scale and the evaluator’s assessment of the educator’s impact on the learning, growth, and achievement of the students under the educator’s responsibility.</del></p> <p>Delete 35.08(5) in its entirety.</p>	<p>Dictating that “multiple measures of student learning, growth, and achievement” shall be used in rating two of the standards (principles), and again in judging an educator’s impact on student learning, means that student learning outcomes (the very same measures) will be considered several times in assessing performance: 1) in assessing the Curriculum, Planning, and Assessment (principle), 2) in assessing the Teaching all Students (principle) and 3) in determining the educator’s overall ranking based on those two principles. Then, the same student learning outcomes are taken into account in determining the educator’s impact on student learning. This requirement which appears at 35.08(3) and (5) should be deleted, as these measures should be relevant only in determining a teacher’s impact on student learning so that student outcomes can be compared to the performance rating to determine the appropriate professional plan.</p>	<p>35.08 (3): ESE believes that evidence and professional judgment are needed to determine both ratings. No change needed.</p> <p>35.08(5): This section has been deleted.</p>
DSTE	<p>Clarify whether ratings and the type of plan a teacher is on travel with that teacher if they switch districts or schools.</p>		<p>ESE assumes that ratings and plans apply within the district because the regulations require district evaluation systems. The issue of whether ratings and plans travel with educators to new districts is a local decision. No change needed.</p>

SupCF	Administrators should not be able to earn a Proficient rating absent evidence of the capacity to manage the school satisfactorily.		This is a local decision. No change needed.
MTA	Delete 35.08(8): Performance Level Ratings.	<p>The Board does not have the statutory authority to impose this formulaic outcome based on the performance of an educator being rated “Needs Improvement.” The professional judgment of evaluators must have a place in determining the type of professional growth plan that is best suited for the circumstances and whether the educator will benefit by having an Improvement Plan continue for an additional period of time. As written, the regulation leaves no room for professional judgment in a situation where an educator makes significant progress and almost attains his/her goals, but the evaluator is not quite prepared to rate him/her as “proficient” overall. Even though the rating of “unsatisfactory” is <i>not</i> the assessment of the evaluator, this proposed regulation leaves no discretion to the evaluator. The proposed regulation may have the opposite effect than was intended by the Board. In circumstances where the evaluator believed that progress was outstanding though it fell a tad short, he or she would likely feel more comfortable elevating the educator’s rating rather than downgrading it.</p> <p>Apart from exceeding the Board’s authority, the proposed regulation makes no sense in dictating an outcome at odds with the evaluator’s own judgment.</p>	This section has been clarified and moved to 35.06(7)(b)(2). ESE believes the interests of students require proficient educators in every classroom and the time to improve should be limited. No change needed.



MESPA	Principal ratings should not be based on student test scores.	Student test scores are affected by various factors (discussed in detail in MESPA comments).	Principal ratings are not “based on” student test scores. Their summative evaluation ratings are based on performance against standards and attainment of goals. The type of educator plan they are on may be determined by patterns and trends in multiple measures of student learning, growth and achievement.  Also, see 35.08(4) making explicit that MCAS Growth Scores cannot be the sole basis for a summative evaluation.
MBAE, BLE	Add an additional paragraph to 35.08 as follows: (10) Educators whose overall performance rating is exemplary and whose impact on student learning is high shall be recognized and rewarded with leadership roles, promotion, additional compensation, and public commendation or other acknowledgment .	Though replacing the widely-used binary rating system with 4 categories is important, there is no differentiation between “proficient” and “exemplary” in the proposed regulations.	See 35.08(8), which states: “Educators whose summative performance rating is exemplary and whose impact on student learning is rated moderate or high shall be recognized and rewarded with leadership roles, promotion, additional compensation, public commendation or other acknowledgement.”  Regulations cannot require additional assignments or compensation.
MASPA	35.08 (4) and (5) should be eliminated. They are of no added value other than to insert more added language to challenge decisions made by evaluators.  35.08 (6) & (7): After the word “Proficient” insert “Overall.”	No rationale provided.	ESE agrees. 35.08(4) has been clarified and 35.08(5) has been eliminated. 35.08 (6) and (7) have been revised to include “overall.” No further change needed.

AFT	<p>35.08(2): Modify as follows: In rating educators on standards for the purposes of either formative assessment or summative <del>assessment/evaluation</del>, districts shall develop a rubric that incorporates the four standards in CMR 35.03 (teachers) or CMR 35.04 (administrators) and the four performance level ratings in CMR 35.08. The form and content of the rubric shall be determined through collective bargaining. Subject to collective bargaining, a district may also adopt or adapt the rubric developed by the Department in its model system.<del>may use either the rubric provided by the Department in its model system or a comparably rigorous.</del></p> <p>35.08(3): Modify as follows: Add “in assessing the educator’s impact on student learning, the evaluator shall consider school/classroom conditions, the availability and degree of classroom resources and supports, and other factors beyond the control of the educator that may influence student learning.”</p> <p>Delete 35.08(8).</p>	<p>35.08(2): The suggested rewrites strikes a better balance between uniformity and flexibility on the issue of how districts will design or select rubrics that adhere to the regulations.</p> <p>35.08(8): Imposing such a formulaic decision-making process on districts restricts professional judgment and will likely discourage experienced educators from taking on new assignments and challenges. AFT recognizes that subpar teaching cannot go on indefinitely and that there will certainly be cases where a teacher rated “needs improvement” would warrant being moved to “unsatisfactory” at the end of the directed growth plan. But AFT can also foresee cases—for example, that of an experienced teacher who has “stepped up” to teach a high-need subject, field, grade level, or student population—in which an additional year on a directed growth plan may be the appropriate path to help an educator reach proficiency. These decisions should be left to the judgment of the evaluator and school district, not dictated through one-size-fits-all regulations.</p>	<p>35.08(2) The revised regulations eliminate most of the sub-indicators, thereby giving districts greater opportunity to use existing rubrics. No change needed.</p> <p>35.08(3) ESE does not see this addition as necessary or advisable. Evaluators are expected to exercise professional judgment when assessing impact.</p> <p>35.08(8) ESE agrees that the situation described could be an unintended consequence. Therefore, the revised regulations give an evaluator the option of assigning an experienced educator to a Developing Educator Plan when the educator is taking on a new assignment. See Sec 36.02, 35.06(3)(e)(1) and 35.06(8).</p>
SupWL, SupPA	The regulations need to specify that two successive ratings of “unsatisfactory” represents just cause for dismissal, providing that all contractual procedures are met and the decision is not arbitrary or capricious.	This language will ensure that no student would be subject to an unsatisfactory teacher for more than 2 years. The language would also clarify the standard for just cause before an arbitrator.	Under current statute, employment decisions are left to the discretion of the principal, superintendent, or school committee.
SupPA	Add language to make it clear that once a PTS teacher is rated unsatisfactory, the teacher must either be rated Needs Improvement or higher, or be dismissed.	This language will ensure that no student would be subject to an unsatisfactory teacher for more than 2 years. The language would also clarify the standard for just cause before an arbitrator.	Under current statute, employment decisions are left to the discretion of the principal, superintendent, or school committee.
HRC	Weight what is important in the various indicators.	What may be important for a new administrator may not be what is expected from a seasoned administrator.	ESE sees professional judgment of the evaluator and local decision-making as the appropriate way to make these determinations. No change needed.
SupA	35.08(6) A PTS teacher should need to be proficient on all standards in order to be rated proficient.		This is a local decision. No change needed.

