



November 23, 2016

Massachusetts Board of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Members of the Board of Elementary and Secondary Education:

We are writing to communicate that MTA and AFT MA do not support the proposed regulations that Commissioner Chester is recommending you approve for public comment at the November 29 Board meeting. Our disagreement with these regulations involves both the substance of the changes and the process that produced them.

Description of Commissioner's Proposal

Under the commissioner's proposal, a new indicator, called the Student Learning Indicator, is created in Standard 2 (for teachers) of the evaluation framework. The Student Learning Indicator would become one of five indicators used by an evaluator to inform the rating assigned to an educator on Standard 2. As has been the case since the regulations were revised in 2011, an educator must receive a proficient or better rating on Standard 2 in order to receive an overall rating of proficient or better.

The proposed Student Learning Indicator reads as follows: [The teacher] "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."

Furthermore, "expected impact" is defined as follows: "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."

In addition to informing the rating on Standard 2, the Student Learning Indicator would have other consequences. Educators rated exemplary or proficient overall whose impact on student learning is "less than expected" must be placed on one-year (versus two-year) self-directed growth plans, which must include "one or more goals related to student learning developed on the basis of an analysis of the educator's professional practice." Also, educators rated exemplary or proficient overall whose impact on student learning is "at least expected" would "be eligible for additional roles, responsibilities and compensation, as determined by the district and through collective bargaining, where applicable."

Substance

After soliciting extensive feedback from MTA and AFT local leaders and members — educators who are directly and deeply engaged in the implementation of the educator evaluation system at the district and school levels — we have concluded that the commissioner’s proposal is irreparably flawed. Based on the feedback we received and our own analysis, the four biggest flaws with the proposal are as follows:

- **The problematic components of the current regulations are simply carried over to the proposed revisions — with new names.** Under the current system, educators are supposed to receive separate impact ratings of low, moderate or high, based on student learning measures such as MCAS Student Growth Percentiles (SGPs) and District-Determined Measures (DDMs). Under the proposed revisions, the same problematic components persist, but with different terminology — MCAS SGP remains as is; DDMs become “common assessments”; the student impact rating becomes the Student Learning Indicator; and low, moderate or high become “less than expected” or “at least expected.”

The proposal does not appear to require a separate rating on the Student Learning Indicator, but it does demand a determination of a teacher’s impact for three purposes: 1) as a factor in the Standard 2 rating, with the Student Learning Indicator presumably incorporated into a revised rubric (see third bullet below); 2) in determining the length and focus of self-directed growth plans; and 3) in determining which educators are eligible for leadership roles, additional responsibilities and compensation, etc.

This scheme begs the question: How will evaluators determine whether an educator has demonstrated “less than expected” or “at least expected” impact? Based on our discussions with DESE staff, there is no clear answer to this question, all but guaranteeing that ambiguity and strife will ripple into the field during implementation.

The proposal, then, simply replicates the core implementation problem associated with the current impact rating system, which requires the conversion of MCAS and DDM scores into teacher ratings of low, moderate or high. You heard extensive testimony last spring that, after five years of good-faith effort, this methodological challenge has proven to be an insurmountable hurdle in the field; there is no simple or agreed-upon way to convert student scores into teacher impact ratings or, in this case, determinations of expected or less-than-expected impact. The last five years of noncompliance or meaningless compliance with this component of the evaluation framework should have been a clear warning sign to avoid making the same mistake again, yet the warning sign went unheeded by DESE for reasons that are difficult to discern.

- **The proposal creates even higher stakes around student learning outcomes by allowing invalid and unreliable student learning measures to count even more than they do now.** As explained above, the same methodological problems around converting student outcomes to teacher impact ratings/determinations persist in the proposed revisions. Yet the proposal actually magnifies the problems by putting student learning measures directly into Standard 2 (for teachers), where they can have a disproportionate impact on the educator’s overall summative rating.

For example, under the proposal, there appears to be nothing that would stop an evaluator from citing students’ MCAS or other test scores as the sole or primary basis for a less-than-proficient rating on Standard 2, which would automatically trigger a less-than-proficient overall rating on the summative evaluation.

We've made the argument repeatedly — and DESE has in most cases agreed with us — that it's methodologically unsound and educationally harmful to use student test scores as the basis for such high-stakes decisions. Yet this proposal does just that by putting student learning measures directly into Standard 2 with no protections or safeguards around their high-stakes use.

- **The proposal does not explain how the new Student Learning Indicator would fit into the rubrics used for the summative rating judgments; time-consuming and unproductive collective-bargaining strife is a likely result.** Under the current system, most school districts use one of the model educator- practice rubrics developed by DESE as the basis for rating educators on the four standards and overall. The Classroom Teacher Rubric and others approved by DESE build on the “Standards and Indicators of Effective Teaching Practice” that are specified in regulations. The rubrics expand the indicators into elements with descriptors that delineate the educator practices that signal either exemplary, proficient, needs improvement or unsatisfactory performance.

