

PROPOSED AMENDMENTS TO REGULATIONS ON OR SCHOOL EVALUATION OF EDUCATORS

603 CMR 35.00

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **November 29, 2016**
- Period of public comment: **through January 27, 2017**
- Final action by the Board of Elementary and Secondary Education anticipated: **February 28, 2017**

Summary: Currently, under the existing regulations, teachers and administrators receive two separate ratings, a summative rating and a student impact rating. The regulations established a timeline of staggered implementation, with districts adopting a process for determining a summative rating first and subsequently adopting the process for determining the student impact rating. Over the last few years, districts have successfully implemented the process for determining the summative rating. Implementing the process for determining an educator's student impact rating has been more challenging. The Department has discussed with stakeholders and now is proposing amendments to the regulations to address concerns. These amendments eliminate the separate student impact rating, while maintaining student learning as a central consideration in the educator evaluation process. This approach will address the concerns about a separate impact rating while retaining evidence of student learning based on multiple measures, including common assessments and statewide student growth measures, as an important component of the summative performance rating. In addition, the proposed amendments also include technical changes unrelated to the student impact rating, such as removing provisions describing timelines that have expired.

See below for the full text of the regulations, with the proposed amendments redlined. The regulations are posted at: <http://www.doe.mass.edu/lawsregs/603cmr35.html>.

603 CMR 35.00 Evaluation of Educators

Section:

[35.01:](#) Scope, Purpose, and Authority

[35.02:](#) Definitions

[35.03:](#) Standards and Indicators of Effective Teaching Practice

[35.04:](#) Standards and Indicators of Effective Administrative Leadership Practice

[35.05:](#) Evaluation of Administrators under Individual Employment Contracts

[35.06:](#) Evaluation Cycle

[35.07:](#) Evidence Used in Evaluation

[35.08:](#) Performance Level Ratings

[35.09:](#) Student Performance Measures

[35.10:](#) Peer Assistance and Review

[35.11:](#) Implementation and Reporting

[View All Sections](#)

Most Recently Amended by the Board of Elementary and Secondary Education: December 17, 2013.

35.01: Scope, Purpose, and Authority

(1) 603 CMR 35.00 is adopted pursuant to authority granted to the Board of Elementary and Secondary Education in M.G.L. c.69, §1B and c.71, §38.

(2) The specific purposes of evaluation under M.G.L. c.71, §38 and 603 CMR 35.00 are:

- (a) to promote student learning, growth, and achievement by providing educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, and
- (b) to provide a record of facts and assessments for personnel decisions.

(3) The purpose of 603 CMR 35.00 is to ensure that every school committee has a system to enhance the professionalism and accountability of teachers and administrators that will enable them to assist all students to perform at high levels. 603 CMR 35.00 sets out the principles of evaluation for Massachusetts public schools and districts. 603 CMR 35.00 requires that school committees establish a rigorous and comprehensive evaluation process for teachers and administrators, consistent with these principles, to assure effective teaching and administrative leadership in the Commonwealth's public schools.

(4) The regulations on evaluation of educators, 603 CMR 35.00, constitute the principles of evaluation established by the Board of Elementary and Secondary Education.

35.02: Definitions

As used in 603 CMR 35.00, unless the context clearly requires otherwise, terms shall have the following meanings:

Administrator shall mean any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.09(1) through (5) or who has been approved as an administrator in the area of vocational education as provided in 603 CMR 4.00 *et seq.* or who is employed in a comparable position in a collaborative, and who is not employed under an individual employment contract.

Artifacts shall mean products of an educator's work that demonstrate knowledge and skills of the educator with respect to specific performance standards.

Board shall mean the Board of Elementary and Secondary Education or a person duly authorized by the Board.

Commissioner shall mean the Commissioner of Elementary and Secondary Education or his designee.

Common Assessments shall mean identical or comparable assessments of student learning, growth, and achievement related to the Massachusetts Curriculum Frameworks, Massachusetts Vocational Technical Education Frameworks, or other relevant frameworks used by educators in the same role across the district. These assessments may be commercial assessments or district developed, and may include, but are not limited to: portfolios, pre- and post tests, unit and course assessments, performance assessments, and capstone projects.

Department shall mean the Department of Elementary and Secondary Education.

