



# 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:** April 16, 2011  
**Subject:** Proposed Regulations on Evaluation of Educators, 603 CMR 35.00

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Effective teachers and leaders matter for all students. No other school-based factor has as great an influence on student achievement as an effective teacher.<sup>1</sup> Effective leaders create the conditions that enable powerful teaching and learning to occur. The central purpose of public education is to advance learning for all students. Ensuring that every child is taught by effective teachers and attends a school that is led by an effective administrator is key to addressing the proficiency gap.

A strong system of educator evaluation is a vital tool for improving teaching and learning. Unfortunately, as the Statewide Task Force on the Evaluation of Teachers and Administrators (Task Force) noted in its March 2011 report, "In 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."<sup>2</sup>

Across the Commonwealth today, the state of evaluation systems in public schools is inconsistent and underdeveloped, and that reality has important consequences. Poor evaluation systems are a lost chance to provide educators with robust feedback and development opportunities. Further, the failure of evaluation systems to identify weak performing educators and either secure instructional improvements or dismiss ineffective educators is condemning successive cohorts of students to subpar instruction.

School districts, schools, administrators, and teachers deserve feedback on the practices that successfully promote student learning as well as those that do not. Without this systematic feedback, the ability of educators to improve is constrained, and professional development planning, staffing decisions, and educator growth are all severely compromised. By failing to link educator practice to student performance measures, we miss opportunities for systematic

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<sup>1</sup> Darling-Hammond, L. (2000), "Teacher Quality and Student Achievement: A Review of State Policy Evidence." Education Policy Analysis Archives, 8(1)..

<sup>2</sup> Massachusetts Task Force on Evaluation of Teachers and Administrators (March 2011), "Building a Breakthrough Framework for Educator Evaluation in the Commonwealth." Report to the Commissioner and Board of Elementary and Secondary Education, [http://www.doe.mass.edu/boe/docs/0311/item1\\_breakthroughframework.pdf](http://www.doe.mass.edu/boe/docs/0311/item1_breakthroughframework.pdf).

improvement, and risk overlooking exemplary practices while condoning mediocre ones.

Through this memorandum I am providing you with my recommendations for revisions to the regulations that define educator evaluation in the Commonwealth. My recommendations build on the thoughtful input of the Task Force and advance our statewide policy goal of ensuring effective teachers and leaders in the Commonwealth's classrooms and schools. By voting to send these proposed regulations out for public comment, the Board of Elementary and Secondary Education will launch a two-month period during which members of the public may provide suggestions. Before bringing the regulations back to the Board for final action in June, we will document and consider all the suggestions that are submitted.

I appreciate the commitment, experience, and expertise that the members of Task Force have contributed to this initiative. Many of the Task Force recommendations are strong and promise to advance an agenda dedicated to ensuring continuous development of our teaching and administrative work force, and I have incorporated them into the proposed regulations. In my judgment, however, in order to be true to our mission “to strengthen the Commonwealth’s public education system *so that every student is prepared...*” we need to be more specific than the Task Force was regarding the use of student performance data and the consequences of consistently strong and consistently low performance. Therefore, this memorandum and my recommendations are focused primarily on these two areas.

### **Summary of Recommendations**

In short, the recommendations included in this memorandum:

***Reward Excellence:*** require that districts celebrate excellence in teaching and administration;

***Promote Growth and Development:*** provide educators with feedback and opportunities for development that support continuous growth and improvement;

***Set a High Bar for Tenure:*** entrants to the teaching force must demonstrate proficient performance within three years to earn Professional Teacher Status;

***Shorten Timelines for Improvement:*** Professional Teacher Status teachers who are not proficient have one year to demonstrate the ability to improve; and

***Place Student Learning at the Center:*** student learning is central to the evaluation and development of the Commonwealth’s administrators and teachers.

### **Background**

Good teaching matters for all students, and it is a key to addressing the proficiency gap. Some teachers routinely secure a year-and-a-half of gain in achievement while others with similar students consistently produce only one-half a year gain. As a result, two students who begin the year with the same general level of achievement may know vastly different amounts one year later – simply because one had a weak teacher and the other a strong teacher. Further, no other attribute of schools comes close to having the magnitude of influence on student achievement that teacher effectiveness provides.<sup>3</sup> Research on school leadership underscores the importance

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<sup>3</sup> Hanushek, E. (2010), “The Economic Value of Higher Teacher Quality.” National Bureau of Economic Research

of effective leaders in attracting, retaining, and supporting effective teachers and creating the organizational structures and environment where powerful teaching and learning is the norm.

Studies suggest that student achievement is more heavily influenced by teacher effectiveness than by students' race, family income or background, prior achievement, or school in which they are enrolled. Further, the impact of strong teachers is cumulative. Having effective teachers for successive years accelerates student growth while having ineffective teachers for successive years dampens the rate of student learning. Research in the Dallas school district and the State of Tennessee suggests that having a strong teacher for three years in a row can effectively eliminate the racial/ethnic and income achievement gap.<sup>4</sup>

**The Problem:** Knowledge of the value and impact of effective instruction and leadership is at odds with practices in too many schools and districts. The state law on educator evaluation (M.G.L. c. 71, § 38) specifies that educator performance standards may include “the extent to which students assigned to [such] teachers and administrators satisfy student academic standards, and further refers to “the goals of encouraging innovation in teaching and of holding teachers accountable for improving student performance.” Even so, most districts are proscribed by contract or past practices from employing student performance data to inform evaluations and improvement plans. Further, evaluation protocols in too many districts inhibit the ability to gather data needed to assess strengths and weaknesses and thus inform meaningful development plans. For example, districts may have contracts or past practices that discourage or disallow the use of data gathered during unannounced classroom visits for evaluation purposes. As a result, most evaluations mask the variation in educator performance. Moreover, many educators report that they are not evaluated on a regular basis. As a consequence, teacher evaluation rarely lives up to its potential as a vital tool to improve teaching and learning.