The Student Learning Indicator does not lend itself to this kind of descriptive “unpacking,” as the indicator is about test scores and other student learning measures, not practices or behaviors that can be characterized at various performance levels. Putting a Student Learning Indicator in an educator-practice rubric, therefore, is akin to fitting a square peg into a round hole; it just doesn't work.

Moreover, adding a Student Learning Indicator to rubrics will re-open collective bargaining around rubrics, with significant turmoil likely to result from negotiations around what is unsatisfactory, needs improvement, proficient or exemplary performance on the Student Learning Indicator. The indicator itself is likely to encompass hundreds, if not thousands, of individual student learning measures, including measures related to subjects such as art, physical education, music, and foreign languages. What is the assurance that these measures will be used fairly and consistently in making judgments about educators and their impact? To the extent this question can be answered at all, it will happen through bargaining. Reigniting collective-bargaining strife over something that has *already* proven unworkable over the last five years strikes us as a very poor policy choice. Bargaining over the Student Learning Indicator will simply divert more time and attention away from what our schools and students really need.

- **The proposal does not explain how the Student Learning Indicator relates to the existing student learning goal, an ambiguity that will lead to confusion and implementation headaches in the field.** Under the existing system, all educators must include in their educator plans at least one student learning goal that is approved by the evaluator. Progress toward that goal can then be considered as a factor in the summative evaluation, although no separate rating is given. Since the student learning goal remains under the commissioner's proposal, the creation of a new Student Learning Indicator begs the following questions: How is the existing student learning goal different than the Student Learning Indicator? What is each trying to accomplish, and what is their intended relationship to each other? The rationale here is not clear at all, suggesting an incoherent and ill-conceived policy. This ambiguity and possible redundancy will create bureaucratic headaches and red tape for already overburdened administrators and educators charged with implementing DESE policy.

Process

Last June, we had the opportunity to explain to you the concerns of educators (including representatives of AFT MA, MTA, MASS and MASC) with the current Student Impact Rating requirements. We appreciated the chance to provide feedback to BESE members about a policy that educators believe to be counterproductive to the work they are doing with students, and we were hopeful that there would be meaningful dialogue with DESE focused on getting the evaluation policy details right to support this work.

However, the anticipated constructive dialogue did not occur. After the June meeting, the next action on this issue happened when we received the proposed regulatory changes on September 8 and were asked to provide comments on by September 20, later extended to September 30 at our request. The proposal we received in September is essentially the same as the one that is being recommended by the commissioner at this month's meeting.

In light of the proposal's problems outlined above, the MTA and AFT MA immediately began to develop a policy that would actually address the issues we raised in June.

In short order, we developed a comprehensive counterproposal that we believe could meet the needs of all parties while avoiding the major problems associated with the commissioner's proposal, including the high-stakes use of student test scores to inform a rating. This alternative incorporates student learning evidence in the evaluation system in a central and educationally meaningful way designed to improve student learning and professional practice. It avoids the methodologically and educationally unsound task of identifying each teacher's impact on student learning. We presented that proposal in September to DESE staff, MASS (superintendents), MESPA (elementary principals) and MSSAA (secondary principals), and it received an enthusiastic initial response from all parties.

Unfortunately, when the proposal made its way to the commissioner, it was rejected, and all serious discussion around alternatives ceased. Subsequently, MassPartners has continued to try to find common ground, but has struggled to do so because of the constraints on alternatives imposed by the commissioner, who has insisted that impact on student learning be a component of a rating. This is unfortunate because the management associations and other members of MassPartners — i.e., the parties representing the educators and others who are directly involved in the implementation of this policy — have indicated a sincere willingness to explore alternatives that are acceptable to all parties.

Our Ask

The commissioner is correct that MTA and AFT MA do not object to evidence of student learning being part of the evaluation process. However, we do object to the specific approach embedded in the commissioner's proposal. For the reasons stated above, we believe that this particular approach will either replicate old problems or create new ones.

We ask now that you give serious consideration to our critique of the commissioner's proposal and to our counterproposal. You can do this in any of multiple ways:

- You can schedule an extended session on this topic at an upcoming Monday night or Tuesday BESE meeting, at which MTA and AFT MA leaders and staff will present our ideas and alternatives.
- You can urge the commissioner to consider other ways to bring student learning evidence into this process and encourage further work with members of MassPartners with no DESE-imposed constraints inhibiting the discussion. If members of MassPartners can reach consensus on an alternative approach to incorporating student learning evidence, the commissioner and BESE should accept it.
- You can meet with MTA and AFT MA leaders/staff individually or in small groups to hear our concerns and ideas in depth.

The bottom line is that we are quite willing to explore a range of alternatives that satisfy the primary policy goal that has been stated by the commissioner and members of MassPartners on numerous occasions — making student learning a central part of teacher growth and development. But we cannot accept an approach that simply replicates and exacerbates old problems while creating new ones. The last thing educators need is another ill-conceived, top-down mandate imposed on them against their will.

Thank you for taking our concerns seriously, and we look forward to further discussion with you on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Madeloni', with a stylized flourish at the end.

Barbara Madeloni
MTA President

A handwritten signature in black ink, appearing to read 'Tom Gosnell', written in a cursive style.

Thomas J. Gosnell
AFT MA President