~~*District-determined Measures* shall mean measures of student learning, growth, and achievement related to the Massachusetts Curriculum Frameworks, Massachusetts Vocational Technical Education Frameworks, or other relevant frameworks, that are comparable across grade or subject level district-wide. These measures may include, but shall not be limited to: portfolios, approved commercial assessments and district developed pre and post unit and course assessments, and capstone projects.~~

Educator Plan shall mean the growth or improvement actions identified as part of each educator's evaluation. The type and duration of the plan shall be determined by the evaluator. The Educator Plan shall include, but is not limited to, at least one goal related to the improvement of practice, one goal for the improvement of student learning, an action plan with benchmarks for goals established in the Plan, and the evaluator's final assessment of the educator's attainment of the goals. All elements of the Educator Plan are subject to the evaluator's approval. There shall be four types of Educator Plans:

- *Developing Educator Plan* shall mean a plan, developed by the educator and the evaluator for one school year or less for an administrator in the first three years in a district; or for a teacher without Professional Teacher Status; or, at the discretion of an evaluator, for an educator in a new assignment.
- *Self-directed Growth Plan* shall mean a plan of one or two school years for experienced educators who are rated proficient or exemplary, developed by the educator.
- *Directed Growth Plan* shall mean a plan of one school year or less for educators who are in need of improvement, developed by the educator and the evaluator.
- *Improvement Plan* shall mean a plan of at least thirty calendar days and no more than one school year for educators who are rated unsatisfactory, developed by the evaluator with goals specific to improving the educator's unsatisfactory performance.

Educator(s) shall mean teacher(s) and administrator(s).

Evaluation shall mean the ongoing process of defining goals and identifying, gathering and using information to improve professional performance (the "formative evaluation" and "formative assessment") and to assess total job effectiveness and make personnel decisions (the "summative evaluation").

Evaluator shall mean any person designated by a superintendent who has responsibility for evaluation.

Expected Impact shall mean the educator meets or exceeds anticipated student learning gains on multiple measures of student learning, growth, and achievement. The evaluator shall use professional judgment to determine whether the educator is having expected impact on student learning, based on student learning gains on common assessments and, where available, statewide student growth measures. The evaluator's professional judgment may include, but is not limited to, consideration of the educator's student

population and specific learning context. Anticipated student learning gains must be consistent across the district for common assessments and agreed upon by the educator and evaluator for other assessments. The Department shall establish anticipated student learning gains for statewide student growth measures in guidance.

~~Experienced Educator~~ shall mean an administrator with more than three years in an administrative position in the school district or a teacher with Professional Teacher Status.

Family shall mean parents, legal guardians, or primary caregivers.

Formative Assessment shall mean the process used to assess progress towards attaining goals set forth in educator plans, performance on performance standards, or both. This process may take place at any time(s) during the cycle of evaluation.

Formative Evaluation shall mean an evaluation at the end of year one for educators on two-year self-directed plans used to arrive at a rating on progress towards attaining the goals set forth in the plans, performance on performance standards, or both.

Goal shall mean a specific, actionable, and measurable area of improvement as set forth in an educator's plan. A goal may pertain to any or all of the following: educator practice in relation to performance standards, educator practice in relation to indicators, or specified improvement in student learning, growth, and achievement. Goals may be developed by individual educators, by the evaluator, or by teams, departments, or groups of educators who have the same role.

~~Impact on Student Learning shall mean at least the trend in student learning, growth, and achievement and may also include patterns in student learning, growth, and achievement.~~

Measurable shall mean that which can be classified or estimated, in relation to a scale, rubric, or standards.

Model System shall mean the comprehensive educator evaluation system designed and updated as needed by the Department, as an exemplar for use by districts. The Model System shall include tools, guidance, rubrics, and contract language developed by the Department that satisfy the requirements of 603 CMR 35.00.

Multiple Measures shall include a combination of classroom, school, and district assessments and student growth percentiles where available.

Observation shall mean a data gathering process that includes notes and judgments made during one or more classroom or worksite visit(s) of any duration by the evaluator and may include examination of artifacts of practice. An observation may occur in person or through video.

~~Patterns shall mean consistent results from multiple measures.~~

Performance Rating shall be used to describe the educator's performance. There shall be four performance ratings:

- *Exemplary* shall mean that the educator's performance consistently and significantly exceeds the requirements of a standard or overall.

- *Proficient* shall mean that the educator's performance fully and consistently meets the requirements of a standard or overall.
- *Needs improvement* shall mean that the educator's performance on a standard or overall is below the requirements of a standard or overall, but is not considered to be unsatisfactory at this time. Improvement is necessary and expected.
- *Unsatisfactory* shall mean that the educator's performance on a standard or overall has not significantly improved following a rating of needs improvement, or the educator's performance is consistently below the requirements of a standard or overall and is considered inadequate, or both.