There are a number of Commonwealth districts where labor and management have negotiated a robust evaluation system that supports educator growth and student achievement. Most state and local officials with whom I speak, however, are unabashedly negative about the quality of educator evaluation and development opportunities. Unfortunately, teachers and administrators who report that evaluation is a valued and valuable exercise are the exception and not the rule.

**National Research:** The low quality of typical evaluation programs is increasingly well documented in national studies. One example, “The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness” (The New Teacher Project, 2009), found that evaluation systems in 12 districts (representing four states) fail to provide feedback on teacher performance and that less than one (1) percent of teachers receive unsatisfactory ratings.

**Massachusetts Evidence:** A National Center on Teacher Quality (NCTQ) report, “Human Capital in Boston Public Schools: Rethinking How to Attract, Develop, and Retain Effective Teachers” (2010), found that only one-half of teachers had been evaluated during a two-year

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<sup>4</sup> Kevin Carey, “The Real Value of Teachers: Using Information about Teacher Effectiveness to Close the Achievement Gap,” *Thinking K-16*, Vol. 8, Issue 1, Winter 2004.

period (school years 2007-08 and 2008-09). Further, the NCTQ study found that less than one (1) percent had been rated as unsatisfactory and that Boston's evaluation instrument does not provide for evaluating a teacher's impact on student achievement.

In an informal poll that the Department conducted during a March 2011 meeting of superintendents from the Commonwealth's 22 urban school districts, less than one-third reported being able to employ student performance data as evidence for teacher evaluation. The proscription against evaluating teacher impact on student achievement was an artifact either of contract language or established past practice. Likewise, 15 of the 22 districts reported that they are not allowed to conduct unannounced classroom visits for purposes of collecting data to be used in evaluations.

A recent review of supervisor ratings of teachers in one low-achieving Massachusetts urban district revealed the following: Teacher evaluations culminate in ratings of 19 indicators for each teacher. The negotiated evaluation protocol for the district requires the supervisor to rate a teacher as Satisfactory on each indicator if there is at least one positive example of performance for the indicator. To illustrate, there are 14 examples of performance that define the indicator, "the teacher plans instruction effectively." The evaluator is obliged to rate the indicator as Satisfactory if the teacher performs at a satisfactorily level on only one of the 14 performance examples. In a random sample of 58 district teachers (1,102 total indicators), only one (1) indicator for one teacher was rated less than Satisfactory.

One measure of student achievement to which teachers and administrators pay considerable attention is the state tests. The MCAS is a key barometer of student, school, district, and state level achievement. Some teachers and administrators assert that standardized assessments such as MCAS are not suitable for discerning variation in the effectiveness of instruction. They argue, in part, that such tests provide an unreliable snapshot of the impact of instruction – even when achievement gains based on prior achievement are calculated.

The table that follows displays student growth scores in one K-8 Massachusetts school that serves a diverse population based on race/ethnicity, language background, and income background. Indeed, for many educators, the evidence from MCAS alone is mixed when viewed over time. The median Student Growth Percentiles<sup>5</sup> for three years demonstrate that at most grades, the pattern of growth varies over time. There are exceptions, however. Compared to their peers statewide with similar prior achievement, students in grade four in this school consistently underperform in English/language arts while students in grade six consistently outperform in both English/language arts and mathematics. The MCAS growth data provides a clear signal where instruction is consistently strong or weak and is too important to ignore.

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<sup>5</sup> Percentiles below 40 signal that students are losing ground compared to students with similar academic histories; percentiles of 40 to 60 represent typical progress; and percentiles over 60 identify students whose progress exceeds that of peers with similar prior academic achievement.

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**Median Student Growth Percentile by Grade and Subject for Massachusetts K-8 School**

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**English Language Arts**

	<b>2008 SGP</b>	<b>2009 SGP</b>	<b>2010 SGP</b>
<b>Grade 4</b>	33.0	29.0	28.0
<b>Grade 5</b>	33.0	59.0	68.0
<b>Grade 6</b>	73.0	74.0	70.0
<b>Grade 7</b>	43.0	35.5	53.0
<b>Grade 8</b>	43.0	45.0	54.0

**Mathematics**

	<b>2008 SGP</b>	<b>2009 SGP</b>	<b>2010 SGP</b>
<b>Grade 4</b>	47.0	35.0	42.0
<b>Grade 5</b>	37.0	70.0	40.0
<b>Grade 6</b>	87.0	87.0	88.5
<b>Grade 7</b>	46.0	23.0	38.0
<b>Grade 8</b>	24.0	31.0	39.0

***Impact of Weak Evaluation Systems:*** The failure of educator evaluation to discern variation in effectiveness is a lost opportunity to:

- 1) provide improvement-oriented feedback that promotes professional growth;
- 2) identify highly effective educators and distill lessons learned from their practices;
- 3) tap the expertise of particularly effective educators as teacher leaders and peer coaches;
- 4) provide struggling and developing educators (those in the first years of practice) with the support they need to improve and grow; and
- 5) consider performance in determining assignment and compensation.

***Perhaps most importantly, the failure of evaluation systems to identify weak performers and either secure instructional improvements or dismiss ineffective educators condemns successive cohorts of students to subpar instruction.***

**Principles Guiding My Recommendations**

The recommendations outlined in this memorandum and in the accompanying draft regulations are guided by the following principles. Educator evaluation is intended to:

- 1) provide feedback that supports continuous educator development – evaluation is primarily about development and not primarily about sorting and shedding;
- 2) recognize and reward excellence in teaching and administration;

- 3) learn from the practices of effective educators;
- 4) recruit effective educators to support the development of their peers;
- 5) provide struggling and developing educators with the support and feedback they need to improve and grow; and
- 6) dismiss educators who, despite the opportunity, continue weak performance.