LSS	Teachers receiving a Needs Improvement rating should be able to submit documentation (e.g. lack of parent involvement, absentee rates, lack of participation, behavioral issues) on underperforming students.		35.07(1)(c) and 35.06 ensure that an educator may present evidence to their evaluator and that educators have the opportunity to respond formally to their summative ratings.
EOE	<p>Add section 35.08(1)(a)(1): Measures of student progress on high-quality classroom assessments that are aligned with the Massachusetts Curriculum Frameworks and comparable within grades or subjects in a school;</p> <p>Add section 35.08(c)(3) (but move it to section d): Analysis of student feedback (collected from a representative sample of students across classes and/or grades where applicable) about the effectiveness of the educator with regard to student learning, growth and achievement; capacity to engage and challenge students; classroom instruction (for teachers); assessing student achievement and providing students with construction and regular feedback; maintaining positive and nurturing relationships with students.</p> <p>Add section 35.08(c)(4) (but move it to section d): Analysis of feedback from parents or primary caregivers and staff (for administrators) about the effectiveness of the educator with regard to student learning, growth, and achievement; student engagement; classroom and/or school climate; quality of teaching and/or leadership, and other indicators of their experience with the educator.</p>		<p>35.08(1)(a)(1): This has been added as 35.07(1)(a)(1).</p> <p>35.08(c)(3): ESE agrees that more guidance is needed. The revised regulations require student survey data be collected by the district and require ESE to provide specific guidance on survey content and protocol by June 2013. See 35.07(1)(c)(2).</p> <p>35.08(c)(4): ESE agrees that more guidance is needed. The revised regulations call for ESE to provide guidance on surveying staff and examine feasibility and options for parent surveying as part of the educator evaluation system. See 35.07(1)(c)(3-4).</p>
IX. Section 35.09 – Student Performance Ratings			

350+ comments	<p>MCAS scores should not factor into teacher evaluation.</p>	<p><i>Of the ~500 comments that DESE received, the overwhelming majority addressed the use of test scores. Some of the concerns regarding MCAS scores were discussed as follows:</i></p> <ul style="list-style-type: none"> <li>• It is difficult to attribute a student’s performance to one teacher.</li> <li>• Growth models suffer from statistical shortcomings.</li> <li>• The emphasis on test scores will undercut teacher collaboration.</li> <li>• The emphasis on test scores incentivizes teachers to avoid teaching the neediest students.</li> <li>• The emphasis on test scores places too much pressure on students to perform.</li> <li>• If students know that their teachers’ evaluation are tied to his performance on a test, they might intentionally sabotage their test performance to hurt disliked teachers.</li> <li>• Veteran teachers will not risk allowing student teachers to practice teaching in their classrooms.</li> <li>• &gt;80% of teachers teach untested subjects; it is unfair to judge only some teachers using test scores.</li> <li>• Teaching to the test will increase and hands on learning will decrease.</li> <li>• MCAS was designed to assess student knowledge, not to evaluate teachers.</li> <li>• The use of test scores is particularly unfair to some student populations, especially ELL and SpEd students.</li> <li>• The use of test scores will lead to tension between parents and students. Pressure to produce high rates of student growth will lead to teacher demands for parent accountability.</li> </ul>	<p>The regulations specify that MCAS Student Growth Percentile scores be used when available. This narrows the use of “MCAS scores” to the subset of scores that reflect a student’s growth from one year to the next in comparison to his “academic peers,” based on prior performance on MCAS. Further, the revised regulations make explicit that MCAS Growth Scores alone cannot be used to derive the summative evaluation rating. See 35.08(4).</p> <p>The revised regulations make clear that MCAS Growth Scores must be used when they are available and in conjunction with other measures. See 35.07(1)(a)(3) and 35.09(2)(a)(1).</p> <p>The revised regulations also make explicit a wider range of options for district-determined assessments of student learning, growth and achievement. See 35.02 and 35.07(1)(a).</p> <p>The regulations encourage team goals and permit MCAS Growth and other district-determined measures of student learning, growth and achievement to be attributed to groups rather than individual educators. See 35.02 and 35.06(3)(b).</p> <p>ESE’s roll out of the new educator evaluation regulations need to take into account high levels of concern and the need for districts to work to prevent unintended consequences by addressing issues in the Model System, where appropriate, and through supplemental guidance and resource documents.</p> <p>In addition, see Commissioner’s memorandum to the Board dated June 20, 2011. No further change needed.</p>
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		<ul style="list-style-type: none"> <li>• The addition of more norm-referenced standardized tests will require too great an impact on instructional time.</li> <li>• District-based common assessments should be focused on developing information to guide instruction – not to evaluate teachers. The type of questions included in common assessment would be significantly different if the purpose was teacher evaluation.</li> <li>• MCAS tests are not standardized from year to year – they change their emphasis and content, and sometimes even disappear.</li> <li>• MCAS tests are sometimes scored by uncertified teachers.</li> <li>• Student performance is often the results of factors beyond a teacher’s control – for example, motivation, poverty, parents, language skills etc.</li> <li>• Students are not accountable to their MCAS scores until 11<sup>th</sup> grade, when they have to face graduation requirements. They can opt out of the test and take it a different year.</li> <li>• Using a norm-referenced measure as part of a teacher evaluation model is inherently punitive in that 40% of teachers are automatically rated either “very low” or “low.”</li> </ul>	
MBR, MBAE SBE, BLE	Student achievement should be the central factor in educator evaluation.	Student achievement is key to the state’s competitive advantages.	Student achievement, learning and growth are used in central and consequential ways: in the articulation of standards; in goal setting and goal attainment; in the determination of an educator’s impact and their subsequent placement on a plan. See 35.02, 35.03, 35.04, 35.06, 35.07 and 35.09.
JMU		In most Career Tech shops, benchmarks for MCAS progress don’t apply. Shop teachers need to be accountable to a higher standard.	See revised 35.07(1)(a)(1) which adds “other relevant frameworks.”