Performance Standards shall mean the performance standards locally developed pursuant to M.G.L. c.71, §38 and consistent with, and supplemental to, 603 CMR 35.00.

Professional Teacher Status or PTS shall mean the status granted to a teacher pursuant to M.G.L. c.71, §41.

Rubric shall mean a scoring tool that describes characteristics of practice or artifacts at different levels of performance.

School Committee shall mean the school committee in all cities, towns, and regional school districts, local and district trustees for vocational education, educational collaborative boards, boards of trustees for the county agricultural schools, and the boards of trustees of charter schools.

Standards and Indicators shall mean the Standards and Indicators of Effective Teaching Practice, 603 CMR 35.03 and the Standards and Indicators of Effective Administrative Leadership Practice, 603 CMR 35.04.

Summative Evaluation shall mean an evaluation used to arrive at a rating on each standard, an overall rating, and as a basis to make personnel decisions. The summative evaluation includes the evaluator's judgments of the educator's performance against performance standards and the educator's attainment of goals set forth in the educator's plan.

Superintendent shall mean the person employed by the school committee pursuant to M.G.L. c.71, §59 or §59A. The superintendent is responsible for the implementation of 603 CMR 35.00. The superintendent shall be evaluated by the school committee pursuant to 603 CMR 35.00 and such other standards as may be established by the school committee.

Teacher shall mean any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.04(3) or who has been approved as an instructor in the area of vocational education as provided in 603 CMR 4.00 *et seq.* or who is employed in a comparable position in a collaborative.

~~*Trends shall be based on at least two years of data.*~~

35.03: Standards and Indicators of Effective Teaching Practice

School committees shall establish evaluation systems and Performance Standards for the evaluation of all teachers that include all of the principles of evaluation, set forth in 603 CMR 35.00-35.11. School committees may supplement the standards and indicators in 603 CMR 35.03 with additional measurable performance standards and indicators consistent with state law and collective bargaining agreements

where applicable. The district shall adapt the indicators based on the role of the teacher to reflect and to allow for significant differences in assignments and responsibilities. The district shall share the Performance Standards with teachers employed by the district.

(1) Curriculum, Planning, and Assessment standard: Promotes the learning and growth of all students by providing high quality and coherent instruction, designing and administering authentic and meaningful student assessments, analyzing student performance and growth data, using this data to improve instruction, providing students with constructive feedback on an on-going basis, and continuously refining learning objectives.

(a) Curriculum and Planning indicator: Knows the subject matter well, has a good grasp of child development and how students learn, and designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes.

(b) Assessment indicator: Uses a variety of informal and formal methods of assessment to measure student learning, growth, and understanding, develop differentiated and enhanced learning experiences, and improve future instruction.

(c) Analysis indicator: Analyzes data from assessments, draws conclusions, and shares them appropriately.

(2) Teaching All Students standard: Promotes the learning and growth of all students through instructional practices that establish high expectations, create a safe and effective classroom environment, and demonstrate cultural proficiency.

(a) Instruction indicator: Uses instructional practices that reflect high expectations regarding content and quality of effort and work, engage all students, and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness.

(b) Learning Environment indicator: Creates and maintains a safe and collaborative learning environment that values diversity and motivates students to take academic risks, challenge themselves, and claim ownership of their learning.

(c) Student Learning indicator: -Consistently Demonstrates expected impact on student learning based on multiple measures of student learning, growth, and achievement. -For teachers who are responsible for direct instruction, these measures must include student progress on common assessments and, where available, statewide student growth measures.

(de) Cultural Proficiency indicator: Actively creates and maintains an environment in which students' diverse backgrounds, identities, strengths, and challenges are respected.

(ed) Expectations indicator: Plans and implements lessons that set clear and high expectations and make knowledge accessible for all students.

(3) Family and Community Engagement standard: Promotes the learning and growth of all students through effective partnerships with families, caregivers, community members, and organizations.

(a) Engagement indicator: Welcomes and encourages every family to become active participants in the classroom and school community.

(b) Collaboration indicator: Collaborates with families to create and implement strategies for supporting student learning and development both at home and at school.

(c) Communication indicator: Engages in regular, two-way, and culturally proficient communication with families about student learning and performance.

(4) Professional Culture standard: Promotes the learning and growth of all students through ethical, culturally proficient, skilled, and collaborative practice.

(a) Reflection indicator: Demonstrates the capacity to reflect on and improve the educator's own practice, using informal means as well as meetings with teams and work groups to gather information, analyze data, examine issues, set meaningful goals, and develop new approaches in order to improve teaching and learning.

