



Implementing post-290 EVALUATION

Legal and practice issues in
incorporating student learning
and growth

The Hungerford Law Firm

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S.B. 290 “To Do” List

AUGUST, 2013

- Finish any work on evaluation handbook, forms
- Inservice administrative staff
- Identify and inservice any resource persons for SLG goal-setting guidance
- General introduction to all teachers regarding changes
- Outline expectations for building-level inservice
- Plan for time during inservice week for groups of teachers to select SLG goal areas

S.B. 290 “To Do” List (continued)

SEPTEMBER-DECEMBER, 2013

- *Plan time for ongoing goal development, identification of data for measurement
- *Finalize SLG goals by October 15?
- *Set any professional practice goals
- *Teachers develop instructional strategies to meet SLG goals

S.B. 290 “To do” list (cont.)

JANUARY-JUNE, 2014

- *Mid-year data collection, conference (Jan./Feb)
- *Renewal/nonrenewal of probationary teachers and administrators (by Mar. 15, 2014)
- *Extension/non-extension of contract teachers and administrators (by Mar. 15, 2014)
- *End-of-year conference on goals completion
- *Evaluation completed (probationary each year; contract at least every other year). Student growth need not be counted.
- *Review evaluation procedures; specify % weight for student learning and growth goals or matrix

S.B. 290 Basics

- Goal: “To improve student academic growth and learning by:
 - ◆ “assisting school districts in determining the effectiveness of teachers and administrations for “human resource decisions” **BUT no requirement in 13-14 or 14-15 to use SLG goal completion in this manner.**
 - ◆ “Improving professional development and classroom and administrative practices”

S.B. 290 Steps to Implementation



- The Act took effect 7/1/11
- State Board adoption of Core Teaching Standards 12/11
- ESEA Flexibility Waiver conditionally approved **through 13-14**
- State Board adopts “Framework” to provide further guidance to school districts (6/12)
- Districts “customize” standards through “collaborative” process; school board approval by July 1, 2013
- Districts will implement in 2013-14 **(not just “pilot”)**

What process for developing SLG goals?



The team approach

- * Cuts administrative workload
- * Provides opportunity for mentoring newbies
- * Provides more input on data selection
- * May enhance collaboration on changing teaching strategies to meet goals

Downsides?

S.B. 290 Required Evaluation Procedures

Implement these evaluation procedures:

- Four-level rating scale
- Annual goal-setting process (SMART goals) that includes at least two goals related to student growth
- Teacher and evaluator select evidence of goal completion
- Mid-year and end-of-year meeting over progress on student growth goals.
- Summative evaluation every year (probationary) and at least every two years (contract teachers).

The S.B. 290 Evaluation must:

Provide for “multiple evidence-based measures to evaluate teacher performance and effectiveness, including:

- *Evidence of Professional Practice

- *Evidence of Professional Responsibilities

- *Evidence of Student Learning and Growth

Use evidence from all three categories to “holistically” rate performance **but SLG to be a “significant factor”**

S.B. 290 Evaluation – Part 1

Evaluating “Professional Practice”:

- *Classroom observation, documentation and feedback (both formal and informal)

How do administrators meet requirements for multiple observations/teacher each year?

- *Examination of Artifacts

(lesson plans, curriculum design, scope and sequence, assignments, student work)

S.B. 290 Evaluation – Part 2

Evaluating Professional Responsibilities:

- *Teacher reflections and self-reports
- *Professional goal-setting
- *Parent/student surveys
- *Peer collaboration (in formative process only)
- *Portfolios
- *Building-level leadership

What about union objections? CBA restrictions?

S.B. 290 Evaluation – Part 3

Develop the means for consideration of evidence of
“student academic growth and learning”

“Student growth” = “change in individual student
achievement between two or more points in time”

- Classroom- or school-based measures
- District-developed measures
- State and national measures

SB 290: Student Growth Goal-setting Process

- Teachers review baseline data and create goals measuring learning of all students over year.
- Teachers collaborate with evaluator (and with colleagues) to establish student growth goals.
- Teachers establish at least two* SLG goals & identify evidence to determine goal attainment.

Evaluator's Role in Goal-Setting

- Collaborate in setting student growth goals
- Discuss rigor and rationale of each goal
- SMART goal process to be used
- Meet with teacher mid- and end-of-year to discuss progress, change in strategies
- **Make a quantitative rating of goal attainment (Level 1-4), not just based on student growth (required in 2013-14?)**

How do we choose SLG goals?