MATSOL	MEPA scores should be one metric that is considered for teachers in classrooms that include one or more ELLs.	MCAS was designed for English proficient students and therefore is neither valid nor reliable for ELLs. MEPA scores more accurately reflect the growth of ELLs.	See 35.07(1)(a)(3) which requires the use of MEPA when available. No change needed.
MBAE, SBLE, BLE	Establish a minimum weighting for student growth measures where available.	Regulations are ambiguous.	The regulations place a premium on professional judgment rather than requiring specific weightings of any factors. If desired, weighting is a local decision. No change needed.
MASS	35.09 should include regulatory language which would allow the Board to review certification status of any teacher who receives an “unsatisfactory” rating.”	Other professional licensure bodies have administrative licensure review systems based on a failure to meet professional competency and performance standards.	Since these are regulations concerning educator evaluation (not licensure), ESE has not included requirements related to licensure. That said, see Commissioner’s memorandum to the Board dated June 20, 2011 for his commitment to examine preparation, licensure and re-licensure implications and issues. No change needed.
DSTE	Clarify whether DESE content area will be involved in approving additional measures that will be used by districts.		ESE will be reviewing, rather than approving district’s choices of assessment measures. ESE expects to make use of content specialists in this effort, when appropriate and feasible.

MTA	<p>Modify 35.09 as follows:</p> <p>(2) The array of student performance measures, the determination of trends and patterns, and the use of each within the district evaluation system shall be determined through collective bargaining.</p> <p>(3) Based on the district guidelines, tThe evaluator shall determine whether an educator is having a moderate, low, or high impact on student learning that shall include but is not limited to following student learning outcomes<del>based on the following student performance measures:</del></p> <p>(a) At least two state or district-wide measures of student learning gains, one of which must be the MCAS Student Growth Percentile where it is available, shall be employed at each school, grade and subject in determining impact on student learning.</p> <p><del>(b) MCAS Student Growth Percentile shall be used as one of the measures where it is available, and</del></p> <p>(be) Additional measures comparable across schools, grades and subject matter district-wide as <del>determined by the superintendent and approved by the Department may be used in conjunction with</del> MCAS scores to meet this requirement, or when MCAS growth scores are not available.</p>	<p>By having two separate subsections, “(a)” and “(b)” in paragraph (2), the proposed regulations create an inference that the MCAS Student Growth Percentile is to be used in addition to two <i>other</i> state or district-wide measures of student learning gains. MTA understands that this was not the Board’s intent, so subsections (a) and (b) should be combined. In addition, performance measures are subject to bargaining under G.L. c. 150E and MTA’s recommends that paragraph (2) make that clear.</p>	<p>Revision accepted. It is ESE’s intent that MCAS Growth Percentile, where available, is one of a minimum of two state or district-determined measures. See 35.09(2)(a)(1).</p>
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MTA	<p>Modify 35.09(3) as follows:</p> <p>For an educator whose summative <del>overall performance</del> rating is exemplary or proficient and who's impact on student learning outcomes are determined to be <del>is</del> low, the evaluator and the educator shall meet and discuss this determination. If it is determined that both the summative rating and the student learning outcomes are accurate, the following steps may be taken:</p> <p>(a) The evaluator shall meet with his/her <del>'s</del> supervisor to <del>shall</del> discuss and review the summative rating. <del>with the evaluator and</del></p> <p>(b) <del>The</del> evaluator's supervisor may <del>shall</del> confirm or revise the educator's rating only after meeting with the educator. If the evaluator's supervisor decides to consider modifying the original rating, the supervisor shall observe the educator's practice, examine work products, review the educator's self assessment and consider any other relevant information provided by the educator.</p> <p>(c). <del>In cases where the superintendent serves as the evaluator, the superintendent's decision on the rating shall not be subject to such review. When</del> If it is determined that the <del>there are</del> significant discrepancies between evidence of student learning outcomes, <del>growth, and achievement</del> and the evaluator's judgment on educator performance ratings is due to poor evaluation performance, the <del>evaluator's</del> supervisor may note these discrepancies as a factor in the evaluator's evaluation.</p> <p>(d) In cases where the superintendent serves as the evaluator of educators working on individual contracts, the superintendent's decision on the rating shall not be subject to such review.</p>	<p>The consequences set forth in the proposed regulations make it a flawed system, creating pressure on the evaluator to match his/her summative ratings to student learning outcomes for fear of being unfavorably judged by his/her supervisor. The Board should adopt MTA's suggested process which serves as a blueprint for vetting the "discrepancy" in a fair, objective and informative manner through dialogue between the educator and evaluator and, if warranted, engagement and observation by the supervisor. The proposed regulation injects self-interest and potential bias into what should be a fair and objective process.</p>	<p>ESE believes that the process proposed in the regulations for dealing with discrepancies between ratings on performance and ratings on impact on student learning makes appropriate use of professional judgment. No change needed.</p>
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MBAE, SBLE, BLE	<p>Modify 35.09(2) as follows:</p> <p>(2) The evaluator shall determine whether an educator is having a moderate, low, or high impact on student learning. For each year of instruction: moderate impact is represented by student learning gains of a year's growth; growth of less than one year represents low impact; and growth of more than one year represents high impact, according to guidelines that the Department will develop. Impact shall be based on the following student performance measures:</p> <p>(a) At least two state or district-wide measures of student learning gains shall be employed at each school, grade and subject in determining impact on student learning.</p> <p>(b) MCAS Student Growth Percentile shall be used as one of the measures where it is available, and shall have a weighting no less than one third (1/3) among all measures selected in (a) and (c).</p> <p>(c) Additional measures comparable across schools, grades and subject matter district-wide as determined by the superintendent and approved by the Department may be used in conjunction with MCAS scores to meet this requirement, or when MCAS Growth Scores are not available.</p>	Student performance measures need clarification.	ESE believes that the approach outlined that requires evaluators to use professional judgment to discern patterns and trends, and their significance, across measures, is appropriate. The process will ensure that impact on student learning is a central feature of the evaluation system. No change needed.
Teacher	Add language to include measures of student growth which adequately address students with developmental disabilities, severe emotional disabilities, or other medical problems.	Without such measures, the teachers in these curricular areas will not have the sufficient tools to demonstrate the high impact they have on students.	See 35.11(4)(b) indicating that ESE will provide guidance by July 2012.
SupBD	Superintendents should have the authority to approve their district's evaluation systems.	Requiring DESE to review and approve the district's system is intrusive and insulting. Superintendents have the expertise needed to make such decisions.	It is necessary and appropriate for ESE to review the district systems and report on their consistency with these regulations. Reviewing local evaluation systems will also provide ESE with potential exemplars to share with other districts and use in updating the Model System. No further change needed.