(b) Professional Growth indicator: Actively pursues professional development and learning opportunities to improve quality of practice or build the expertise and experience to assume different instructional and leadership roles.

(c) Collaboration indicator: Collaborates effectively with colleagues on a wide range of tasks.

(d) Decision-making indicator: Becomes involved in school-wide decision-making, and takes an active role in school improvement planning.

(e) Shared Responsibility indicator: Shares responsibility for the performance of all students within the school.

(f) Professional Responsibilities indicator: Is ethical and reliable, and meets routine responsibilities consistently.

35.04: Standards and Indicators of Effective Administrative Leadership Practice

School committees shall establish evaluation systems and performance standards for the evaluation of administrators that include all of the principles of evaluation, set forth in 603 CMR 35.00-35.11. School committees may supplement the standards and indicators in 603 CMR 35.04 with additional measurable performance standards consistent with state law and collective bargaining agreements where applicable. The district shall adapt the indicators based on the role of the administrator to reflect and allow for significant differences in assignment and responsibilities. The district shall share the performance standards with all administrators.

(1) Instructional Leadership standard: Promotes the learning and growth of all students and the success of all staff by cultivating a shared vision that makes effective teaching and learning the central focus of schooling.

(a) Curriculum indicator: Ensures that all teachers design effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes.

(b) Instruction indicator: Ensures that instructional practices in all settings reflect high expectations regarding content and quality of effort and work, engage all students, and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness.

(c) Assessment indicator: Ensures that all teachers use a variety of formal and informal methods and assessments to measure student learning, growth and understanding, and also make necessary adjustments to their practice when students are not learning.

(d) Evaluation indicator: Provides effective and timely supervision and evaluation in alignment with state regulations and contract provisions, including:

1. Ensures educators pursue meaningful, actionable, and measurable professional practice and student learning goals.
2. Makes frequent unannounced visits to classrooms and gives targeted and constructive feedback to teachers.
3. Exercises sound judgment in assigning ratings for performance ~~and impact on student learning~~.

4. Reviews alignment between judgment about practice and data about student learning, growth, or achievement when evaluating and rating educators and understands that the supervisor has the responsibility to confirm the rating in cases where a discrepancy exists.

(e) Data-informed Decision-making indicator: Uses multiple sources of evidence related to student learning, including state, district, and school assessment results and growth data, to inform school and district goals and improve organizational performance, educator effectiveness, and student learning.

(f) Student Learning indicator: ~~Consistently~~ Demonstrates expected impact on student learning based on multiple measures of student learning, growth, and achievement, including student progress on common assessments and statewide student growth measures where available.

(2) Management and Operations standard: Promotes the learning and growth of all students and the success of all staff by ensuring a safe, efficient, and effective learning environment, using resources to implement appropriate curriculum, staffing, and scheduling.

(a) Environment indicator: Develops and executes effective plans, procedures, routines and operational systems to address a full range of safety, health, emotional, and social needs of students.

(b) Human Resources Management and Development indicator: Implements a cohesive approach to recruitment, hiring, induction, development, and career growth that promotes high quality and effective practice.

(c) Scheduling and Management Information Systems indicator: Uses systems to ensure optimal use of time for teaching, learning and collaboration.

(d) Laws, Ethics and Policies indicator: Understands and complies with state and federal laws and mandates, school committee policies, collective bargaining agreements, and ethical guidelines.

(e) Fiscal Systems indicator: Develops a budget that supports the district's vision, mission and goals; allocates and manages expenditures consistent with district/school level goals and available resources.

(3) Family and Community Engagement standard: Promotes the learning and growth of all students and the success of all staff through effective partnerships with families, community organizations, and other stakeholders that support the mission of the school and district.

(a) Engagement indicator: Actively ensures that all families are welcome members of the classroom and school community and can contribute to the classroom, school, and community's effectiveness.

(b) Sharing Responsibility indicator: Continuously collaborates with families to support student learning and development both at home and at school.

(c) Communication indicator: Engages in regular, two-way, culturally proficient communication with families about student learning and performance.

(d) Family Concerns indicator: Addresses family concerns in an equitable, effective, and efficient manner.

(4) Professional Culture standard: Promotes success for all students by nurturing and sustaining a school culture of reflective practice, high expectations, and continuous learning for staff.

(a) Commitment to High Standards indicator: Fosters a shared commitment to high standards of teaching and learning with high expectations for achievement for all, including:

1. Mission and Core Values: Develops, promotes, and secures staff commitment to core values that guide the development of a succinct, results-oriented mission statement and ongoing decision-making.