***Most importantly, educator evaluation should ensure that each student in the Commonwealth is taught by an effective teacher and that an effective administrator leads each school.***

### **Key Elements of the Proposed New System**

#### **Student Performance Measures**

Each district must adopt a district-wide set of set of student performance measures for each grade and subject that permit a comparison of student learning gains:

- At least two measures of student learning gains, including MCAS Student Growth Percentiles where they exist, must be employed for each grade and subject. The measures of student learning from which districts may select include commercially available assessments, Department-developed assessments, district-developed assessments, and student work samples. Districts will report the process they use to reconcile discrepancies between MCAS growth and local assessments of student performance.
- Aggregate school, grade, or department MCAS Student Growth Percentiles may be employed for evaluations of individual teachers (including those in non-tested grades and subjects) as one measure of student learning gains.
- Evaluators determine whether each educator's impact on student learning is low, moderate, or high. For each year of instruction: moderate impact is represented by student learning gains of a year's growth; growth of less than one year represents low impact; and high impact is represented by growth of more than one year. As with expected MCAS growth, it will be important for districts to clearly identify what constitutes low, moderate, and high student learning growth based on guidelines that the state will develop.

### **Measures of Educator Practice**

Educator practice shall be evaluated according to four standards of practice, consistent with the recommendations of the Task Force:

<b>Teachers</b>	<b>Administrators</b>
Curriculum, Planning, and Assessment	Curriculum, Instruction, and Assessment
Teaching All Students / Instruction	Management and Operations
Family and Community Engagement	Family and Community Engagement
Professional Culture	Professional Culture

In order to translate the standards and indicators into rubrics that will be relevant, rigorous, and practicable to the field, the recommended regulations contain modest modifications from those developed by the Task Force.

The four standards of practice are assessed through the consideration of evidence drawn primarily from the following categories:

- measures of student learning, growth, and achievement;
- judgments based on observation and artifacts of professional practice (judgments may be informed by peer review of the educator’s practice); and
- collection of additional evidence relevant to one or more standards (evidence may include feedback from students and/or parents).

The evaluator will assign one of four ratings – Exemplary, Proficient, Needs Improvement, Unsatisfactory – to each of the four standards of practice.

**Summary Rating:** Based on her/his professional judgment and consistent with rubrics that differentiate stronger from weaker practice, the evaluator will assign one of four summary ratings (Exemplary, Proficient, Needs Improvement, or Unsatisfactory) reflecting the evidence across the four standards of practice. To receive a summary rating of Proficient or Exemplary, professional teacher status teachers must be rated Proficient or above on both the Curriculum, Planning, and Assessment and the Teaching All Students/Instruction standards. To receive a summary rating of Proficient or Exemplary, administrators must be rated Proficient or above on the Curriculum, Instruction, and Assessment standard.

### **Combining Measures of Practice and Measures of Student Performance**

The Task Force recommended the incorporation of goals that encompass both practice and student learning as part of the evaluation cycle. I am recommending a specific method of incorporating measures of student performance to ensure consistent application across the Commonwealth; to assure that student performance is central to the feedback and development opportunities that we provide to educators; and to make certain that student learning is consequential to employment decisions.

The following diagram and subsequent description outline the manner in which the measures of educator practice are combined with student performance measures to determine each educator’s development/improvement plan, the timeline for evaluating the plan, the methods of evaluation, and the employment decisions that they inform. It is a graphical representation of the specific requirements that are included in our proposed regulations to the Board.

<b>Measures of Educator Practice</b>	<b>Exemplary</b>			
	<b>Proficient</b>			
	<b>Needs Improvement</b>			
	<b>Unsatisfactory</b>			
		<b>Low</b>	<b>Moderate</b>	<b>High</b>
		<b>Measures of Student Performance</b>		
		(multiple measures of performance, including MCAS where available -- with a focus on learning gains)		



**Green:** These are teachers and administrators for whom the evidence of student learning and of practice are both positive. There is always room for improvement, continuous improvement is a feature of effective schools and districts, and professionals welcome constructive feedback that offers the opportunity to continue to develop. Therefore:

	<b>Non-Tenured</b>	<b>Professional Teacher Status</b>
<b>Self-Reflection/Self-Assessment</b>	Ongoing, shared with supervisor	
<b>Goal Setting &amp; Development of Plan</b>	Educator & supervisor jointly create developing educator plan, with goals for student learning and professional practice defined by the evaluator	Educator develops self-directed growth plan, with goals for student learning and professional practice approved by the evaluator
<b>Implementation of Plan</b>	Year-by-year	One- or two-year timeframe
<b>Formative Assessment/Evaluation</b>	Ongoing, including announced & unannounced observations that will inform the summative evaluation	
<b>Summative Evaluation</b>	At most, annually	At most, every two years
<b>Employment Decisions</b>	Determine next year's employment status Must attain Green zone by end of third year of employment to secure PTS – including proficiency in all four standards	At least three consecutive years in Green zone to be eligible for additional roles, responsibilities, and compensation <u>Recognition/Reward:</u> (e.g., award ceremony, conference opportunity, performance bonus) for Exemplary educators in Green zone

*It should be noted that performance at the Proficient or higher level is the expectation for the Commonwealth's educator workforce. Needs Improvement is not intended to be a minimum expectation.*

**Yellow:** These are teachers and administrators for whom either the evidence of student learning or of practice raises concern. In light of the mixed evidence, and in the interest of ensuring the strongest possible instruction for students, more intensive attention to evaluating, providing feedback, and monitoring ongoing performance is called for. Therefore:

	<b>Non-Tenured</b>	<b>Professional Teacher Status</b>
<b>Self-Reflection/Self-Assessment</b>	Ongoing, shared with supervisor	
<b>Goal Setting &amp; Development of Plan</b>	Improvement plan at sole discretion of district that identifies specific areas for improvement and may include goals for student learning and professional practice	Evaluator creates directed growth plan that identifies specific areas for improvement and goals for student learning and professional practice Directed growth plan of no greater than one year
<b>Formative Assessment/Evaluation</b>	Ongoing, including announced & unannounced observations that will inform the summative evaluation	
<b>Summative Evaluation</b>	At least every 90 days Move to either Green or Red zone based on summative evaluation	At least annually Move to either Green or Red zone based on summative evaluation
	<u>Resolving Discrepancies:</u> If student gains are low and evaluator rates educator Proficient or Exemplary, the evaluator’s supervisor must confirm the rating – except in the case where the superintendent is the evaluator – in all cases the superintendent has the final authority	
<b>Employment Decisions</b>	Dismissal at any time Automatic non-renewal after three consecutive years in Yellow and/or Red zones	Dismissal at any time for non-performance following unsuccessful directed growth plan

**Red:** These are teachers and administrators for whom the evidence both of student learning and of practice is of concern. Unless there is rapid improvement in performance, we expose successive cohorts of students to ineffective instruction. Therefore:

	<b>Non-Tenured</b>	<b>Professional Teacher Status</b>
<b>Self-Reflection/Self-Assessment</b>	Ongoing, shared with supervisor	
<b>Goal Setting &amp; Development of Plan</b>	Improvement plan at sole discretion of district	Evaluator creates improvement plan with no more than one-year timeframe, that identifies specific areas for improvement and may include goals for student learning and professional practice
<b>Formative Assessment/Evaluation</b>	Ongoing, including announced & unannounced observations that will inform the summative evaluation	
<b>Summative Evaluation</b>	At least every 90 days	At least annually
	<b>Resolving Discrepancies:</b> If student gains are low and evaluator rates educator Proficient or Exemplary, the evaluator’s supervisor must confirm the rating – except in the case where the superintendent is the evaluator – in all cases the superintendent has the final authority	
<b>Employment Decisions</b>	Dismissal at any time Automatic non-renewal after three consecutive years in Yellow and/or Red zones	Dismissal at any time for non-performance

***Distinguishing Teachers from Administrators:*** The manner of combining measures of practice with those of student performance applies differently to administrators than teachers in some respects. However, the components of self-reflection, goal-setting, growth plan implementation, and formative and summative evaluation – including escalating consequences for weak practice and low student performance – are intended to apply to administrators as well as teachers. Notwithstanding, these recommendations are not intended to infringe upon the discretion that districts currently under individual administrator contracts. Thus, while the attached regulations apply to teachers and administrators who serve under a collectively bargained contract, it is my hope and the Task Force’s intention that they will inform the evaluation of educators who serve under individual employment contracts.

## **Data Collection**

Districts will provide the Department with individual educator evaluation data, including:

- summary rating;
- each of the four standards of practice ratings; and
- low, moderate, or high student performance impact rating.

The recommended regulations continue safeguards against the disclosure of individual educator personnel records.

## **Implementation Timeline**

The Department of Elementary and Secondary Education will support the implementation of the new evaluation regulations over the next three years. We are in the process of developing a model evaluation prototype that we are vetting with districts that have Level 4, “underperforming” schools. Key components of the prototype will include:

- 1) Contract language describing process, timelines and collection of evidence;
- 2) A rubric for each standard and core indicator that describes professional practice vividly and clearly at four levels of performance and is differentiated for roles, e.g., classroom teacher, counselor, caseload teacher;
- 3) Examples of ways to collect and use student, staff and parent feedback (initially for administrators).

We will be supporting the efforts of these districts to adopt, adapt and/or develop student performance measures at each grade and subject. Likewise, we are helping Level 4 districts create protocols by which goals for student learning and professional practice will be established. These goals will become the benchmarks for each educator’s growth and development plan.

At the same time, we will be encouraging districts throughout the state who are eager to proceed with adopting the new framework to do so, so that our piloting work will broaden beyond these Level 4 schools. Conversations with the head of the state superintendents' association indicate that there are a number of districts who would seize this opportunity to become so-called early adopters, and we will learn a great deal from their experience.

Department staff will be developing orientation tools and resources for a variety of audiences, on-line and hybrid professional development on key features of the new system, and a web-based library of resources. We hope to develop professional practice networks and expect to provide regular updates of the guidance based on learning from the field, other states’ efforts and national research.

The prototyping work with these schools and districts (Level 4 and others) will be disseminated statewide – initially with Race to the Top participating districts. We will convene districts in joint planning and development activities so that there are opportunities for sharing instruments, expertise, and protocols. Our Race to the Top budget includes a substantial investment in the

development and implementation of the new evaluation regulations. The Department is comprehensively reviewing the implementation support strategies it articulated in the light of these proposed new regulations. An interdepartmental working group led by Deputy Commissioner Karla Baehr is spearheading this work. It will result in the development of the technical assistance, training, and support that districts, educators and evaluators need to ensure that the new framework is implemented with fairness and consistency across the state.

Two areas where DESE expects to concentrate assistance are the conduct of classroom observations and in the identification of measures of student performance – particularly in untested grades and subjects. Technical assistance will be available regionally across the state as well as through statewide and on-line workshops. In addition, I anticipate that early adopting districts and statewide professional organizations will be resources for later adopting districts, and statewide professional organizations will support this effort through workshops at their conferences, communication, etc.