AFT	<p>Modify 35.09(2) &amp; (3) as follows:</p> <p>(2) The evaluator shall determine whether an educator is having a moderate, low, or high impact on student learning as follows: <del>based on the following student performance measures:</del></p> <p>a. The procedures for arriving at this rating shall be determined locally after considering guidance from the Department.</p> <p>b. At least three separate student learning measures—and ideally more than three—shall be used as the basis of each educator’s rating.</p> <p>c. The procedures and measures shall be determined through collective bargaining, where applicable, and with significant input from educators. The measures may include those set forth in 35.07 (1)(a).</p> <p>d. The evaluator shall consider patterns across measures and trends over time in arriving at a rating.</p> <p>e. The evaluator shall also consider school/classroom conditions, the availability and degree of classroom resources and supports, and other factors beyond the control of the educator that may influence student learning.</p> <p>f. Districts shall have measures in place for each school, grade, and subject by September 2013.</p> <p><del>(a) At least two state or district wide measures of student learning gains shall be employed at each school, grade and subject in determining impact on student learning.</del></p> <p><del>(b) MCAS Student Growth Percentile shall be used as one of the measures where it is available, and</del></p>	<p>This is the most confusing and problematic section of the proposed regulations. It’s important to note that the concepts contained in this section of the regulations were considered and overwhelmingly rejected by the Task Force at the February 10, 2011 Task Force meeting (For further comments, see AFT comments, pages 11-12).</p> <p>AFT rewrite constructs a true multiple measures system that honors educator voice and ensures fairness. In addition, the rewrite of 35.09(3) strives to create a fairer and more transparent process.</p>	<p>ESE has revised these sections to improve clarity and specificity. See 35.09. No further changes needed.</p>
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AFT	<p>(c) <del>Additional measures comparable across schools, grades and subject matter district wide as determined by the superintendent and approved by the Department may be used in conjunction with MCAS scores to meet this requirement, or when MCAS growth scores are not available.</del></p> <p>(3) For an educator whose <del>overall performance</del> summative 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 may <del>shall</del> confirm or revise the educator's rating. The evaluator's supervisor may confirm or revise the rating only after meeting with the educator. If the evaluator's supervisor decides to consider modifying the original rating, the supervisor or a qualified designee shall observe the educator's practice, examine work products, and examine other relevant information provided by the educator. If it is determined that the discrepancy between the summative rating and the impact on student learning rating was due to poor evaluation performance, the supervisor may note this finding as a factor in the evaluator's evaluation. In cases where the superintendent serves as the evaluator, the superintendent's decision on the rating shall not be subject to such review. <del>When there are significant discrepancies between evidence of student learning, growth, and achievement and the evaluator's judgment on educator performance ratings, the evaluator's supervisor may note these discrepancies as a factor in the evaluator's evaluation.</del></p>		
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X. Section 35.10 – Implementation and Reporting			
CTME	The regulations should require that evaluators have significant teaching experience, are trained and are required to demonstrate they have the knowledge and skills needed to be effective evaluators under this new system.	<p>“The new regulations will require much more time and expertise on the part of evaluators.”</p> <p>Evaluators need to be regulated more.</p>	ESE does not see five years of experience as a teacher as the core requirement for effective evaluation. Among the skillful evaluators practicing in MA schools today are individuals with fewer than five years of teaching experience. That said, ESE will be examining regulations related to preparation, licensure and re-licensure. See Commissioner’s memorandum to the Board dated June 20, 2011. No change needed
MASS		The regulations hold superintendents responsible for ensuring that all evaluators have training in principles of supervision and evaluation. Superintendents are concerned about what kind of ongoing support the Board will provide so that superintendents can meet this duty.	As part of its development and dissemination of the model system, ESE plans to develop hybrid on-line/face-to-face professional development in supervision and evaluation that will be made widely available. ESE will also provide low- and no-cost orientation, training and development resources that can be used with a wide variety of educators and stakeholders.
MASC, MESP, CPS	The new regulations will require tremendous time, resources and staff capacity. DESE should be more specific about how it will support these efforts.		See above and Commissioner’s memorandum to the Board dated June 20, 2011.
SSAC, BUS	<p>Modify 35.10(5)(a) as follows: After the phrase “the percentage of teachers at each level: low, moderate, high impact on learning,” add the phrase “[and] the percentage of students and parents providing feedback on educator performance.</p> <p>In addition, DESE should specify a target percentage of parents / students from whom districts / schools must collect feedback in order to receive a proficient rating.</p>	School districts should report the percentage of parents / students from whom they have gathered feedback.	ESE has revised the regulations concerning student, staff and parent feedback. ESE notes these suggestions and will consider it as it develops guidelines for student surveys and examines the feasibility of requiring parent feedback. See 35.07. No further changes needed.