2. Meetings: Plans and leads well-run and engaging meetings that have clear purpose, focus on matters of consequence, and engage participants in a thoughtful and productive series of conversations and deliberations about important school matters.

(b) Cultural Proficiency indicator: Ensures that policies and practices enable staff members and students to contribute to and interact effectively in a culturally diverse environment in which students' backgrounds, identities, strengths, and challenges are respected.

(c) Communications indicator: Demonstrates strong interpersonal, written, and verbal communication skills

(d) Continuous Learning indicator: Develops and nurtures a culture in which all staff members are reflective about their practice and use student data, current research, best practices and theory to continuously adapt instruction and achieve improved results. Models these behaviors in the administrator's own practice.

(e) Shared Vision indicator: Successfully and continuously engages all stakeholders in the creation of a shared educational vision in which every student is prepared to succeed in postsecondary education and careers, and can become responsible citizens and community contributors.

(f) Managing Conflict indicator: Employs strategies for responding to disagreement and dissent, constructively resolving conflict, and building consensus throughout a district/school community.

35.05: Evaluation of Administrators under Individual Employment Contracts

Districts shall have a system of evaluation for administrators under individual employment contracts that reflects the purposes in 603 CMR 35.01(2), and adapts the Standards and Indicators for Effective Administrative Leadership Practice and the procedures in 603 CMR 35.04-35.11 as applicable to the role and contract of the administrator. 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, §§ 41 and 42.

35.06: Evaluation Cycle

(1) School committees shall adopt either the Model System designed and regularly updated by the Department, or a locally developed system that is consistent with these principles. The evaluation system shall include the evaluation cycle set forth in 603 CMR 35.06.

(2) The evaluation cycle shall include self-assessment addressing Performance Standards established through collective bargaining or included in individual employment contracts.

(a) Each educator shall be responsible for gathering and providing to the evaluator information on the educator's performance, which shall include:

1. an analysis of evidence of student learning, growth, and achievement for students under the educator's responsibility;
2. an assessment of practice against Performance Standards; and
3. proposed goals to pursue to improve practice and student learning, growth, and achievement.

(b) The educator shall provide such information, in the form of self-assessment, in a timely manner to the evaluator at the point of goal setting and plan development.

(c) The evaluator shall consider the information provided by the educator and all other relevant information.

(3) The evaluation cycle shall include goal setting and development of an Educator Plan.

(a) Evaluators shall use evidence of educator performance and impact on student learning, growth, and achievement in goal setting with the educator based on the educator's self-assessment and other sources that the evaluator shares with the educator.

(b) Evaluators and educators shall consider creating goals for teams, departments, or groups of educators who share responsibility for student results.

(c) The evaluator retains final authority over goals to be included in an educator's plan.

(d) Educator Plans shall be designed to provide educators with feedback for improvement, professional growth, and leadership; and to ensure educator effectiveness and overall system accountability.

(e) During the development of the Educator Plan, evaluators shall communicate clear expectations for educator impact, including but not limited to anticipated student learning gains for the multiple measures that will be used as evidence of educator performance. Anticipated student learning gains must be consistent across the district for common assessments and agreed upon by the educator and evaluator for other classroom assessments. The Department shall establish anticipated student learning gains for statewide student growth measures in guidance.

(e) An educator shall be placed on an Educator Plan based on his or her overall rating ~~and his or her impact on student learning, growth and achievement~~, provided that educators who have not yet earned Professional Teacher Status and any other employee at will shall be placed on an Educator Plan solely at the discretion of the district.

1. The Developing Educator Plan is for all administrators in their first three years with the district, teachers without Professional Teacher Status, and, at the discretion of the evaluator, educators in new assignments.

2. The Self-directed Growth Plan is for all experienced educators rated Exemplary or Proficient. For educators whose impact on student learning is at least expected either moderate or high, the Educator Plan may be for up to two years. For all experienced educators rated Exemplary or Proficient whose impact on student learning is less than expected low, the evaluator shall review and discuss the educator's impact on student learning with the educator, and the Educator Plan shall be for one year and shall include one or more goals related to student learning developed on the basis of an analysis of the educator's professional practice.

3. Directed Growth Plan for all experienced educators rated Needs Improvement.

4. Improvement Plan for all experienced educators rated Unsatisfactory.

(f) All Educator Plans shall meet the following requirements:

1. Include a minimum of one goal to improve the educator's professional practice tied to one or more Performance Standards.

2. Include a minimum of one goal to improve the learning, growth and achievement of the students under the educator's responsibility.

3. Outline actions the educator must take to attain these goals, including but not limited to specified professional development activities, self-study, and coursework, as well as other supports that may be suggested by the evaluator or provided by the school or district.

