



# Massachusetts Department of Elementary and Secondary Education

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Mitchell D. Chester, Ed.D.  
Commissioner

## MEMORANDUM

**To:** Members of the Board of Elementary and Secondary Education  
**From:** Mitchell D. Chester, Ed.D., Commissioner  
**Date:** February 17, 2017  
**Subject:** Educator Evaluation – Proposed Amendments to the Regulations on Student Impact Rating

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This memo revisits a topic discussed regularly by the Board of Elementary and Secondary Education since Spring 2016: how evidence of student learning is used in the educator evaluation framework. Following a robust discussion, the Board voted in November 2016 to solicit public comment on proposed changes to the Educator Evaluation regulations. I recommend that the Board take a final vote to approve the proposed amendments to the regulations, as presented below, at the February 28, 2017 Board meeting.

### Background

As a reminder, under our current educator evaluation regulations, teachers and administrators receive two separate ratings: (1) a summative performance rating; and (2) a student impact rating. Both ratings are based on the professional judgment of the evaluator; neither rating is determined by formula. The regulations provided for a staggered implementation, with districts adopting the process for determining a summative performance rating first, and subsequently adopting the process for determining the student impact rating.

For the past five years, districts have been implementing the process for determining summative ratings. Implementing the student impact rating has been more challenging. As the Department has worked with stakeholders to develop guidance and solicit feedback on the rollout of the student impact rating, we have heard concerns about assigning individual educators a separate rating of impact. At the same time, we have also heard from stakeholders that evidence of student learning, including evidence from common assessments and statewide assessments, is an important component of educator evaluation.

In response to stakeholder feedback, the Department developed proposed amendments to the Educator Evaluation regulations that eliminate the separate student impact rating while retaining

student learning as an essential part of the framework. We worked with the Massachusetts Association of School Superintendents (MASS), the Massachusetts Elementary School Principals Association (MESPA), the Massachusetts Secondary School Administrators Association (MSSAA), the Massachusetts Teachers Association (MTA), and the American Federation of Teachers Massachusetts (AFT-MA) to develop ideas, relying on them to advise on feasibility for schools and districts.

The proposed regulatory amendments include the following:

- Eliminating the separate student impact rating of high, moderate, or low, which was to be reported to the Department at the educator level.
- Retaining the 5-step cycle, which culminates in a summative performance rating based on multiple categories of evidence and the professional judgment of the evaluator.
- Establishing a "student learning indicator" under Standard II: Teaching All Students (for teachers) and under Standard I: Instructional Leadership (for administrators). Standards describe the broad categories of knowledge, skills and performance of effective practice, and indicators describe specific knowledge, skills, and performance for each standard. By including a student learning indicator, impact on student learning is a component of the rating for the Standard. The rating for the Standard, in turn, is a component of the Summative Performance Rating. The student learning indicator does not result in a separate stand-alone rating.
- Providing additional information about the types of measures that can be used as evidence of educator impact on student learning. The amendments include a definition of common assessments, permit flexibility for the use of common assessments and statewide growth measures in the evaluation process for educators who are not responsible for direct instruction, and clarify that other evidence of student learning beyond common assessments and statewide growth measures may be considered.
- Adding a new definition of "expected impact" on student learning.

In addition, the proposed amendments include technical changes unrelated to the student impact rating, such as removing provisions describing timelines that have expired.

### **Public Comment**

The Department received feedback from 260 individuals and organizations during the public comment period. The majority of comments were provided by current and former teachers. Additional comments were submitted by several organizations, including the Massachusetts Business Alliance for Education (MBAE), the MTA and AFT-MA, and a joint letter from the MASS, MESPA, and MSSAA.

In general, the comments from the current and former teachers express opposition to the use of evidence of student learning in the educator evaluation process, and therefore do not support the current regulations or the proposed changes. Many commenters thought that the proposed

changes did not result in a meaningful change and instead simply substituted the terms “less than expected, expected, or more than expected” for the Student Impact Rating of high, moderate, or low. This concern is addressed in the Proposed Modifications section, below.

MASS, MESPA, and MSSAA support the proposed regulatory changes. In their public comment, these organizations state: “It is our belief that eliminating the separate impact rating and placing impact on student learning as one of the five indicators in Standard 2 will provide a reasonable balance for reflection of pedagogy and student outcomes in the assessment of educator performance.”

MBAE argued against the proposed changes, asserting that they do not support the five core principles articulated in the Department’s alternative pathways proposal. I do not recommend additional changes based on MBAE’s public comment. The proposed changes to the regulations preserve a focus on student learning in the educator evaluation framework, require that judgments be based on multiple measures, including statewide student growth measures, and respect the professional judgment of evaluators and educators.

MTA and AFT-MA submitted a joint letter dated January 27, 2017. These organizations assert that “with the demise of No Child Left Behind and the expiration of Race to the Top, the legal, political and funding justifications for the Board’s or the Department’s regulatory control over district evaluations systems have come to an end.” January 27, 2017 letter at p. 1.