MTA	<p>Modify 35.10(2) as follows:  All evaluation systems and changes to evaluation systems shall be subject to the Department's review. The Department will review districts' evaluation systems to ensure the systems are consistent with 603 CMR 35.00 the Board's Principles of Evaluation and report its findings to the Board. <del>Districts' existing evaluation systems shall remain valid until the Department has reviewed the new system.</del></p>	<p>DESE may review evaluation systems but does not have the authority to prevent implementation of an evaluation system negotiated between the parties pursuant to G.L. c. 150E. By regulating that a duly negotiated evaluation system cannot be implemented "until the Department has reviewed the new system," the Board exceeds its statutory authority and intrudes into the statutory authority reserved to school committees and exclusive bargaining agents to reach agreements on evaluation procedures at the local level.</p>	<p>Revisions have been made. See 35.11(2).</p>
SupCF	<p>In 35.10(4), clarify who has the authority to approve student performance measures.</p>		<p>The superintendent has this authority. No change needed.</p>
SupCF		<p>35.10(5) and the document as a whole raise questions regarding the adequacy of resources to support the required practice.</p>	<p>See Commissioner's memorandum to the Board dated June 20, 2011.</p>

MTA	<p>Modify 35.10(6) as follows:</p> <p>(7) The superintendent is responsible for ensuring that all evaluators have training in the principles of supervision and evaluation. <del>and and And have, or have available to them, expertise in the subject matter and/or areas to be evaluated</del></p> <p>(a) The Department shall issue a Request for Proposals for professional development for administrators and peers who will observe or evaluate teacher and administrator practice. This professional development shall include presentation, practice and application of knowledge and skills directly related to: understanding and applying adult learning theory, observing and assessing educator practice, conducting difficult conversations, and developing and implementing professional growth and improvement plans.</p> <p>(b) To be qualified to observe, evaluate and judge teaching or administrator practice, the potential evaluator must successfully complete this DESE approved professional development program. Upon completion of the professional development program, the prospective evaluator must pass and inter-rater reliability performance assessment and successfully complete a personal professional growth plan. The educator meeting these requirements shall have his/her license “endorsed” as an evaluator.</p> <p>I To be qualified to observe, evaluate and judge teaching practice, the potential evaluator must have five years of successful teaching experience; successfully complete the professional development and complete the performance assessments outlined in 35.10(7)(b).</p>	<p>There is no doubt that administrators’ experience, training and competency in evaluation principles and techniques are critical to improving teaching and learning. The Board’s proposed regulations do not provide sufficient guidance to local school districts and superintendents to be certain that evaluators have the experience, attitude, skill and knowledge to improve teaching practice and positively impact student learning through robust evaluation. MTA recommends that the regulations be modified to provide the proper framework for training of evaluators, otherwise the entire effort to improve educator evaluation will fail.</p>	<p>See above and the Commissioner’s memorandum to the Board dated June 20, 2011 about steps ESE will take in this area. No change needed.</p>
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(d) To be qualified to observe, evaluate and judge administrator practice, the potential evaluator must have five years of successful administrative experience; successfully complete the professional development and complete the performance assessments outlined in 35.10(7)(b).

(e) Hardship Waivers [adapted from 603 CMR 7.14(13)]

i. The Commissioner may exempt a district for individual evaluators from 35.13(7) c-e for one school year upon request of a superintendent and demonstration to the Commissioner that the district has made a good-faith effort to find or train a qualified evaluator who had completed the training, passed the performance assessment and had the requisite teaching or administrative experience. Persons employed under waivers must demonstrate that they are making continuous progress toward meeting the requirements to be an evaluator. ii. The Commissioner may deem a district to have a critical shortage of evaluators upon request of a superintendent and demonstration that the district has made a good-faith effort to hire personnel who have not retired under M.G.L. c. 32 and has been unable to find them. A district deemed to have a critical shortage of qualified evaluators may employ retired, qualified teachers or administrators subject to all laws, rules, and regulations governing the employment of teachers or administrators. The period of a determination of a critical shortage shall not exceed one year, but a district may seek to invoke this provision in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The Commissioner shall notify the Teachers' Retirement Board of each determination of a critical shortage made for the purposes of

M. G. L. c. 32 § 91 (e).

META	Postpone the schedule for implementing the new regulations.	Level 4 schools enroll most of the ELLs in the Commonwealth, and without clear Standards or Indicators of what is expected from teachers of ELLs or of administrators in schools ELLs attend, and without addressing the complex assessment issues that surround how to measure ELL performance, the proposed implementation schedule may force districts to implement the new regulations poorly.	The revised regulations make it clear that because districts are not required to identify the district-determined measures to be used to assess educator impact on learning until September 2013, and because educator impact needs to be assessed using at least two years of data, districts will have adequate time to address the implications of standards and assessments for ELL students in their Level 4 (and other) schools. No change needed.
WSC	A system of peer review should be adopted in place of the system proposed by the regulations.	Administrators who were not strong teachers themselves may not be adept at improving teacher practice.	The revised regulations make it clear that districts can adopt peer assistance and review systems. No change needed.