4. Be aligned to statewide Standards and Indicators in 603 CMR 35.00 and local Performance Standards.

5. Be consistent with district and school goals.

(4) The evaluation cycle shall include implementation of the Educator Plan. It is the educator's responsibility to attain the goals in the plan and to participate in any trainings and professional development provided through the state, district, or other providers in accordance with the Educator Plan.

(5) The evaluation cycle shall include a formative assessment or a formative evaluation.

(a) The formative assessment may be ongoing throughout the evaluation cycle, but typically takes place at mid-cycle.

(b) For an experienced educator rated proficient or higher and whose impact on student learning is moderate or high at least expected educator on a two-year Self-directed Growth Plan, a formative evaluation takes place at the end of the first year of the two-year cycle. The educator's rating for that year shall be assumed to be the same as the previous summative rating unless evidence demonstrates a significant change in performance in which case the rating on Performance Standards may change.

(c) The educator shall have the opportunity to respond in writing to the formative assessment or evaluation.

(d) If an educator receives a formative assessment or formative evaluation that differs from the summative rating the educator had received at the beginning of the evaluation cycle, the evaluator may place the educator on a different educator plan, appropriate to the new rating.

(6) The evaluation cycle shall include a summative evaluation, in which the evaluator determines an overall rating of educator performance based on the evaluator's professional judgment and an examination of evidence that demonstrates the educator's performance against Performance Standards and evidence of the attainment of the Educator Plan goals. The educator shall have the opportunity to respond in writing to the summative evaluation.

(7) Evidence of the experienced educator's impact on the learning, growth, and achievement of the students under the educator's responsibility, together with the summative evaluation rating performance, shall be used as follows:

(a) For any experienced educator who receives an evaluation rating of Exemplary or Proficient, the district shall take the following actions:

1. For the educator whose impact on student learning is at least expected either moderate or high, the evaluator shall apply professional judgment to the evidence to place the educator on a one- or two-year Self-directed Growth Plan.

a. For educators placed on two-year Self-directed Growth plans:

1. The educator shall receive a summative evaluation at least every two years.
2. The educator may shall receive a formative evaluation at the end of the first year of the Educator Plan.
3. The educator may be eligible for additional roles, responsibilities and compensation, as determined by the district and through collective bargaining, where applicable.

b. For the educator whose impact on student learning is less than expected low, the evaluator shall place the educator on a Self-directed Growth Plan. For educators placed on a one-year Self-directed Growth plan:

1. The educator and evaluator shall analyze ~~the any~~ discrepancy~~ies~~ in practice and student performance ~~measures~~ and seek to determine the cause(s) of such discrepancy~~ies~~.
- ~~1.2.~~ ~~The educator and evaluator shall discuss any aspects of practice that should be the focus of the plan.~~
- ~~2.3.~~ The plan shall be for one school year in duration.
- ~~3.4.~~ The plan may include a goal related to examining elements of practice that ~~may be contributing-contributed to less than expected~~ ~~low the evaluator's decision to assign the educator to a one-year plan~~ ~~impact~~.
- ~~4.5.~~ The educator shall receive a summative evaluation at the end of the period determined in the plan, but at least annually.

(b) For any experienced educator who receives an evaluation rating of Needs Improvement, the district shall place the educator on a Directed Growth Plan.

1. The educator shall receive a summative evaluation at the end of the period determined in the Plan.
2. The educator must either earn at least a proficient rating in the summative evaluation, or shall be rated Unsatisfactory, and shall be placed on an improvement plan.

(c) For any experienced educator who receives an evaluation rating of Unsatisfactory, the district shall place the educator on an Improvement Plan. The educator shall receive a summative evaluation at the end of the period determined by the evaluator for the Plan.

(8) A teacher without professional teacher status, an administrator in the first three years in a position in a district, or an educator in a new assignment, may be placed on a Developing Educator Plan. The educator shall be evaluated at least annually. The existence of a plan shall not abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law.

(9) 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, §§ 41 and 42.

35.07: Evidence Used in Evaluation

(1) The following categories of evidence shall be used in evaluating each educator:

(a) ~~For educators responsible for direct instruction, M~~ multiple measures of student learning, growth, and achievement, which shall include:

1. Measures of student progress on classroom assessments that are aligned with the Massachusetts Curriculum Frameworks or other relevant frameworks and are comparable within grades or subjects in a school;
2. Measures of student progress on learning goals set between the educator and evaluator for the school year;
3. Statewide growth measure(s) where available, including the MCAS Student Growth Percentile and the Massachusetts English proficiency assessment.
4. ~~Common assessments of student learning, growth, and achievement~~ ~~District-determined Measure(s)-of student learning comparable across grade or subject-district-wide.~~

(b) For educators whose primary role is not as a classroom teacher, the appropriate measures of the educator's contribution to student learning, growth, and achievement set by the district.

