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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *lm lowery*
DATE: September 23, 2014
SUBJECT: COMAR 13A.07.09, Evaluation of Teachers and Principals

PURPOSE:

To seek final adoption of COMAR 13A.07.09, Evaluation of Teachers and Principals.

BACKGROUND:

At the Board meeting on July 22, 2014, you approved for publication the proposed Evaluation of Teachers and Principals regulation. The publication date was set as August 8, 2014. The Executive Committee approved certain changes to the regulation prior to the August 8, 2014 publication date. You ratified and approved that decision of the Executive Committee at the State Board meeting on August 18, 2014.

EXECUTIVE SUMMARY:

During the public comment period, the Department received three comments suggesting several changes to the proposed regulation. I recommend only one change be made and explain my reasoning below:

Maryland State Education Association Comments:

1. Revise §.04(b)(6) and (7) to “preserve local autonomy” in the following ways:

(6) A local education agency’s evaluation system shall include rigor, which shall include rigor, which shall be demonstrated in part, by:

(a) The establishment of student growth as a significant component of the evaluation;

(b) For the school years 2014-2015 and 2015-2016, the use of a student learning objectives (SLO’s) informed by the data resulting from the State Assessments, which shall be represented on a teacher’s evaluation; and

(c) ~~The Department shall review and approve mutually agreed on evaluation systems to ensure compliance with the minimum general standards.~~

Mutually agreed upon evaluation systems shall be certified by the



Department as complying with these minimum general standards. Any local system not meeting these minimum general standards shall be provided with 45 days to correct the Department's identified deficiencies, which will be specified in its response to the local.

(7) The Department's approval-continued certification of an agreed-on evaluation system as compliant with the minimum general standards after the 2015-2016 school year will be based, in part, on the Department's analysis of the evaluation data obtained in the 2014-2015 and 2015-2016 school years, including an analysis of the use of State assessment data as a direct measure of student growth.

- I do not recommend changing the regulation to remove the approval requirement because MSDE's approval will ensure consistency and rigor in evaluation systems across LEAs - - an important goal and good education policy. MSEA asserts, however, that the use of the term "approval" allows for "manipulation" of the approval process outside the parameters of compliance with the general standards. I point out that the regulation as written bases the approval process on "ensuring compliance with the minimum general standards." I also point out that MSDE has a long history of using a Technical Assistance model to work collaboratively with local school systems during any approval processes. MSDE has certainly employed such a process in approving local evaluation systems under the TPE regulations that are sun-setting.
- I do not recommend changing "SLOs" to "a SLO" because that would limit local autonomy. MSDE has made it clear to LEAs that the number of SLOs they use can be "one" or more than one. LEAs have the flexibility and autonomy to choose.

2. Delete the "highly effective" category.

- I do not recommend this change because the three-rating system currently in place was designed and recommended by the Maryland Council for Educator Effectiveness and is based on the collaborative work of stakeholders focused on effective practice.

Moreover, in MSDE's ESEA Flexibility Waiver, approved guidelines for each LEA's evaluation plan included the following three statements:

- The plan clearly describes how (at minimum) a rating of Effective, Highly Effective, and Ineffective is determined for student growth for all teachers and principals.
- The plan describes how a rating of Effective, Highly Effective and Ineffective will be arrived at in the area of professional practice for all teachers and principals.
- The plan describes how student growth measures are combined with professional practice measures for teachers and principals to arrive at a

final rating of (at a minimum) of Effective, Highly Effective, and Ineffective.

Thus, I do not recommend eliminating the “highly effective” category.

3. Change .07C in the following way:

C. The signature of the teacher or principal does not necessarily indicate agreement with the evaluation report is for the purpose of acknowledging receipt only.

- I recommend changing the regulation to delete the words set forth above and adding “is for the purpose of acknowledging receipt.” That change merely repeats the purpose of the signature requirements as set forth in .04(B)(f), concerning observation reports. It adds clarity and consistency to the regulation.

Baltimore City Public Schools Comments:

1. Eliminate reference to Race to the Top in §.01B.

- That reference was eliminated prior to publication.

2. Eliminate “based on” or “derived from” from the description of SLOs in §§.04 and .05.

- The term “based on” was eliminated from .04, the LEA Model, prior to publication. No changes were made to .05, which is the Default Model. It contains more stringent requirements than those set forth in the LEA model and thus I recommend no change.

3. Reword §.07 in the following way: *“The Department’s approval of an agreed-upon evaluation system after the 2015-2016 school year will be based, in part, on the Department’s analysis of the evaluation data obtained in the 2014-2015 and 2015-2016 school years, and an analysis of the State Assessment data.”*

BCPSS asserts that the current language suggests that the LEAs should be incorporating state assessment data as a direct student growth measure for MSDE reporting purposes without providing guidance for how such data points should be included.

- The regulation, as it was published, states: *The Department’s approval of an agreed-on evaluation system after the 2015-2016 school year will be based, in part, on the Department’s analysis of the evaluation data obtained in the 2014-2015 and 2015-2016 school years, including and analysis of the use of State assessments data as a direct measure of student growth.*

I believe the regulation as written is sufficient to address BCPSS concerns and to convey that the Department will not be using state assessment data as a direct measure of student growth until a full and open analysis of the use of the data for that purpose occurs.

4. Revise §.06A to provide LEAs the flexibility of evaluating tenured teachers on professional practice more frequently than once every three years. The proposed regulation states: "In any year, a principal may determine or a tenured teacher may request that the evaluation be based on new review of professional practice along with student growth." BCPSS suggests revising it to state: *"In any year, the LEA or principal may determine...."*

- I do not recommend this change because it is inherent in the authority of a superintendent to direct principal(s) to conduct a "new review," when necessary and appropriate. No change to the regulation is necessary.

Montgomery County Public Schools Comments:

1. Delete the "highly effective" rating.

- I recommend no change for the reasons stated above.

2. Delete the "approval" requirement.

- I recommend no change for the reasons stated above.

ACTION:

I request that the regulations be approved for final adoption and publication with the one change set forth above.