In short, the implementation will occur over three years:

- By the fall of 2011, based on direction and guidance from the Department, each Level 4 school will begin implementing an evaluation system consistent with the regulations, including the adoption or development of initial measures of student learning in addition to MCAS growth scores that permit a comparison of student learning gains. Other "early adopter" districts will be invited to participate in this effort.
- By the fall of 2012, based on direction and guidance from the Department, each Race to the Top district will have completed collective bargaining and begun implementing an evaluation system consistent with the regulations, including the adoption or development of initial measures of student learning in addition to MCAS growth scores that permit a comparison of student learning gains.
- By the fall of 2013, based on direction and guidance from the Department, each Commonwealth district will have completed collective bargaining and implemented an evaluation system consistent with the regulations, including the adoption or development of measures of student learning in addition to MCAS scores that permit a comparison of student learning gains.

### **Looking Ahead**

The regulations I am proposing call for significant consequences based on performance ratings in which student learning plays a consequential role. First, we should regularly celebrate excellence in the profession. We rarely do enough to recognize and award exemplary teaching and administration. These regulations call on districts to identify tangible ways to recognize and reward their exemplary educators.

Second, we should take advantage of the expertise of our best teachers through new teacher-led roles. These regulations create the mechanism for identifying potential teacher-leaders, which will be supplemented by endorsements to licensure for these new roles that DESE is developing

under its Race to the Top grant.

Third, the proposed regulations raise the standard for earning professional teacher status after three years. No longer can educators who are not yet proficient earn professional teacher status with the hope that they will someday develop into proficient educators. These regulations “call the question” by the end of the third year: unless educators earn proficient ratings on each of four standards, they cannot be granted professional teacher status.

Fourth, another way that these regulations “call the question” is that they shorten the time for experienced educators who are performing below proficiency to achieve proficiency. The goals identified in improvement plans must be achieved within no more than one year in order for an educator to retain employment.

That said, there are further policies that may be worth considering once the new evaluation system called for in these regulations is fully implemented in districts across the Commonwealth and confidence in its fairness and transparency is warranted. Some districts already make compensation decisions based on performance, including rewarding individual, team and/or school performance, or withholding salary increments for educators rated in need of improvement or unsatisfactory. Some districts use performance as a factor in transfer, assignment, and/or lay-off decisions.

Going forward, we need to learn from the experiences of districts that are using performance in a more explicit and significant manner. The Task Force did not explore these possibilities. Nor have I yet secured widespread input on them. These are conversations worth having down the road as we learn more.

### **Conclusion**

Investment in education reform in Massachusetts has paid large dividends as our students’ achievement has soared. The revamping of educator evaluation builds on our previous investment. We know that good instruction matters and is key to closing proficiency gaps. We know that we can provide better feedback to our administrators and teachers than our current evaluation systems provide – feedback that will help them identify opportunities for strengthening the vital work that they do to educate and inspire all of our students.

The effort to implement these recommendations will take several years. The changes outlined in the new regulations are not simply technical – they represent a culture shift for most school districts. Placing student learning at the center of discussions of educator effectiveness needs to become the norm in every school and district.

The heart of our challenge in Massachusetts public education is to move from good to great, with respect to student and educator performance. While this proposal to improve educator evaluation is ambitious and bold, it is achievable and, most importantly, it is work that is worth doing. These regulations are critical to helping meet that challenge.

I look forward to our discussion of this important topic.

**PROPOSED REGULATIONS ON 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: **April 27, 2011**
- Period of public comment: **through June 10, 2011**
- Anticipated final action by the Board of Elementary and Secondary Education: **June 28, 2011**

The proposed regulations would replace the current Regulations on Evaluation of Teachers and Administrators and accompanying Principles of Effective Teaching and Principles of Effective Administrative Leadership, as adopted in 1995, <http://www.doe.mass.edu/lawsregs/603cmr35.html?section=all>.

**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

35.04: Standards and Indicators of Effective Administrative Leadership

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: Implementation and Reporting

**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.* and who is not employed under an individual employment contract.

*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.

*Department* shall mean the Department of Elementary and Secondary Education.

*Developing Teacher/Administrator Plan* shall mean a plan of one year or less for administrators in their first three years and teachers without Professional Teacher Status, developed by the educator and the evaluator. The plan shall include goals, an action plan with benchmarks, and a final assessment of meeting the set goals. All plans must be approved by the evaluator.

*Directed Growth Plan* shall mean a plan of one year or less for experienced educators who are rated in need of improvement, developed by the educator and the evaluator. The plan shall include goals, an action plan with benchmarks, and a final assessment of meeting the set goals. All plans must be approved by the evaluator.

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



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

*Evaluator* shall mean any person designated by a superintendent, consistent with the procedures set out in 603 CMR 35.06, who has responsibility for evaluation.

*Exemplars* shall mean products of an educator's work that demonstrate the knowledge and skills of the educator with respect to specific educator standards and indicators (practices).

*Exemplary* shall mean practice is consistently and significantly above proficiency on a standard or overall.

*Experienced Educator* shall mean an administrator with more than three years in a position or a teacher with Professional Teacher Status.

*Formative Assessment/evaluation* shall mean the formal and informal processes an evaluator uses to gather evidence and provide the educator with feedback on how to improve practice.

*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 standards, educator practice in relation to indicators, or specified improvement in student learning, growth and achievement outcomes. Goals may be developed by individual educators, by the evaluator, or by teams, departments, or groups of educators who have the same role.

*Improvement Plan* shall mean a plan of no more than one year, for experienced educators who are rated unsatisfactory, developed by the evaluator, with defined specific goals, an action plan with set benchmarks, and a final assessment of meeting the defined goals.

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

*Needs Improvement* shall mean practice demonstrates lack of proficiency on a standard or overall.