MTA	<p>35.10 should be modified as follows:</p> <p>(5) Districts shall provide the Department with individual educator evaluation data for each educator in the district in a form and manner prescribed by the Commissioner, .</p> <p><del>(a) The required data reporting may include</del> but shall not be limited to: the number of educators rated at each performance rating; the percentage of teachers who receive Professional Teacher Status; the number of educators rated on each of the four standards at each performance rating; the percentage of teachers at each level: low, moderate, high impact on student learning; and the district's approach to reconciling discrepancies between state and local assessments in determining teachers' impact on learning.</p> <p>(b) Any data or information that school districts and/or the Department creates, sends or receives in connection with educator evaluation that is evaluative in nature and may be linked to an individual educator, including information concerning an educator's formative or summative evaluation or performance rating or the student learning, growth and achievement data that may be used as part of an individual educator's evaluation, shall be considered personnel information within the meaning of M.G.L. c. 4, § 7(26)(c) and shall not be subject to disclosure under the public records law.</p>	<p>As written, paragraph 5 creates an inference that subparagraphs (a) and (b) both address evaluative data provided to the Department by a local school district. Thus, subsection (b) could be read as only applicable to district-provided information and not to information that the Department will provide to the district. Since DESE will be generating information that is evaluative in nature that may be linked to an individual educator, the regulations should be clear that this type information is exempt from disclosure under the public records law.</p> <p>Therefore, MTA recommends making subsection (b) a stand-alone paragraph (6) and adding the word "sends" to the newly numbered (6). With the new paragraph being a stand-alone section, it needs to reference data created, sent or received <i>by the local school district</i> as well, thereby making it clear that evaluative information linked to an individual educator created, sent or received between the school district and the department is a personnel record exempt from disclosure under the public records law.</p>	Revision accepted. See 35.11.
MASC	<p>35.10(5)(b) should be modified pursuant to law or it should be eliminated.</p>	<p>The request for individual evaluation documents from DESE to a school district, referencing a specific teacher, would be subject to the personnel file exception to the Public Records Law as interpreted by the Wakefield case.</p>	<p>The regulatory language accomplishes both goals: confidentiality for educators and availability of data for research and policy analysis purposes. No change needed.</p>

MASPA	<p>35.10 (2) The original phrasing and role of DESE should be restored to this section.</p> <p>35.10 (4)(b) This sentence requires much more elaboration and thought to make it anything other than an added burden on the already extremely difficult process of trying to remove an ineffective teacher.</p>		<p>35.10(2): See revised 35.11(2) for clarification. No other change needed.</p> <p>35.10(4)(b): This section has been eliminated. The revised regulations commit ESE to providing guidance on student performance measures by July 2012. No additional change needed.</p>
AFT	Delete 35.10 (4).	AFT's rewrite of 35.09(2) makes it obsolete.	See ESE response to AFT for 35.09.
Teacher		Support for DESE reviewing every district's system.	
SUPWL	The regulations should allow local school systems as much flexibility as possible in proposing their evaluation systems to DESE officials. Districts should be able to propose local strategies for meeting the spirit of the regulations, which might not always adhere to the letter of the law. Clearly state this provision in the regulations.		These regulations are intended to establish greater consistency state-wide in evaluation systems and practices. That said, there is substantial opportunity within the regulations for local discretion and decision-making. No change needed.
HRC	Conduct periodic audits of district HR and PD functions. Impose sanctions upon districts that do not follow their own evaluation design.	This will ensure that districts are true to their evaluation results.	ESE intends to update the district review process to include an analysis of the district's implementation of these regulations and their impacts.
SupBD	Districts should not have to provide individual-level data about educators to DESE.	This takes authority away from districts for determining what data-gathering system works for them. It also is intrusive.	ESE sees a benefit to having this data for research and policy analysis purposes. It can inform future policy and practice, including updates to the regulations and model. No change needed.
DSTE	Clarify the text in 35.10(5) so that it matches the text in the two subparagraphs (35.10(5)(a) and (b)).	(35.10(5) suggests that districts will provide individual "data" for "each educator," but the text in (a) and (b) suggest that districts will provide aggregated or summary data.	Revised 35.11 (5) and (6) clarify this issue.

EOE	Add section 35.10(2)(d): Additional classroom-based measures comparable within grades and subjects school-wide as determined by the principal and approved by the superintendent.		The revised regulations clarify the role of classroom-based measures. No additional change needed. See 35.09(2).
XI. General Comments:			
General Support			
MASS	Support for the fact that the proposed regulations will require a uniform, standardized approach to teacher evaluation across the state.		
BPON, JOP, PRI, ACEDONE, BSAC, HSTF, DSNi, OISTE, MDOC	Support for many aspects of the proposed regulations, including the use of 4 categories, peer and mentor educators, announced and unannounced observations, multiple measures of student learning, and the inclusion of student and parent feedback as a component of the evidence that evaluators will use in assessing educators.		
SFC	Support for Commissioner's "strong proposal." The proposed regulations "encourage a comprehensive yet flexible system of multiple measures to be prioritized in the evaluation process... [and] widen the evaluator pool to educators in the same collective bargaining unit, which will encourage peer and mentor teachers to provide supervision to others in their content area." Also support the use of unannounced observations.		
MBR	Support for DESE's commitment to establishing statewide principles of evaluation, raising standards for granting PTS, promoting and recognizing excellence in both teaching and administration, and linking student learning to the evaluation and continued professional development of educators.		