MTA’s and AFT-MA’s description of the Board’s regulatory authority is incorrect. The Legislature included among the Board’s duties the responsibility for “establish[ing] guidelines for establishing systems of personnel evaluation, including teacher performance standards.” G.L. c. 69, § 1B, para. 13. Likewise, state law provides that superintendents are required to “cause the performance of all teachers, principals and administrators to be evaluated using any principles of evaluation established by the board . . . and by such consistent, supplemental performance standards as the school committee may require . . . .” G.L. c. 71, §38. These two statutory provisions fully support the Board’s action in promulgating educator evaluation regulations.

MTA and AFT-MA further state in their letter that “[i]t is time for DESE and the Board to return the entire performance evaluation process back to the school districts”[.] January 27, 2017 letter at p. 2.

A review of the March 2011 report from the Taskforce on the Evaluation of Teachers and Administrators provides a powerful reminder of the poor evaluation practices that were in place prior to the Board’s adoption of the current regulations. The Task Force’s report stated that the educator evaluation practice in place at that time did not serve students, educators or society well, finding that “[i]n its present state, educator evaluation in Massachusetts is not achieving its purposes of promoting student learning and growth, providing educators with adequate feedback for improvement, professional growth, and leadership, and ensuring educator effectiveness and

overall system accountability.” *Building a Breakthrough Framework for Educator Evaluation in the Commonwealth*, March 2011, at p. 5.

Regarding the substance of the proposed regulatory changes, MTA and AFT-MA claim that “no meaningful revision was intended” because the “the revision simply slaps new names on old concepts.” January 27, 2017 letter at pp. 2-3. In response to the concern that the proposed changes were not responsive to the stakeholder feedback to eliminate the separate Student Impact Rating, I am recommending that the Board adopt the additional proposed modifications discussed below.

Finally, MTA and AFT-MA assert: “The best approach to address the problems of the current system is to eliminate the use of student test results to inform any rating of a teacher’s performance.” January 27, 2017 letter at p. 3. I disagree. In my view, teaching and learning is the core work of our schools to prepare students for life after high school; consequently, we need to pay attention to student learning and build it into the evaluation system.

Additional public comment is summarized in the accompanying Educator Evaluation Public Comment Report. Also attached is the full set of comments for your reference. Below is a discussion of the additional modifications I am recommending to the proposed changes in response to public comment.

### **Proposed Modifications**

The proposed changes we discussed at the November Board meeting included eliminating the separate student impact rating of high, moderate, and low, but preserving a focus on student learning in the evaluation framework through the addition of a student learning indicator to the standards of effective practice. Public comments indicated the proposed changes could be construed to actually retain a requirement that evaluators make a separate judgment about an educator’s impact on student learning that stands apart from the educator’s performance rating on Standard 2. While most acknowledged this judgment is not a separate and reported rating, several commenters noted that determining whether an educator has had less than expected, expected, or more than expected impact on student learning (language included in the proposed changes released for comment) is akin to providing a Student Impact Rating of high, moderate, or low.

Eliminating the separate impact rating was a main impetus for proposing regulatory changes. For that reason, I am recommending a modification to clarify that a separate, reported judgment of impact is not required. Rather, the student learning indicator serves to ensure that evidence of student learning is considered when determining educator ratings.

To further clarify that the regulations eliminate a separate impact rating, I recommend the following modifications, reflected in the attached updated proposed amendments in highlighted type:

- Educators and evaluators discuss anticipated student learning gains during the development of the Educator Plan. To ensure that educators and evaluators share a mutual understanding of anticipated student learning gains for the assessments that will be used as evidence of educator impact on student learning, the proposed modifications call upon evaluators to communicate expectations during the development of the Educator Plan.
- An evaluator’s professional judgment determines the length of a self directed growth plan. The amendments proposed in November required educators rated proficient or exemplary, but who demonstrated less than expected student learning, to be placed on a one-year self-directed plan (as opposed to a two-year plan). The proposed modifications I am presenting this month leave the decision about the length of an educator’s plan to the professional judgment of the evaluator. This is consistent with how the length of plan is determined for educators rated less than proficient and has the added advantage of providing evaluators with an additional tool to focus a proficient educator on improving a specific aspect of practice, including, but not limited to, impact on student learning.
- Educators rated exemplary may receive recognition and leadership opportunities. Since an educator’s impact on student learning is embedded in her/his overall rating, it is unnecessary to specify that exemplary educators who also demonstrate at least expected impact on student learning are eligible for additional opportunities. Defining exemplary practice as practice that deserves recognition and leadership opportunities supports a straightforward interpretation of high performance.
- All references to the separate student impact rating are removed. References to the student impact rating that were inadvertently retained in the amendments proposed in November have been removed.
- The word “consistently” is removed from the descriptions of the student learning indicator for teachers and administrators. This modification was made to be parallel to the wording of all other indicators.

### **Summary**

Our goal is to support meaningful educator evaluation while maintaining student learning as a central consideration. I look forward to discussing the proposed regulatory amendments, including the modifications made in response to public comment, with the Board on February 28. A redlined copy of the proposed changes to the regulations is attached, along with a motion.

Senior Associate Commissioner Heather Peske and Ron Noble, Director of Integration and Strategy, will be available at the Board meeting to answer your questions.

### **Enclosures:**

Updated Proposed Regulations on Evaluation of Educators (redline and clean copy)  
 Public Comment Report  
 Full Set of Public Comment Responses  
 Motion