*Observation* shall mean a category of measurement that includes notes and judgments made during a series of announced and unannounced visits of varying duration by the evaluator as well as exemplars of practice that support the judgments made relative to an educator's performance on standards and indicators.

*Performance Standards* shall mean the performance standards locally developed pursuant to M.G.L. c.71, §38 and 603 CMR 35.00, including the standards and indicators in 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.

*Proficient* shall mean that practice demonstrates skilled performance on a standard or overall.

*Rubric* shall mean a scoring tool that describes characteristics of practice or exemplars at different levels of quality.

*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 board of trustees of a charter school.

*Self-Directed Growth Plan* shall mean a plan for experienced educators who are rated proficient or exemplary, developed by the educator. The plan shall include goals, an action plan with benchmarks and a final assessment of meeting the set goals. The evaluator must approve all plans.

*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 standards and the educator's progress toward meeting goals set forth in their development, growth or improvement 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 7.10(1) through (33), and 603 CMR 7.10 (39) through (42), or who has been approved as an instructor in the area of vocational education as provided in 603 CMR 4.00 *et seq.*

*Unsatisfactory* shall mean that practice demonstrates lack of competence on a Standard or overall.

**35.03: Standards and Indicators of Effective Teaching.** School committees shall establish evaluation systems and performance standards for the evaluation of all teachers that include all of the standards, and indicators within each standard, set forth in 603 CMR 35.03. School committees may supplement the standards and indicators in 603 CMR 35.03 with additional 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.

(1) Curriculum, Planning and Assessment standard: Promotes the learning and growth of all students through designing coherent instruction and authentic and meaningful student assessments, analyzing student performance and growth, and continuously refining learning objectives.

(a) Curriculum and Planning indicator: Designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes, including:

1. Units: Plans units backwards from state standards with big ideas, essential questions, knowledge, and skill goals.
2. Lessons: Designs lessons focused on measurable outcomes aligned with unit goals.
3. Knowledge: Knows the subject matter well and has a good grasp of child development and how students learn.

(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 a range of instructional techniques to meet the learning and growth needs of all students, including:

1. Engagement: Designs highly relevant lessons that motivate all students and engage them in active learning.
2. Differentiation: Designs lessons that target several learning needs, styles, and interests.
3. Goals: Gives students a clear sense of purpose by communicating the unit's essential questions and the lesson's goals.

4. Repertoire: Selects and matches effective strategies, materials, and classroom groupings to foster student learning.
  5. Clarity: Uses clear explanations, appropriate language, and instructive examples to present material.
- (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, including:
1. Relationships: Is fair and respectful toward students and builds positive relationships.
  2. Prevention: Commands respect through a confident presence and detects potential discipline problems early and prevents them.
  3. Routines: Teaches routines and has students maintain them all year.
- (c) Cultural Proficiency indicator: Enables students to interact effectively in a culturally diverse environment in which each person is a member of many groups, with numerous identities, challenges, and strengths.
- (d) Expectations indicator: Plans and implements lessons that set high expectations and make knowledge accessible for all students, including:
1. Expectations: Conveys to students the concept, “This is important, you can do it, and I am not going to give up on you.”
  2. Support: Takes responsibility for students who are not succeeding, gives them extra help and, when necessary, refers students for specialized diagnosis and extra help.
- (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 in creating and implementing 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 and caregivers 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 his/her own practice, using 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) Collaboration indicator: Collaborates effectively with colleagues in teams on a wide range of tasks.
- (c) Decision-making indicator: Becomes involved in school-wide decision-making, and takes an active role in school improvement planning.
- (d) Shared responsibility indicator: Shares responsibility for the performance of all students within the school.
- (e) Professional Responsibilities Indicator: Is ethical and reliable, and meets routine responsibilities consistently.

**35.04: Standards and Indicators of Effective Administrative Leadership.** School committees shall establish evaluation systems and performance standards for the evaluation of all administrators that include all of the standards, and indicators within each standard, set forth in 603 CMR 35.04. School committees may supplement the standards and indicators in 603 CMR 35.04 with additional 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.

(1) Curriculum, Instruction and Assessment 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 teachers design effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes, including:
  - 1. Expectations: Ensures that teachers know specifically what students should know and be able to do by the end of each grade level.
  - 2. Targets: Works with grade-level and subject-area teams to set measurable student goals for the current year.
- (b) Instruction indicator: Ensures that instructional practices reflect high expectations, engage all students, and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness, including:
  - 1. Units: Asks teacher teams to cooperatively plan curriculum units.
  - 2. Pedagogy: Ensures that teachers know and employ effective teaching strategies and pedagogical techniques while teaching their content.

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

1. Interims: Ensures the effective use of common interim assessments to monitor student learning several times a year
2. Analysis: Monitors teacher teams as they analyze interim assessment results, formulate action plans, and follow up each interim assessment with re-teaching and remediation

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

1. Supervision: Develops meaningful, actionable, and measurable professional practice and student learning goals for the educators they evaluate.
2. Observations: Makes frequent unannounced visits to classrooms and gives helpful feedback to teachers.
3. Discrepancies: Reviews alignment between judgment about practice and data about student learning 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, including:

1. Strategy: Secures input to develop a strategic, measurable plan for the current year and periodically measures progress, listens to feedback, and adjusts the strategic plan.
2. Monitoring: Monitors data in several key areas, compares them with rigorous expectations, and uses them to inform improvement efforts.

(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.

(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, including:

1. Expectations: Sets expectations for student behavior and establishes school-wide routines and consequences that give staff and students a sense of order, discipline and predictability within a caring environment.

2. Planning: Plans for the year, month, week, and day, keeping the highest-leverage activities front and center.

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

1. Hiring: Recruits and hires effective teachers and staff who share the school's mission.
2. Development: Organizes on-going coaching and training that is aligned with school and district goals and builds classroom proficiency.