MASC	<p>The MASC is pleased with several components of the proposed regulations, including:</p> <ul style="list-style-type: none"> <li>• The elimination of earlier provisions that expanded the scope of authority granted to non-educator officials of state government over local oversight of the public schools.</li> <li>• The streamlined evaluation process that will allow districts to adopt similar standards.</li> <li>• The mandate to (in part) evaluate educators on the success or performance of their students.</li> <li>• Ability to compare like faculty and students on the basis of student performance.</li> <li>• 4 standards of practice, which establish guidance on what is expected from educators.</li> <li>• The provision to allow professional judgment of supervising administrators to rate educators.</li> <li>• The clear path to remediation or termination, whose goal is to improve teacher practice and expedite the process of removing underperforming educators.</li> <li>• The ability for districts to implement a peer evaluation system, if collectively bargained.</li> <li>• The opportunity to reward exemplary educators with additional opportunities and/or responsibilities.</li> </ul>		
MSSAA	Support for the broad goals of this effort to improve educator evaluation and develop tools that districts across the state can use to identify and remove those individuals who are ineffective and recognize and reward excellence in teaching and leadership.		
Principal	Thrilled to see the direction MA has taken in issuing new teacher evaluation regulations. It will allow the administrators and teachers to grow professionally and create an environment where instruction is truly the focus.		

LSC	Agree with and support the goals of the program. It is important to promote the growth and development of leaders and teachers. Student learning needs to remain the focus and there must be opportunities to recognize excellence in teaching and leading. The bar for teacher and administrator performance should be set high and there must also be ways to recognize growth educators make from year-to-year to meet these high expectations.		
General Concerns and Suggestions			
SSPJ	The board should present a realistic budget, along with a proposal for how much implementation of the new teacher evaluation regulations will cost in the future.	Issuing costly regulations without new state aid will not help students and may harm them.	Districts are currently responsible for supervising and evaluating all educators. Resources of time and funding at the local level may need to be re-allocated during this period of development. ESE is able to supplement local efforts with substantial state resources over the next three years to provide a model, guidance, and other tools and training.
MASC	A working committee should be convened under M.G.L. c.15§ 60 to establish guidelines for reimbursing districts for the costs associated with the implementation of these regulations which apply to M.G.L. c.71§ 38.		See above.
CTME	“Most decisions about local evaluation systems must be left to collective bargaining. The state doesn't have all the answers. Local associations and districts together must figure out how to best implement changes in the evaluation system that are good for students and fair to teachers.”		ESE believes that the revised regulations strike a more appropriate balance between statewide consistency and local discretion.
MTA	MTA urges the Board to incorporate the comprehensive suggestions included in MTA's suggested revision document.	The organizational structure and clarity of MTA's proposed draft will be useful to educators and supervisors in understanding the evaluation framework envisioned by the Board to improve teaching, leadership, administration and learning.	ESE believes that the revised regulations provide sufficient clarity. ESE is already working with stakeholders on orientation and other informational material designed to ensure understanding of the framework detailed in these regulations

MASC	Concern that the system is “highly prescriptive, detailed, complex, and costly,” which may hinder implementation efforts.		The Task Force strongly desired to facilitate much greater consistency across the state in the area of educator supervision and evaluation. Many important details are left to local collective bargaining. No change needed.
MASC	It is unclear whether DESE has the authority to impose any new system over school districts that are not underperforming or participating in RTTT.		ESE believes these regulations are fully within the Board’s authority under current statute.
CPS	These regulations will reduce creativity, critical thinking, and teamwork skills.		ESE disagrees. The regulations provide districts with opportunity to broaden the types of assessment practices used throughout their schools. Undertaking this task in a concentrated period of time – with ESE assistance and networking support – should expand creativity and critical thinking rather than reduce it. As to its impact on “teamwork skills,” the revised regulations require evaluators and educators to consider team goals.
SUPWL	Districts will need guidance from DESE regarding best practices in developing and utilizing district-level assessments.		ESE takes seriously its responsibility to work with the field and national leaders to provide guidance and support for high quality assessment practices. Therefore, the revised regulations commit ESE to provide such guidance by July 2012

AFT	<p>As noted at the outset of our comments, an educator development and evaluation system should be about continuous improvement, not “gotcha.” AFT strongly support the concept of continuous improvement in a system that is fair, transparent, respectful of educator voice, and built on trust and collaboration. But just as this concept applies to educators, it must also apply to public policy. In many ways, these regulations are venturing into unknown territory, and we need to maintain a sense of humility about what we know and don’t know about how to design a fair and educationally sound system.</p> <p>As we move forward with implementation, it is essential that all stakeholders commit to careful monitoring and continuous improvement of the system as new evidence and research arises. This includes research from high-performing nations, many of which take an entirely different approach to educator development and evaluation, as well as to high-stakes testing and school accountability. For a new system to work well, stakeholders must also seek continuous input from the educators on the front lines who will be directly affected by the changes. Educators’ voices must be heard and heeded throughout the ongoing process of implementation, monitoring, and refinement of the system.</p> <p>AFT is hopeful that we can design and sustain a 21<sup>st</sup> century educator development and evaluation system that is both good for students and fair to educators, but this is possible only if we abandon pre-conceived agendas, follow the evidence and research, and work collaboratively in pursuit of common goals. AFT embraces this challenge and the opportunity to build a system that truly empowers front-line educators to take charge of their profession.</p>		ESE is committed to working with the field as the Model System and other guidance is developed.
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RAP	<p>Supportive of overall regulations and pleased that they will establish clear expectations and procedures for providing teachers and administrators with necessary feedback and support. In addition, pleased that the regulations will take multiple measures of student learning into account. It is appropriate that the emphasis is on learning gains and growth, as opposed to the score alone.</p> <p>Concerns:</p> <ul style="list-style-type: none"> <li>• Practicality of implementation, especially given how overburdened principals and administrators are.</li> <li>• Districts will need support in developing and launching new assessments.</li> </ul>		<p>ESE sees supervision and evaluation as a central responsibility of educators, in particular administrators. These regulations provide features that support effective leadership and can make the work of supervision and evaluation more do-able. Several components of the cycle, not widely used in MA currently, will enable evaluators to establish priorities for their supervision and evaluation responsibilities, including:</p> <ul style="list-style-type: none"> <li>○ The formal self-assessment process</li> <li>○ An explicit requirement to consider team, grade-level or department goals</li> <li>○ A formative evaluation for proficient and exemplary educators at the end of year 1 focusing on progress toward goals</li> <li>○ A requirement for unannounced, as opposed to announced, classroom visits.</li> </ul> <p>In addition, the opportunity to establish peer assistance and review systems means that, if established, supervisors will not have to be responsible for <u>all</u> observation, conferencing, etc.</p> <p>See also Commissioner's memorandum to the Board dated June 20, 2011.</p> <p>Superintendents and school committees will need to consider what it has always taken to do effective supervision and evaluation when they make decisions about staffing and other responsibilities of administrators.</p> <p>Regarding district support in developing and launching new assessments, revised regulations call for ESE to provide guidance on student assessments by July 2012.</p>
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MSSAA	<p>Concern that the proposed system places an unreasonable burden on principals, other evaluators, and district resources while failing to ensure that all professionals will be treated fairly and equitably. General concerns include:</p> <ul style="list-style-type: none"> <li>• The proposed regulations do not address the inadequate time for supervisors to conduct thoughtful evaluations and the excessive supervisory workloads, which contribute to that problem. Instead, they magnify the problem by creating an even more time-consuming process.</li> <li>• There is a lack of financial resources to support effective implementation. RTTT funding is inadequate for a majority of districts and non-existent for others. It is also not a sustainable source of funding.</li> <li>• Evaluators lack the training they need to conduct evaluations and to analyze multiple measures of student learning, growth and achievement.</li> <li>• The implementation timeline is unrealistic.</li> </ul>		See above.
MOEC	It is not clear whether the regulations apply to collaborative teachers and administrators. MOEC advocates for the regulations to apply.		The regulations apply to all licensed teachers and administrators, including those working in schools and education programs operated by education collaboratives. See 35.02.
HRA	<p>Districts will need to make sure that their job descriptions are easily reconcilable with the new evaluation standards.</p> <p>The regulations should discuss a third party appeal process.</p>		Consistent with current practice, local districts are the hiring authority and decisions related to supervision and evaluation of their faculty shall remain at the local level.
SupBD	Districts will require financial and technical support from DESE to maintain the necessary longitudinal data associated with these regulations.		See earlier comments and Commissioner's memorandum to the Board dated June 20, 2011.