SOURCES FOR STUDENT LEARNING & GROWTH GOALS:

- **Building-wide goals, based on the District's Achievement Compact**
- **Department or grade-level goals based on analysis of test data**
- **Building goals to increase retention, attendance or graduation rates**
- **Individual goals based upon the teacher's analysis and definition of students demonstrating adequate "growth and learning."**
- **Administrator-directed goals in areas of deficiency**

Sample Student-Centered Goals

Target based on Achievement Compact

Target: Low percentage of 9th-graders “on track”

GOAL (for all 9th-grade teachers): 80% of students will add 6 or more credits during the 9th-grade year. **Is this goal realistic?**

Target based on common national measure:

Target: Student growth in physical conditioning/ basic skills (elementary PE teacher).

GOAL: By end of year, 70% students in grades 1-6 will increase scores by 10 points or more on Presidential Fitness Test; 0% will end with decreased scores over fall. **Is this goal rigorous?**

Sample Student-Centered Goals

Target based on State test scores in tested subjects:

“For the 2013-14 school year, 100% of students in my 4th-grade class will make measurable progress in math:

- Each student will improve scores on the OAKS or equivalent test by [___ points] [___ percentage] and
- Students in the lowest quartile will improve performance in the two areas of greatest weakness, and
- 80% of the students will score ___ or better overall.

What beginning of year data will be used? What mid-point data?

Sample Student-Centered Goals

Target based on department or grade-level goals based on analysis of data:

“For the current school year, all students will make measurable progress in three of the four areas related to scientific investigation (hypothesis, investigative design, data collection, data analysis) and 80% of students will achieve at the 3rd level of performance on a 4-point rubric in each area.”

Does this goal measure “student growth”?

“Classroom-based” student learning goals

- “85% of beginning band students will elect to continue into the second-year class.” Does this part of the goal measure SLG? Other factors?
- “95% of beginning band students will, by May, progress from starting point to knowing fingering of at least 8 notes.”
- “95% of beginning band students will, by May, be able to play two or more songs from the Level I book, in tune and with regular rhythm.”

“Classroom-based” student learning goals

“In beginning woodworking class, all students will demonstrate understanding and consistent use of safety practices involving all equipment, measured by:

- 100% of safety steps for each piece of equipment demonstrated prior to the start of the project.
- All students engage in peer monitoring and check-off of peer’s use of safety practices.
- No preventable accidents or injuries.”

Is this goal rigorous enough?

Writing SMART goals

- **SPECIFIC:** The goal is focused on a specific area of student need.
- **MEASURABLE:** The goal is measurable and uses an appropriate instrument.
- **APPROPRIATE:** The goal is standards-based and directly related to the students the teacher teaches.
- **REALISTIC:** The goal is “doable” but rigorous.
- **TIME-BOUND:** The goal has a definite time-period within the year.



Writing SMART goals

Is this goal appropriate for a special education teacher? Does it measure SLG of all students? Is it measurable?

“For this school year, all of my students in the high school Life Skills class with relevant IEP goal(s) will improve their ability to independently shop for basic needs: identify items on a list and locate them in a store, ask for and follow directions from a store clerk, and use money to pay for items.”



How do we ensure best strategies are used to reach SLG goals?

1. Determining Needs

2. Creating specific learning goals based on pre-assessment

3. Create and implement teaching and learning strategies

4. Monitor student progress through ongoing formative assessment

5. Determine whether students achieved this goal.

Scenario #1

The middle school teachers have identified that 6th-7th-grade students consistently demonstrate poor skills in “academic” writing, especially idea development, organization and structure, and appropriate writing for a targeted audience. Several language arts teachers have suggested this as a group goal area for student learning and growth.

How do we create SLG goals appropriate for all these staff?

- Administrators/evaluator???
- Beginning teacher
- Teacher retiring in two years
- Special ed teacher (10% of students on IEP as LD in reading and/or writing)
- Language arts teacher who is a TOSA half day in reading/ writing

6-7 Writing Goal

- During the 2013-14 year, 90% of all 6-7 students will increase their score by at least one level on the statewide written language scoring guide by the end of the year, in the areas of Ideas & Content, Organization, and Conventions as measured by pre- and post-measures.

Are the criteria for successful completion specific enough?

6-7 Writing Goal

During the 13-14 school year, all students will improve by one rubric point on ideas (and content) development as measured by assessment in Sept., January, May.

Students with language or learning needs will be measured by use of outlines (WEBS) consistent with IEP or individually established goals.

Students who score at the top of the scale will have targets established suitable to demonstrate growth in organization and/or writing to a specific target.

Does this SLG goal measure growth of ALL students?

6-7 Writing Goal

Using three writing samples during the course of the year, 90% of students will achieve a passing score of 4 or a minimum of 1 point of growth (utilizing the state scoring guide) beyond their current baseline performance in areas of ideas and content, organization, mode.

Is this goal attainable during one school year?

6-7 Writing goal

Based on classroom assessments, IEP students with a LD in writing or reading (but taking the regular assessment) will increase one organizational and one writing strategy each during the course of the school year.