(bc) Judgments based on observations and artifacts of professional practice, including unannounced observations of practice of any duration;

(ed) Additional evidence relevant to one or more Performance Standards, including, but not limited to:

1. Evidence compiled and presented by the educator including:
 - a. Evidence of fulfillment of professional responsibilities and growth, such as: self-assessments; peer collaboration; professional development linked to goals and educator plans; contributions to the school community and professional culture;
 - b. Evidence of active outreach to and ongoing engagement with families.
2. Student feedback (with respect to teachers and support personnel) collected by the district, ~~starting in the 2013-2014 school year. On or before July 1, 2013, the Department shall identify one or more instruments for collecting student feedback and shall publish protocols for administering the instrument(s), protecting student confidentiality, and analyzing student feedback. In the 2011-2012 and 2012-2013 school years, districts are encouraged to pilot new systems, and to continue using and refining existing systems, for collecting and analyzing student feedback as part of educator evaluation.~~
3. Staff feedback (with respect to administrators) collected by the district, ~~starting in the 2013-2014 school year. On or before July 1, 2013, the Department shall identify one or more instruments for collecting staff feedback and shall publish protocols for administering the instrument(s), protecting staff confidentiality, and analyzing staff feedback. In the 2011-2012 and 2012-2013 school years, districts are encouraged to pilot new systems, and to continue using and refining existing systems, for collecting and analyzing staff feedback as part of administrator evaluation.~~
4. The Department shall research the feasibility and possible methods for districts to collect and analyze parent feedback as part of educator evaluation ~~and shall issue a report and recommendation on or before July 1, 2013.~~
5. Any other relevant evidence from any source that the evaluator shares with the educator.

(2) Evidence and professional judgment shall inform:-

~~(a) the evaluator's ratings of Performance Standards and overall educator performance;~~ and

~~(b) the evaluator's assessment of the educator's impact on the learning, growth, and achievement of the students under the educator's responsibility.~~

35.08: Performance Level Ratings

(1) Each educator shall receive one of four ratings on each Performance Standard and overall.

- (a) Exemplary
- (b) Proficient
- (c) Needs Improvement
- (d) Unsatisfactory

(2) In rating educators on Performance Standards for the purposes of either formative assessment, formative evaluation, or summative 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 and reviewed by the Department.

(3) The summative evaluation rating must be based on evidence from multiple categories of evidence. MCAS growth scores cannot be the sole basis for a summative evaluation rating.

(4) To be rated Proficient overall, a teacher shall, at a minimum, have been rated Proficient on the Curriculum, Planning, and Assessment and the Teaching all Students standards for teachers, 603 CMR 35.03(1) and 35.03(2).

(5) To be rated Proficient overall, an administrator shall, at a minimum, have been rated Proficient on the Instructional Leadership standard for administrators, 603 CMR 35.04(1).

(6) Professional teacher status, pursuant to G.L. ch. 71, § 41, should be granted only to educators who have achieved ratings of proficient or exemplary on each Performance Standard and overall. A principal considering making an employment decision that would lead to professional teacher status for any educator who has not been rated proficient or exemplary on each Performance Standard and overall on the most recent evaluation shall confer with the superintendent of schools by May 1. The principal's decision is subject to review and approval by the superintendent.

(7) Educators whose summative performance rating is exemplary **and whose impact on student learning is rated moderate or high at least expected shall** ~~may~~ be recognized and rewarded with leadership roles, promotion, additional compensation, public commendation or other acknowledgement.

~~(8) Where there is a discrepancy between the rating an evaluator has provided for an educator on the Teaching all Students Standard and evidence of the educator's impact on student learning, growth and achievement, the evaluator's supervisor shall discuss the discrepancy with the evaluator. The evaluator's supervisor may note the discrepancy as a factor in the evaluator's evaluation.~~

~~35.09: Student Performance Measures~~

~~(1) Student Performance Measures as described in 603 CMR 35.07(1)(a)(3-5) shall be the basis for determining an educator's impact on student learning, growth, and achievement.~~

~~(2) The evaluator shall determine whether an educator is having a high, moderate, or low impact on student learning based on trends and patterns in the following student performance measures:~~

