



May 18, 2018

To: Erica Gonzales
Massachusetts Department of Elementary and Secondary Education

From: Barbara Madeloni, MTA President

Subject: Public Comment on proposed amendments to 603 CMR 2.00

The following public comments on proposed amendments to 603 CMR 2.00: School and District Accountability are submitted on behalf of the 110,000 members of the Massachusetts Teachers Association.

The MTA has consistently sent clear messages to the Department and Board of Elementary and Secondary Education that the state's accountability system should be supportive and not punitive; should include a broad range of clear, simple and generally recognized goals and indicators of quality schools; and should focus on an honest, authentic, inclusive and locally based process to identify and provide the assistance and resources that struggling schools need. The proposed regulations and system do not incorporate any of these principles.

Consequently, the Massachusetts Teachers Association does not support the proposed amendments or the accountability system as described in the spring 2018 PowerPoint that was presented to the BESE on May 14.

Approving the proposed regulations and the details described in the DESE PowerPoint would be a substantial setback to addressing the shortcomings of the existing system. Rather than move forward with another version of an inscrutable and punitive accountability system, the BESE should direct the DESE to undertake an overhaul of the state's approach to accountability and assistance.

We offer the following specific comments on the process and content of the proposed regulations and PowerPoint:

PROCESS

The proposed regulatory changes represent a peculiar approach to regulation: The proposed changes replace a good deal of specificity in the current regulations with vague language. Apparently, the BESE intends to vote both on the proposed regulatory changes and the accountability system based on what is detailed in a PowerPoint document. This approach subverts the regulatory process and eliminates any requirement for public feedback on future changes to the system, since such changes may be made outside of the regulatory process.

While the PowerPoint document provides more detail than the regulations, it still lacks clear explanations of how the system will work. For example, there are no details on how targets for each indicator will be calculated, nor is there any description of what kinds of support will be offered for schools in the three listed categories. "Focused, targeted support," "intervention" and "broad, comprehensive support" are all undefined in the PowerPoint.

Further, the details of the system are apparently still in flux: For example, a substantial change in school categories was introduced at the BESE's May 14 meeting, almost two months after the BESE voted to solicit public comment on the regulatory changes.

This review process is completely inadequate for a system that has substantial impacts on students, families, educators and communities. All of these stakeholders deserve an opportunity to understand and react to proposed changes. Instead, they have been offered vague concepts and imprecise language.

CONTENT

As the proposals stand, the regulatory amendments and the PowerPoint represent another disappointing chapter in the history of accountability in Massachusetts public schools. The promise that the Every Student Succeeds Act would allow a more transparent, simplified process of identifying schools in need of assistance, expanding the definition of a successful school and establishing policy initiatives that focus on assisting schools that need help has not been realized.

The need for an overhaul of the Massachusetts accountability policy was clearly supported by attendees at the public forums that DESE conducted across the state and is strongly endorsed by MTA members. Instead, these regulations and the related system merely tinker at the edges of the current system.

The approach does not begin to address the fundamental problem of how to assist struggling schools or, once the necessary assistance has been identified, how to obtain the resources required to provide it. The mixed results of the current system are persuasive evidence that an overhaul is needed. Only about 25 of the 65 schools that have been designated Level 4 since 2010 have been released from their "underperforming" label. Only one of those schools is now ranked above the 50th percentile of schools; only about six schools have seen their rankings increase.

Staff turnover in many underperforming and chronically underperforming schools and districts is alarming. Working conditions that attract and retain experienced, qualified and skilled educators do not exist in many of these schools.

Our policy approach needs to be flipped: Spend more time on assistance and resources to create high-quality schools and less time on complicated and inscrutable metrics designed to categorize them. We should not embark on another magical metrical tour that does not address how to provide assistance to struggling schools.

For all its monolithic complexity, the existing accountability system simply managed to differentiate schools primarily on indicators that correlate closely with socioeconomic characteristics and fiscal capacity. There is no evidence that the proposed Rube Goldberg device of new indicators, calculations, weightings and categorizations will be any different. The accountability system that is outlined in these regulations and that is specified by the DESE PowerPoint is just another disappointing continuation of the inequity and discriminatory impact of our current system.