How can SLG goals be adapted to include ALL students' progress?

M.S. Writing Goal

Teachers of English/LA, social science, science and health will implement TAP writing method as instructional model. Students will complete weekly paragraph assignments and monthly formative assessments which the PLC will review to determine progress towards goal. Achievement of goal will be measured through quarterly independent work samples.

Does this goal specify criteria for success?

6-7 Writing Goal

During the 2013-2014 school year all of our students will make measurable growth in each strand. Strand one is idea development, strand two is organization and structure, and strand three is appropriate writing for audience.

The lowest quartile of students will show at least one point growth in all three strands and two points growth in at least one strand. The mid-group will make at least one point growth in each strand. The remaining (upper quartile) students will grow at least one point in at least one strand.

Is it acceptable to have different targets for SLG of different students?

Designing Data Collection

The teacher's goal must be MEASURABLE so reliable EVIDENCE must be obtained through targeted DATA COLLECTION.

- Let teacher suggest what evidence would be needed, how it might be collected
- Ask teacher to design data collection devices, summaries
- Set early deadline for submission of preliminary data
- Use PLC to design/review data collection
- Plan for data that can be gathered in observations by administrator.



Identifying Teaching/Learning Strategies

How might the group cooperate in designing and implementing strategies to accomplish the goal?

What if some teachers refuse to share their own strategies for success?

What happens if, at the end of the year, one teacher's results are much greater than other teachers'?"



Goal-setting for Specialists

Can we modify a SLG goal for the counselor(s) assigned to 9th-graders:

Target: Low percentage of 9th-graders “on track”

GOAL (for all 9th-grade teachers): Increase from 50% to 60% students who have 6 or more credits at the end of 9th grade.

Counselor ____ will review student records at the end of each grading period to identify students failing in 1 or more courses, and will meet with each participating CORE teacher regarding reason(s) for F or D grade. Counselor will develop list of students failing due to 4 or more unexcused absences during prior grading period and will initiate parent contacts; absenteeism will drop to no more than 2 unexcused absences for 90% of these students during next grading period.

Can you write SLG Goals for Non-Classroom Professionals?

Write a “student-centered” SMART goal for a SLP, an OT, PT, Behavior Specialist, Autistic Consultant:

(What baseline data will you gather and use?)

Staff not providing for direct services to students may be exempted from writing SLG goals

Student-Centered Goals for Teachers of Electives

How can we write a “student-centered” SMART goal for a teacher of an elective, such as art, journalism, agriculture?

7/8 Band: For the current school year, all band students will demonstrate progress in the principal items of our concert performance assessment by improving by at least one performance level, as measured by the BVODA performance assessment, comparing fall with spring concerts.

79% will score at “Excellent” or higher, 21% at “Good” in the March 201_ concert.

Goal-setting Challenges

- Katherine is a senior teacher of 11th-12th-grade English. Katherine submitted two draft goals:

“All of my students will pass the semester test in English 11 or 12.”

“IEP students will make progress on their reading goals, as directed by SpEd teachers.”

Note: Katherine filed a grievance when she was rated as unsatisfactory last year in certain criteria because 40% of her students received D's or F's.

Goal-setting challenges

Peter, a middle school social studies teacher, was evaluated in March as “needs improvement” in “student engagement” and “instructional strategies” because of observation data that showed mostly rote learning, use of T-F tests, heavy reliance on lecture, and low percentages of students “on task.” He was told that he needed to improve on these areas or he would be placed on a Plan of Assistance in the fall.

Peter comes to the goal-setting conference with no ideas for student growth goals. “I think most of the kids are getting it, but obviously you don’t, so why don’t you write the goals.”

Do we require teachers who are on POAs or pre-POA improvement status to work on SLG goals as well?

Possible legal challenges

- Some teachers not observed the minimum # of times – Differential treatment?
- Not all requirements of evaluation procedure have been implemented before POA – grievance? reinstatement?
- Lack of substantive due process if SLG goals are used to decide nonrenewal, dismissal? If used to decide transfer, TOSA assignment?

Possible legal challenges

- FDAB criteria for proving “inadequate performance” include opportunity for assistance and feedback from observer(s).
- Some districts have made arbitrators the decision-makers, sometimes under a “just cause” standard, with no possibility of appeal.
- Probationary teachers may attempt to use “writ of review” procedure to get claims of due process violations before a judge.

What's Next?

- Inservice for staff on the new goal-setting process is planned for fall, 2013.
- Identify areas where student growth is critical for school success on your Achievement Compact.
- Provide opportunities for selected teachers to become leaders in goal-setting process.
- Organize your schedule to focus on evaluation.
How can we “free up” evaluators from other demands on time? What role can teacher leaders play in monitoring and guiding?