SupBD	Piloting these regulations in Level 4 schools/districts seems inhumane. It feels as if DESE may be setting them up for failure.		Most Level 4 schools are receiving federal turnaround grant funding that is contingent upon using student learning as a significant part of the educator evaluation process. Implementing these regulations meets that requirement. ESE has been working with the 9 districts and 34 schools and will be assisting them to phase in the regulations in ways that are consistent with their turnaround plans, beginning this summer with two day-long sessions for school leadership teams, including teachers.
SupJL, NPS	The current implementation timeline is problematic.	<ul style="list-style-type: none"> <li>• Prior to collecting data, time will be needed to determine what student work will be used as evidence of instructional impact.</li> <li>• Major policy issues remain unresolved.</li> <li>• The new framework will require districts to develop and track tremendous new data sets. Technical support and time will be required.</li> </ul>	The revised regulations make clear that assessing educator impact on student learning outcomes will await the development and implementation of appropriate assessments.

TC	<p>These recommendations are not in line with DESE’s application to RTTT. DESE went through a collaborative process with superintendents, unions, and school committees to develop the RTTT application. For the Commissioner to make recommendations that are inconsistent with the application brings into question whether or not DESE really wants to address the challenges facing our school district in a collaborative way.</p> <p>RTTT calls for student progress to be a significant part of the evaluation process. In the light of the Arbitration Award, October 10, 2006, between the Springfield Education Association and Springfield Finance Control Board, which questioned “whether such standards should include use of student standardized test scores together with a value added assessment methodology in making high stakes decisions regarding teacher performance” the arbitrator ruled standardized tests should not be used for high stake decisions about teachers. The fact that student performance is a part of the Commonwealth’s successful RTTT application is tremendously significant. RTTT calls for trends in student growth to be an indicator that may or may not require a deeper more thorough look at individual educator’s performance. Commissioner Chester’s recommendations do not reflect this. I am also concerned the MCAS growth model he recommends has yet to be validated by an independent psychometrician to determine that the model actually reflects individual student growth.</p>		<p>The revised regulations make clear that assessing educator impact on student learning outcomes requires that “trends and patterns” in student assessment data be considered.</p>
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	<p>There also was a statewide committee made up of practitioners whose recommendations are not reflected in the Commissioner's recommendations. This committee had representation from superintendents, principals, teachers, parents, and the business community. They also recognized making high-stakes decisions based on a snapshot in time would not be wise. They recommended that student performance trends, over time, should be looked at. Also not reflected in the Commissioner's recommendations was this group's recommendation that evaluators should have a minimum of five years teaching experience in order to qualify as an evaluator.</p> <p>In addition, these regulations may require more of administrators than they will be able to accomplish with true fidelity. Requiring that every teacher be evaluated every year adds significantly to administrators' work load. If one looks at the ratio of supervisors to those being supervised, in both the public and private sectors, it is by far the highest in Pre K – 12 education.</p>	
Principal	<p>The benefits of the proposed regulations are numerous. They reflect the professionalism expected and provide a road map for continuous improvement throughout an educator's career. The goal of any evaluation model should be to improve teaching and learning. However, there are many possible obstacles to implementation. More thought and planning must be done to address a myriad of issues that pursuing this path will certainly generate.</p>	See earlier comments and Commissioner's memorandum to the Board dated June 20, 2011.

SupCF	<p>The system is predicated upon the assumption that reliable estimates of student growth can be developed for all non-MCAS subject areas by the Fall 2012.</p> <p>Current evaluation schedules provide for a summative evaluation towards the end of the current school year. MCAS results and SGPs are not available until after the end of the school year. If these results form part of the decision not to renew a contract, the timing is problematic.</p>	<p>The regulations call for districts to identify district-wide assessments by fall 2013.</p> <p>The revised regulations make it explicit that MCAS Growth Scores cannot be the sole basis for a summative evaluation rating. See 35.07.</p>
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**Legend:**

**Blue:** Suggestions for wording to be added  
**Red:** Suggestions for wording to be subtracted