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

1. Efficiency: Has a system for dealing with disruptions and administrative chores in ways that maximize attention to teaching and learning.
2. Scheduling team time: Creates a schedule that provides meeting times for all key teams.

(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 for the superintendent and school committee a budget that supports the district's vision, mission and goals, and allocates, manages and audits fiscal 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 partnerships with families, community members, and other stakeholders that support the mission of the school and district.

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

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

1. Support: Identifies struggling students and works to get support services to meet their needs.
2. Conferences: Works to maximize the number of face-to-face parent/teacher report card conferences.

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

1. Provides families with information on grade-level learning expectations and ways parents can help at home.

(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 professional growth, 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 on-going decision-making.
2. Meetings: Plans and leads well-run and engaging meetings that have an academic purpose 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 and students to interact effectively in a culturally diverse environment in which each person is a member of many groups with numerous identities, challenges, and strengths.

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

1. Dialogue: Addresses concerns and problems in ways that invite dialogue with those affected by the issue.
2. Facilitation: Facilitates groups effectively including accepting feedback from supervisor, staff and stakeholders to improve performance to foster clear communication.

(d) Continuous Learning indicator: Develops and nurtures a culture where staff members seek out and apply current research, best practices and theory and also are reflective about their own practice using student data to inform how instruction needs to be adapted to achieve improved results, including:

1. Reflective practice: Nurtures a culture that supports continual analysis, experimentation, assessment and refinement, where learning is constant and regular team meetings are the primary locus for professional learning.
2. Ideas: Reads and shares research and fosters an on-going, school-wide discussion of best practices.



- (e) Shared Vision indicator: Engages all stakeholders successfully in a shared educational vision in which every student is prepared to succeed in postsecondary education, and become responsible citizens and community contributors.
- (f) Managing Conflict indicator: Employs strategies for responding to disagreement and dissent, constructively addressing 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), adapting the Standards and Indicators for Effective Administrative Leadership in 603 CMR 35.04 as applicable to the role of the administrator. The district shall use evidence set forth in 603 CMR 35.07, the ratings set forth in 603 CMR 35.08, and student performance measures set forth in 603 CMR 35.09 as determined applicable by the district.

### **35.06: Evaluation Cycle**

- (1) School committees shall adopt either the comprehensive evaluation system designed and regularly updated by the Department of Elementary and Secondary Education, 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-reflection and self-assessment.
  - (a) Each educator shall be responsible for gathering and providing to the evaluator information on the educator's performance, which shall include an analysis of evidence of student learning, growth, and achievement for students under the educator's responsibility. The educator shall provide such information, in the form of self-reflection and assessment, in a timely manner to the evaluator at the point of goal setting and plan development. The evaluator shall consider the information.
- (3) The evaluation cycle shall include initial goal setting and development of an Educator Plan.
  - (a) Evaluators shall use evidence on educator performance and impact on student learning, growth, and achievement in goal setting with the educator based on the educator's self-reflection and other sources that the evaluator shares with the educator.
  - (b) Educator Plans are a key component to promote student learning, growth, and achievement, and shall be designed to provide educators with adequate

feedback for improvement, professional growth, and leadership, and ensure educator effectiveness and overall system accountability.

- (c) All educators shall be placed on a Plan based on their overall rating and their impact on student learning and growth, provided that educators who have not yet earned Professional Teacher Status and any other employee at will shall be placed on a Plan solely at the discretion of the district.

1. Developing Teacher/Administrator Plan for all administrators in their first three years and teachers without Professional Teacher Status who received an overall rating of Proficient or higher and whose impact on student learning is either moderate or high.

2. Self-Directed Growth Plan for all educators (among those not on a Developing Plan) rated Exemplary or Proficient. For educators whose impact on student learning is either moderate or high, the plan may be for up to two years. For educators whose impact on student learning is low, the plan shall be for no more than 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 educators rated Needs Improvement and whose impact on student learning is either moderate or high.

4. Improvement Plan for all educators rated Unsatisfactory, and all educators rated Needs Improvement and whose impact on student learning is low.

- (d) All Educator Plans shall meet the following requirements:

1. Include a minimum of one goal to improve the educator's professional practice tied to the standards of effective teaching or administrative leadership, as appropriate to the educator's status.
2. Include a minimum of one goal to improve the learning, growth and achievement of the students under the educator's responsibility as measured by improvements in either statewide assessments or district-wide assessments comparable across grade and subject level when statewide growth measures are not available.
3. Outline actions the educator must take to meet 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 any additional local indicators.
5. Be consistent with district and school goals.

(4) The evaluation cycle shall include implementation of the plan. It is the educator's responsibility to meet 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 plan.

(5) The evaluation cycle shall include a formative assessment/evaluation, in which the evaluator makes an initial judgment on the educator's performance on each standard and overall in the form of a rating. In determining this initial rating, the evaluator may review all relevant evidence. The formative evaluation may be ongoing throughout the evaluation cycle, but typically takes place at the end of the first year for PTS teachers rated Proficient or higher.

(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 standards and indicators and evidence of the attainment of the educator's plan goals.

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

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

1. If the educator does not have Professional Teacher Status, the evaluator may choose to put the educator on a Developing Teacher/Administrator Plan.

a. If the district decides to put the educator on a Developing Educator Plan:

i. The educator shall be evaluated annually.

2. For the educator who has Professional Teacher Status and whose impact on student learning is either moderate or high, the evaluator shall place the educator on a Self-directed Growth Plan.

a. The educator shall receive a summative evaluation at least every two years.

b. The educator may be eligible for additional roles, responsibilities and compensation, as determined by the district.

3. For the educator who has Professional Teacher Status and whose impact on student learning is low, the evaluator shall place the educator on a Self-directed Growth Plan.