We strongly urge the BESE and the commissioner to hold off on approving these regulations and to rethink the design, focus and implementation schedule of the proposed accountability system. While some BESE members and the commissioner have acknowledged that the system will need to be evaluated and adjusted after the first year of its implementation, it does not seem prudent to move forward with a system that has substantial shortcomings built into the design.

SPECIFIC COMMENTS ON PROPOSED AMENDMENTS TO 603 CMR 2.00

1. 2.03: Accountability and Assistance for All Districts and Schools

(9) Notice and Consultation

The regulations create a process for future changes to the system that eliminates any requirement for public input since the changes will be made not to regulations but to a sub-regulatory “system” under the oversight of the DESE and the BESE and outside of any public input requirements. Historically, most BESE and DESE discussions about the design and implementation of the accountability system have suffered from a lack of honest information about their impact on students, schools, districts, educators and the community at large. This approach exacerbates this situation by replacing inadequate review and public comment with none at all.

The regulations should require a formal, credible, ongoing review process by stakeholders that would begin immediately to ensure that the actual impacts of the accountability system on students, schools, districts, educators and communities are documented. This stakeholder group, selected by the school community, should be asked to review and report to the BESE on any proposed changes.

A minimum 60-day public input process should be required for any proposed changes to the accountability system.

2. Underperforming Districts

First, there is no language in either M.G.L. c. 69 §IJ or M.G.L. c. 69 §IK about “underperforming districts.” The only references to “underperforming districts” appear in the DESE regulations. Given that all districts that were grandfathered in as “underperforming districts” under previous accountability systems are either now “chronically underperforming” or no longer underperforming, there is no argument to continue this designation. It is not supported by statute and consequently, the DESE has no authority to intervene or set requirements (including requiring turnaround plans) for districts that are not chronically underperforming.

All references to “underperforming districts” should be eliminated.

3. Underperforming Schools

Another instance in which the regulations are in conflict with statute concerns the DESE’s authority relative to underperforming schools. The clear intention of the Achievement Gap Act of 2010 was that schools designated by the commissioner as “underperforming” would have a period of time – typically three years – to develop and implement a turnaround plan, with authority to oversee that work assigned to the superintendent. Schools that did not improve sufficiently could then be designated “chronically underperforming” and the commissioner would have authority to direct their improvement efforts.

However, these regulations (603 CMR 2.05 (5)(c)) give the commissioner authority to supersede the superintendent’s statutory authority and require modification of the turnaround plan. M.G.L. c. 69 §§IJ (e) and (f) allow the commissioner to suggest modifications to an underperforming school’s turnaround plan, but clearly give the superintendent final authority over the plan.

M.G.L. c. 69 §IJ (f) sets forth the narrow conditions under which the commissioner can require modifications to an underperforming school’s turnaround plan. These conditions are limited to

instances where a school committee or the local union appeals the content of the plan to the commissioner. Absent an appeal, the Commissioner is without statutory authority to act.

The regulations should be rewritten to conform to the statutory language.

4. Removal of designation from chronically underperforming school in chronically underperforming districts

Section 2.06 (10) (d) of the proposed regulations allows the commissioner to remove a “chronically underperforming” designation from a school if the district is designated as “chronically underperforming.” Presumably this regulation is included to deal with a situation experienced by the Morgan Full-Service Community School in Holyoke, which was designated “chronically underperforming” prior to the district being placed in receivership.

It is unclear why this regulation is necessary. Further, the question of whether there is any impact on the school regarding turnaround plans or eligibility for funding should be addressed.

SUMMARY

Increasingly, the public and policymakers are realizing what educators have known for some time – that the underfunding of public education in Massachusetts is significant and is having a serious impact on the education that our students – particularly those in districts with needy student populations – receive.

The proposed accountability regulations and policy, however, do not seem to acknowledge this reality. Rather, the proposed system is merely a variation of the current system. Schools are still measured by whether they meet targets and are still ranked primarily by students’ MCAS scores. The system still relies on labels and includes indicators designed to “incentivize” and “call out” schools. While the indicators may be slightly different, the targets redefined and calculations adjusted, the system has not fundamentally changed – despite unimpressive results over the past eight years.

Massachusetts can and should do better.

cc: Members of the Board of Elementary and Secondary Education
Jeff Riley, Commissioner of Elementary and Secondary Education
Helene Bettencourt, Chief of Staff, Department of Elementary and Secondary Education