

Q&A On Teacher/Principal Evaluation

What is NYSUT's position on New York State's Race to the Top Phase II application?

NYSUT has consistently taken the position that it is better to be at the table shaping the changes rather than having the changes done to us. Unlike with local collective bargaining between school districts and local unions, The State Education Department does not have to bargain with us on education reform issues. During the development of the Round I RTTT application, SED afforded NYSUT and other key state stakeholders limited opportunity to influence the contents of the application.

New York State was hurt by the decision to exclude stakeholders from the process, especially NYSUT. The peer reviewers of the New York State application raised concerns with the lack of union support and SED's inadequate response as to how they would work with NYSUT to create systemic reform. As a result, the state's application lost a significant number of points.

The lesson learned by SED was that NYSUT must be a partner to bring about education change aligned with the 4 assurances. We have had intensive negotiations around the teacher/principal effectiveness assurance.

Phase II of RTTT provides NYSUT with an opportunity and leverage to set the benchmark into the future by ensuring student test scores should never be the sole determinant of teacher effectiveness. The final product will be an evaluation system that is fair to our members, serves as the foundation for the re-authorization of ESEA and for the purposes of SED, it could help the state's RTTT application.

Below are some of the changes being implemented by other states which will likely serve as a precedent for revisions to ESEA:

Tennessee

- At least 50% of the evaluation is based on student growth; 35% value-added
- 20% of the current teacher work-force will be terminated by 2014
- An alternative to the traditional salary schedule will incorporate the use of student data

Delaware

- Tenure protections, promotions, and retention are linked to growth
- To be rated "effective" a teacher must show satisfactory growth.
- Turnaround models give the state the authority to override collective bargaining

Rhode Island

- Student growth will be phased-in, 51% of evaluations by 2013-14
- A performance-based compensation model will replace the traditional step/preparation salary schedule by 2015

Georgia

- Core Teachers - evaluations based 50% on value-added student growth; an additional 10% on student achievement gap reduction; 30% qualitative, rubrics based measures; 10% other quantitative measures
- Non-core teachers – 40% other quantitative measures
- Step increases tied to performance

Florida

New evaluation system with 50 percent based on student growth measures

Illinois

Requires student growth as a significant factor—at least 50 percent

Colorado

- Evaluations based 50% on student growth on standardized tests
- 3 consecutive years rated effective to get tenure
- Lose tenure if rated ineffective for 2 consecutive years

Louisiana

- Evaluations based 50% on value-added student growth.
- To be considered “Expert” teachers must show more than 1.5 annual student growth
- Developing a new statewide plan for pay-for-performance

What authority do the Regents have to make changes to the teacher evaluation process?

Commissioner’s regulations provide for the requirement for an annual professional performance review. Anticipating legislative gridlock over RTTT issues, the Regents unilaterally made two significant changes to the APPR in April. The changes included

- The regulations require 4 teacher rating categories (Highly effective, effective, developing and ineffective)
- Add student growth as the ninth criterion for teacher evaluation.

What is NYSUT’s strategy for dealing with the Regents action on APPR?

NYSUT is engaged in negotiations to set up a realistic legislative proposal which sets parameters for changes to the APPR. Once the parameters are set in legislation, SED can’t unilaterally set higher percentages.

How would this legislative strategy impact the current APPR?

- Student achievement includes multiple measures of growth and cannot be limited to student test scores.
- Student achievement will be 40 percent of the total composite score on a teacher’s evaluation with 20 percent based on student growth on state tests or equivalent local assessments and 20 percent on locally developed multiple measures of student achievement.
- Only after the Board of Regents adopt a value added growth model, the percent based on student growth on state tests will increase to 25 percent with the overall percentage of the evaluation based on student achievement remaining at 40 percent.
- Implementation of the changes will apply to evaluations conducted after July 1, 2011 for teachers in grades 4-8, and the following year for all teachers, must include student achievement, including growth measures as one of the criterion.
- Any linkage between the APPR and significant employment decisions including: promotion, supplemental compensation, retention, tenure determination, and terminations must be decided through local collective bargaining.
- The remaining 60 percent of the evaluation will be based on teacher practice and environmental conditions which are locally bargained.
- The APPR must be a significant factor to inform professional development decisions.
- Evaluators required to be trained in how to conduct the new evaluations.

- Commissioner's regulations will set the maximum and minimum score for each category
- Teachers rated as developing or ineffective must receive a Teacher Improvement Plan to be implemented in a timely manner.
- Districts will be required to document that the supports included in the TIP are actually provided.

How will student growth be defined?

A State Advisory Committee will be formed to assist the Board of Regents in the development of an appropriate measure of student growth. Growth is defined as the change in student achievement between two or more points in time.

How will the teacher effectiveness rating be arrived at?

- The evaluation will result in a composite score based on the multiple measures, which will determine a teacher's effectiveness rating.
- Based on the work of the state advisory committee, the Commissioner's regulations will set scoring bands for the four categories: highly effective, effective, developing and ineffective.

Are opportunities for teacher growth and improvement built into the process?