- a. The plan shall be active for no more than one year.
- b. The plan shall include a goal related to changes in professional practice that will result in an increased impact on student learning.

(b) For any educator who receives an evaluation rating of Needs Improvement whose impact on student learning is either moderate or high, the district shall take the following actions:

1. If the educator does not have Professional Teacher Status, the evaluator may choose to put the educator on a Directed Growth Plan.
  - a. If the district decides to put the educator on a Directed Growth Plan, the Plan may be for no more than 90 days.
    - i. The educator shall be evaluated at least every 90 days.
    - ii. The educator may be dismissed at any time.
2. If the educator has Professional Teacher Status, the evaluator shall place the educator on a Directed Growth Plan.
  - a. The educator shall receive a summative evaluation at the end of the period determined in the Plan, but at least annually.

(c) For any educator who receives an evaluation rating of Unsatisfactory or an evaluation rating of Needs Improvement and whose impact on student learning is low, the district shall take the following actions:

1. If the educator does not have Professional Teacher Status, the evaluator may choose whether to put the educator on an Improvement Plan.
  - a. If the district decides to put the educator on an Improvement Plan, the Improvement Plan may be for no more than 90 days.
  - b. The educator shall be evaluated at least every 90 days.
  - c. The educator may be dismissed at any time.
2. If the educator has Professional Teacher Status, the evaluator shall put the educator on an Improvement Plan.
  - a. The educator shall receive a summative assessment at least annually.

(8) 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, §42.

**35.07: Evidence Used in Evaluation.**

(1) The following categories of evidence shall be used in each district's educator evaluation systems:

- (a) Multiple measures of student learning, growth, and achievement, which shall include:
  - 1. Measures of student progress on classroom (school-based) learning goals set between the educator and evaluator for the academic year;
  - 2. State-wide growth measure(s) where applicable, including MCAS Student Growth Percentile and Massachusetts English Proficiency Assessment (MEPA);
  - 3. District-determined measure(s) of student learning comparable across grade or subject district-wide.
- (b) Judgments based on observations and exemplars of professional practice, including announced and unannounced observations of practice of any duration;
- (c) Additional evidence relevant to one or more Standards of Effective Teaching or Administrative Leadership. The educator shall compile and present to the evaluator evidence including:
  - 1. Evidence of fulfillment of professional responsibilities and growth, such as: self-reflections; peer collaboration; professional development linked to goals and/or growth or improvement plan; contributions to the school community and professional culture;
  - 2. Evidence of outreach to and engagement with families;
  - 3. Analysis of data from parents, staff (for administrators), and students, including surveys of climate, engagement, and other indicators of their experience with the educator.
- (d) Any other relevant evidence that the evaluator shares with the educator.

**35.08: Performance Level Ratings.**

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

- (a) Exemplary.

- (b) Proficient.
- (c) Needs Improvement.
- (d) Unsatisfactory.

(2) In rating educators on standards for the purposes of either formative or summative assessment/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 approved by the Department.

(3) Evidence and professional judgment shall inform the ratings on standards and overall educator performance in accordance with the above rating scale and the evaluator's assessment of the educator's impact on the learning, growth, and achievement of the students under the educator's responsibility.

(4) All standards shall be rated using multiple categories of evidence.

(5) At a minimum, multiple measures of student learning, growth, and achievement shall be used in rating the Curriculum, Planning, and Assessment and Teaching all Students standards for teachers and the Curriculum, Instruction, and Assessment and Management and Operations standards for administrators.

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

(7) To be rated Proficient, an administrator shall, at a minimum, have been rated Proficient on the Curriculum, Instruction, and Assessment standard for administrators, 603 CMR 35.04(1).

(8) An educator who receives a Needs Improvement rating shall receive this rating for one year only. The educator either must earn a higher rating in the following summative review cycle, which shall be for no more than one year, or shall be rated Unsatisfactory.

(9) 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 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 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.

### **35.09: Student Performance Measures**

- (1) Student Performance Measures shall be a significant factor in the summative evaluation.
- (2) The evaluator shall determine whether an educator is having a moderate, low, or high impact on student learning based on 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.
  - (b) MCAS Student Growth Percentile shall be used as one of the measures where it is available, and
  - (c) Additional measures comparable across schools, grades and subject matter district-wide as determined by the superintendent and approved by the Department may be used in conjunction with MCAS scores to meet this requirement, or when MCAS growth scores are not available.
- (3) 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.

### **35.10: Implementation and Reporting**

- (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 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 evaluation systems consistent with 603 CMR 35.00 for the 2012-2013 school year.
  - (c) All school districts shall adopt evaluation systems consistent with 603 CMR 35.00 beginning with the 2013-2014 school year.
- (2) All evaluation systems and changes to evaluation systems shall be subject to the Department's review. The Department will review districts' evaluation systems to ensure the systems are consistent with the Board's Principles of Evaluation and report

its findings. Districts' existing evaluation systems shall remain valid until the Department has reviewed the new system.

(3) 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 adopt a district-wide set of student performance measures for each grade and subject that permit a comparison of student learning gains.

(a) MCAS Student Growth Percentile shall be employed where it is available.

(b) At least two measures of student learning gains shall be employed at each grade and subject in determining impact on student learning.

(5) 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.

(a) The required data reporting may include but shall not be limited to: the number of educators rated at each performance rating; the percentage of teachers who receive Professional Teacher Status; the number of educators rated on each of the four standards at each performance rating; the percentage of teachers at each level: low, moderate, high impact on student learning; and the district's approach to reconciling discrepancies between state and local assessments in determining teachers' impact on learning.

(b) Any data or information that the Department creates or receives 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 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.

(6) The superintendent is responsible for ensuring that all evaluators have training in the principles of supervision and evaluation.

(7) 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.



