
Status Designations

As required by Title II of the Higher Education Act (HEA), each state must determine the criteria for assessing educator preparation programs and identifying educator preparation programs that are Low Performing or At-Risk. These performance designations are linked to, yet separate from, the approval determinations that result from formal review. ESE has extended these status designations to include a “high performing” designation in addition to the low performing and at-risk statuses required by the U.S. Department of Education. Status designations may be triggered by a specific approval determination but also may take into account additional outcome data accumulated and considered by the state on an annual basis. Criteria for being designated high performing, at-risk, or low performing may include one or more of the following data points:

- overall approval determination following a review
- program completion rate
- assessment data including MTEL, PAL, and CAP
- persistence rate
- state-administered survey results
- adherence to state reporting requirements
- meeting state or district needs, including preparation in high-need subject areas and diversifying the workforce
- employment data, and/or
- student-impact data, including educator evaluation data, student growth percentiles, and impact ratings.

Low Performing and At-Risk Designations

If following a formal or interim review an approved Sponsoring Organization fails to meet the requirements and benchmarks set forth in the Program Approval Standards it shall receive a designation of at-risk or low performing. Following such a designation, the Sponsoring Organization shall submit an improvement plan to the Department for any of its programs that receive the designation of low performing. The Department will monitor progress in meeting the goals of the improvement plan. If, after one year under review, a program has not made satisfactory progress, its approval may be revoked, in accordance with G.L. c. 30A, s. 13. The burden of improvement rests solely with the Sponsoring Organization.

Any SO with a status designation of at-risk or low performing may contest the designation by submitting a rejoinder response within 15 days of notification of the status designation. The rejoinder response must be submitted using the ESE-provided template. ESE will review the rejoinder response and the Commissioner may modify the status designation solely at his/her discretion.

Given the heightened stakes around a low performing designation, there are several considerations to be aware of in terms of communicating the designation as well as its potential impact on candidates.

Communication Concerning a Low Performing Designation with Stakeholders

Sponsoring Organization Communication

The provider must communicate the low performing designation with all stakeholders, including current or prospective candidates. Several points to consider in communicating the low performing designation:

- Notification must occur within 10 business days of the conferred status. This includes:
 - Written documentation to all currently enrolled candidates
 - Updated website/marketing materials available to prospective candidates
 - Written documentation to all faculty/instructors
- SO must provide ESE with copies of communications sent to stakeholders as well as verification that the website and all other associated informational materials have been updated accordingly. Evidence of communication should be submitted with the Improvement Plan, if not before.
- SO may use language from the Approval letter, Final Report, these Guidelines, and/or regulations in order to communicate the designation status.
 - The term “low performing” must be present in the communication.
 - The communication must make clear that the SO’s authority to endorse candidates for licensure beyond the current approval date is in jeopardy.
- SO should indicate that ESE will engage in ongoing monitoring during the upcoming academic year and that candidates, faculty, and supervisors may be subject to participation in the Department’s efforts to assess progress.
- SO should communicate the low performing designation to any other stakeholder or entity potentially affected by the status. For example, SO should not enter into a formal partnership agreement with a school/district without fully disclosing the designation.

Note: Should a challenge of the low performing designation extend beyond the current date of expiration for programs, the SO must publicly post and communicate with candidates (current and prospective) that approval of programs leading to licensure are pending re-approval by ESE.

ESE Communication

ESE will communicate the low performing designation as required by state and federal requirements. Several points to consider in ESE’s communication of the designation:

- ESE will publicly post the low performing designation on [an SO’s public profile](#) three days after notifying the SO of the status.
- ESE does not publicly post the Formal Review Report provided to the SO; it is, however, considered a public document and thus subject to release in accordance with the Public Records Law to interested parties upon request. ESE will notify the SO if we receive such requests.
- ESE will share the designation and accompanying documents with the Board of Elementary and Secondary Education, colleagues in the Department of Higher Education, and the Executive Office of Education as deemed appropriate.

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- The designation will be shared, along with the outcomes of other Formal Reviews, in the annual Formal Review Summary report.
 - ESE reserves the right, as deemed necessary, to communicate directly with districts and schools significantly impacted by the provider's low performing designation.
 - As required under Title II of the Higher Education Act, ESE will report the low performing designation in the state's annual report due October 30th of each year. State reports typically post to the federal Title II website: <https://title2.ed.gov/Public/Home.aspx> around December or January.
 - If contacted by individual candidates, prospective candidates, faculty, or partners of the SO, ESE will use language from the Approval letter, these Guidelines and/or regulations in order to communicate the designation status.

Impact on Current & Future Candidates

The low performing designation indicates that there are serious and significant concerns about the quality of preparation being provided to candidates within an organization. The mission of educator preparation is to produce educators who are increasingly well prepared to have immediate impact in the lives of students in the Commonwealth; providers with deficiencies that warrant the low performing designation threaten to undermine the quality of instruction and leadership in our schools and therefore put student learning at risk. It is because of this that we require deliberate and swift action to be taken in cases where the low performing designation is conferred.

Second, an SO's low performing status is a reflection on the quality of preparation provided by the organization, not necessarily the skills and abilities of individual educators enrolled in or previously endorsed through the program.

Ultimately, ESE hopes the most significant impact of the low performing designation on current or future candidates will be the dramatically improved quality of preparation provided by the SO.

The low performing designation does not interfere with a provider's ability to enroll or endorse candidates for licensure programs. Additionally, there are no current state or federal regulatory implications for the funding or certification of candidates enrolled in the program. Under the federal Higher Education Act², Section 207 and 208, funding eligibility for an SO is only impacted if the state revokes approval:

² Title II of the Higher Education Act is currently pending revision by USED. Draft guidelines were released in November 2014 for a period of public comment. Proposed regulations did outline additional consequences for low performing designations. ESE's analysis of the regulations and public comment can be found at:

<http://www.doe.mass.edu/edprep/Comment-ProposedRegulations.pdf>

(b) TERMINATION OF ELIGIBILITY – Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State’s approval or terminated the State’s financial support due to the low performance of the institution’s teacher preparation program based upon the State assessment described in subsection (a)—

- (1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and
- (2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in the institution’s teacher preparation program.³

In the event that an SO’s approval is ultimately revoked, ESE will work with the SO on closure procedures that, to the extent possible, hold candidates harmless. In previous situations, where concerns about the quality of preparation were minimal or the quantity of affected candidates small, ESE has afforded providers the opportunity to “teach-out” the remaining cohort of candidates. Teach-out plans rarely extend beyond one year from the date of expiration. Provisions of closure for individual SO, if approval is revoked, will be determined at that point in time. Given this, an SO cannot assure candidate endorsement beyond the current approval date.

If candidates wish to transfer to other providers in the state, the extent to which other providers choose to waive or accept credits/coursework from the low performing programs is at the sole discretion of individual Sponsoring Organizations.

³ Regulations can be accessed at: <http://www2.ed.gov/policy/highered/leg/hea98/sec201.html>