- Teachers that are identified as developing or ineffective will be given a Teacher Improvement Plan (TIP) that includes differentiated activities to address the teacher's areas of improvement needs.
- The Tip must be implemented in a timely manner
- Professional development will be targeted to the teacher effectiveness outcomes.

How does this legislative strategy impact upon the 3020a process?

- School districts are required to develop a TIP for developing and ineffective teachers. The TIP must include identification of needed areas of improvement, a timeline for achieving improvement and the manner in which improvement will be assessed.
- The district and local must negotiate an appeals procedure for the evaluation rating.
- A teacher with two ineffective annual ratings could be charged with incompetence based on a "pattern of ineffective teaching" and be subject to an expedited hearing .
- An expedited hearing will be conducted within 60 days before a single hearing officer for teachers charged with incompetence after 2 consecutive ineffective ratings.
- The TIP and proof that the required supports were provided would be the evidence the district would submit.
- None of the legislative changes precludes an employee from raising any defense in challenging the allegation of a "pattern of ineffective teaching".

Note: Presently under *Education Law* §3020-a when, among the various charges of misconduct (which often are many, complex and varied), there is an allegation of "pedagogical incompetence" the charged teacher has a right to a single hearing officer or a three-member hearing panel. A charge of "pedagogical incompetence" may be based upon a single APPR. The timeframe for conducting the *Education Law* §3020-a is 60 days from the date the pre-hearing conference is held.

What employee safeguards are included in the legislation?

- Advisory Committee will consult on implementing Commissioner's regulations.
- It includes targeted professional development and full compliance by districts in meaningful teacher improvement efforts.
- An evaluation appeals process to be established in each district through collective bargaining.
- The new evaluation process will reduce the subjectivity in ratings among teachers by establishing transparent standards.
- Local bargaining will determine how evaluations are to be used for promotions, supplemental compensation, etc.
- Ineffective ratings establish evidence, but are not dispositive, in 3020-a proceedings.

If successful what will NYSUT's involvement have gained for our members?

- Changed the focus of evaluations from discipline to improvement.
- Limit the influence of state tests on teacher evaluations.
- The collective bargaining process will be protected and expanded.
- Local measures of student achievement, procedures for evaluations and the expedited hearing process must be negotiated.
- Districts with contracts in place will not be required to comply with these changes until a new contract is reached.
- NYSUT will have significant involvement in the Advisory Committee that will be formed to develop teaching standards, standards for professional contexts and standards for system support.
- The phase-in of the evaluation system will be pushed back to 2011-12 to give time for the Advisory Committee to do its work.
- The Teacher Improvement Plan (TIP) will be clearly defined, including the remedies and districts will be required to implement the TIP.
- The APPR continues to require the use of multiple measures for determining teacher effectiveness.
- NYSUT has taken the lead in improving teacher effectiveness through evaluations and Professional Learning Communities. The AFT Innovation Fund and NEA/NYSUT projects will provide the research and help shape the models that will be used by the Advisory Committee.
- A fairer evaluation system by removing some of the subjectivity from the current system. A scoring rubric for the new system will not allow administrators to easily manipulate the rating system to rate a teacher ineffective.

What will NYSUT do to help locals?

- The teacher evaluation system will continue to take shape over the next year as critical components, such as teaching standards and data systems are developed. NYSUT will keep members informed of the progress of the AFT innovation project and other initiatives and the work of the Advisory Committee, as they move forward.
- NYSUT through the AFT Innovation Fund grant will identify multiple measures of teacher effectiveness including evidence of student learning that could be used in the evaluation system.
- Workshops will be developed for LRSs to assist locals with these issues.
- LRSs will assist locals with the bargaining on these issues
- NYSUT will provide examples of contract language and guidance.

What if NYSUT just says "No"?

- It is antithetical to NYSUT's decades long service to our locals to walk away from difficult proposals and let others make the decisions that impact on our locals and members. We believe that we belong at the table and that in doing so we can refine, shape and rework negative proposals into ones that improve the services we provide to students without putting basic rights of our members and locals into jeopardy.
- If NYSUT says no and does not participate in the development of the NYS application, then the state could apply to USDE and possibly get an award without the support of NYSUT or of the local unions.
- Additional changes by the Regents/SED and the Legislature/Governor to the NYS application would most likely contain more negative elements such as found in those applications that were funded in the first RTTT round and all of our local unions would be relegated to impact bargaining on those issues rather than in the role of shaping the changes such as we have. Without the possibility of gaining points through union support, New York's application would be obligated to be more extreme in other areas.
- Politically, we would place any potential reduction in the proposed state aid for 2010-11 at a severe risk because NYSUT and our locals would be viewed as to not value any infusion of federal monies into the state and therefore willing to forego any reduction in the \$1.4 million cut now slated for k-12 schools. If this were to happen, we predict almost 18,000 layoffs of k-12 teachers and other staff-a staggering blow to our members and to the services that we provide to the students of the state.
- While there are elements in RTTT that we would rather not have to deal with, some elements, such as a poor teacher evaluation system, lack of support for struggling teachers and the need to include the impact of student performance in the entire accountability system, as issues that need to be addressed. The question is whether they will be addressed with our input or without our input.