~~(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, as follows:~~

- ~~1. MCAS Student Growth Percentile and the Massachusetts English Proficiency Assessment (MEPA) shall be used as measures where available, and~~
- ~~2. Additional District determined Measures comparable across schools, grades, and subject matter district wide as determined by the superintendent may be used in conjunction with MCAS Student Growth Percentiles and MEPA scores to meet this requirement, and shall be used when either MCAS growth or MEPA scores are not available.~~

~~(b) For educators whose primary role is not as a classroom teacher, appropriate measures of their contribution to student learning, growth, and achievement shall be determined by the district.~~

~~(3) Based on a review of trends and patterns of state and district measures of student learning gains, the evaluator will assign the rating on growth in student performance consistent with Department guidelines:~~

~~(a) A rating of *high* indicates significantly higher than one year's growth relative to academic peers in the grade or subject.~~

~~(b) A rating of *moderate* indicates one year's growth relative to academic peers in the grade or subject.~~

~~(c) A rating of *low* indicates significantly lower than one year's student learning growth relative to academic peers in the grade or subject.~~

~~(4) For an educator whose overall performance rating is exemplary or proficient and whose impact on student learning is low, the evaluator's supervisor shall discuss and review the rating with the evaluator and the supervisor shall confirm or revise the educator's rating. In cases where the superintendent serves as the evaluator, the superintendent's decision on the rating shall not be subject to such review. 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.~~

35.109: Peer Assistance and Review

(1) Districts may develop and implement Peer Assistance and Review Programs (PAR) through the collective bargaining process.

35.101:

~~(1) 603 CMR 35.00 shall take effect according to the following schedule:~~

~~(a) Districts with Level 4 schools, as defined in 603 CMR 2.05, shall adopt and implement in the Level 4 schools evaluation systems consistent with 603 CMR 35.00 for the 2011-2012 school year.~~

~~(b) Districts that are participating in the Commonwealth's Race to the Top activities shall adopt and implement evaluation systems consistent with 603 CMR 35.00 for the 2012-2013 school year.~~

~~(c) All school districts shall adopt and implement evaluation systems consistent with 603 CMR 35.00 by the beginning of the 2013-2014 school year.~~

~~(d) A district may phase in implementation of its new evaluation system over a two-year period, with at least half of its educators being evaluated under the new system in the first year.~~

~~(2)(1) All evaluation systems and changes to evaluation systems shall be subject to the Department's review to ensure the systems are consistent with the Boards' Principles of Evaluation. A District may continue to use its existing an evaluation system that it had submitted for review under 603 CMR 35.00 until the District has fully implemented its new system.~~

~~(32) The model system developed by the Department need not be submitted for review under 603 CMR 35.00 if the district implements it as written.~~

~~(4) By September 2013, each district shall identify and report to the Department a district-wide set of student performance measures for each grade and subject that permit a comparison of student learning gains.~~

- ~~(a) The student performance measures shall be consistent with 603 CMR 35.09(2).~~
~~(b) By July 2012, the Department shall supplement these regulations with additional guidance on the development and use of student performance measures.~~
~~(c) Until such measures are identified and data is available for at least two years, educators will not be assessed as having high, moderate, or low impact on student learning outcomes consistent with 603 CMR 35.09(3).~~

(52) 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, including, but not limited to:

- (a) the educator's performance rating on each standard and overall; and
(b) the educator has Professional Teacher Status.
~~(c) the educator's impact on student learning, growth, and achievement (high, moderate, low).~~

(63) Any data or information that school districts or the Department or both create, send, or receive 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 assessment or evaluation 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.

(74) The superintendent is responsible for ensuring that all evaluators have training in the principles of supervision and evaluation. All evaluations should be free of racial, sexual, religious, and other illegal discrimination and biases as defined in state and federal laws.

(85) Nothing in these regulations shall abridge the provisions of the Massachusetts General Laws, including M.G.L. c. 69, c. 71 and c. 150E.

(96) If any section or portion of a section of 603 CMR 35.00, or the applicability of 603 CMR 35.00 to any person, entity, or circumstance is held invalid by a court, the remainder of 603 CMR 35.00 or the applicability of such provisions to other persons, entities, or circumstances shall not be affected thereby.

(107) The Commissioner may, for good cause, modify the dates set forth in 603 CMR 35.00, including establishing new schedules for implementing regulatory requirements. Good cause may include the need to provide districts additional time in order to pilot for a limited period certain provisions of 603 CMR 35.00. The Commissioner shall provide notice of all such changes.

Regulatory Authority:

603 CMR 35.00: M.G.L. c.69, §1B; c.71, §38