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By e-file

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Mitchell Chester, Commissioner
Department of Elementary and Secondary Education
75 Pleasant Street
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RE: MTA's Public Comments on Draft ESSA State Plan

On behalf of its 110,000 members, the Massachusetts Teachers Association (MTA) offers the following comments in response to the Draft of the "Massachusetts Consolidated State Plan Under the Every Student Succeeds Act (ESSA)" prepared by the Department of Elementary and Secondary Education (DESE).

Before turning to particulars, MTA strongly urges both DESE and the Board of Elementary and Secondary Education to stop the rush to submit the state plan to the United States Department of Education (USDOE) by April 3, 2017. The submission of a state plan under ESSA provides the Commonwealth with a genuine opportunity to engage in an honest and searching self-assessment of the Massachusetts accountability system in place now for years. Meaningful self-assessment is, indeed, a cornerstone of the state evaluation process for teachers and schools, and DESE as a state agency should act in accordance with its own principles. The Massachusetts accountability system needs to be held to account for its successes and its failures. As with schools and educators, what works should be supported and replicated; what fails should be identified and discarded. The end of the No Child Left Behind era is itself the result of a powerful response to failures experienced at the state and local level but ignored at the top. ESSA has returned to states and local education authorities the right to shape their own systems of accountability to a far greater degree than we had in the past two decades. For DESE to continue a regime of centralized thinking and top-down mandates is to perpetuate what failed on the federal level and what has been failing on the state level.

April 3 is only one of two deadlines for submitting a state plan to the USDOE. DESE's draft plan can be submitted on September 18, 2017, without adverse effect. By DESE's own admission, the draft plan is incomplete and is a "conceptual framework." The MTA agrees with this admission,

but we add that the plan is inadequate because there has been no meaningful engagement with teachers and their chosen representatives about the kind of system that we know from direct experience is needed and would be most advantageous. In fact, DESE provided all stakeholders with very little time to review the Plan and analyze its potential impacts. While DESE justifies the rush to submit by arguing that the school districts need guidance long before the later deadline, this is shortsighted. The districts do not need guidance in implementing an unvetted and unpopular version of the previous flawed system. Moreover, DESE is free to roll out a revised accountability system in the months preceding the final submission of a state plan. Given the flux and uncertainty at the federal level, and given the need for a more robust dialogue here at home, we urge DESE to delay submission of the draft plan.

1. The Plan ignores the crisis of educational underfunding

The 2015 Foundation Budget Review Commission report found that public schools in Massachusetts are underfunded by \$1 billion. The Department of Elementary and Secondary Education, its Board, and the Secretary of Education have an obligation to acknowledge this finding and advocate for policies that will address this serious shortfall. However, rather than living up to this obligation, the draft State ESSA Plan incredibly contains the following statement:

In an era of increasing demands for public services as the state's population ages, it is unlikely that new financial resources will be coming to the education sector in future years. Districts must find ways to get more out of the people, time, and fiscal resources they already have to help improve outcomes for students ...

(Draft MA State ESSA Plan, p.17). The Plan then proceeds to propose the creation of additional state bureaucracy, rather than allocating resources to districts. This section and its strategy should be eliminated.

2. Proposals for revised Massachusetts Accountability System

For an accountability policy to have meaning, credibility and impact, it must be based on commonly held goals and values for public education that are derived from broad and inclusive community conversations. An education accountability policy must:

- Focus on what is being done to meet the broad goals of our public education system and address the achievements of our schools in meeting those goals for all students;
- Actively involve all stakeholders who bear the authority and responsibility for the success of our public education system, including state and local government, districts/schools and their leaders, educators, parents, and students.
- Provide information to districts, schools and educators in a manner that is timely, meaningful, and authentic and that responds to local needs and requests.
- Provide the necessary flexibility to allow local goals, values and indicators to be meaningfully included in the system.

Massachusetts has almost 20 years of experience implementing varying accountability policies, many of which have been dictated by federal mandates. Under the flexibility that ESSA now provides to states, Massachusetts has an opportunity to reframe its accountability policy to support schools, districts and educators in meeting a comprehensive set of shared goals, to expand beyond a narrow set of measures primarily based on standardized tests and to create transparent and meaningful state and local information that helps parents, educators and the public make informed decisions.

Few of the essential elements listed above appear in the accountability system proposed in the draft ESSA Plan. Specifically, the Plan was developed without meaningful consultation with stakeholders. Further, even DESE acknowledges the Plan is incomplete; it lacks a level of detail necessary to explain how the system would actually work.

In light of these concerns, MTA recommends that DESE delay its planned April 3 submission of a Plan to USED, so that it can

- engage with stakeholders in meaningful consultation about the goals, values, criteria and elements of the Massachusetts accountability system;
- develop a system of accountability that addresses the fullness of teaching and learning in a process and language that all can understand;
- rely on data that is presented without the use of obscure metrics.

The importance of getting the accountability system right far outweighs any claimed interest in providing schools and districts with direction on an expedited timetable.

While DESE has collected feedback about its accountability system proposal, this process has largely been shielded from public view. “Meaningful consultation” – a requirement now of federal law – is more than an anonymous online survey and tightly controlled focus groups with questions that artificially constrict debate and thinking. The word “meaningful” in fact has meaning. It requires thoughtful discussion and debate with diverse stakeholders representing a cross-section of interests who can engage in an in-depth vetting of each proposal with the support of existing data. To date, DESE has not engaged in “meaningful consultation.”

A narrow, top-down accountability system that is based on a complicated ranking system is and will be perceived as punitive at the level at which the actual work of education occurs: in the classrooms and in the school buildings, by students, parents, teachers and administrators. Changing our current system of labeling and punishing to one that actually supports improvement must be a principal policy goal of a new accountability framework. As currently constituted, the proposed system does not achieve this goal and instead reinforces sorting, ranking and punishing.

Our concerns are not mere rhetoric or ideology. They are concrete and specific.

3. An accountability system must be accessible and understandable

The adjustments made in DESE's proposed system are more complicated, more obtuse and less defensible than the current system.

DESE's plan expands the number of indicators. For elementary and middle schools, the ranking involves 18 indicators a year; when four years of data are available, this will mean 72 indicators will be used. For high schools, 28 indicators are proposed, or a total of 112 for a four-year period.

This is not robust and rigorous, but excessive and unrealistic, and makes it impossible for the public to understand the strengths and weakness of an individual school or district. How will a parent choose among high schools where a school is showing improvement in some areas but not others?

The ranking system includes separate indicators to measure "progress," "growth," and "improvement" in particular areas. Each of these terms has a specific and subtly different meaning that can be expected to leave the public, parents, schools, districts, educators and students bewildered and frustrated.

A complicated set of calculations is then used to "percentilize" the data. At the high school level, the 28 indicators are combined into a single ranking number by using 35 percentile rankings and 7 weightings (all of the specifics of these calculations are still "to be determined.") As more years of data are added, the complexity and absurdity of the calculation will increase. In the end, it is impossible to articulate what the resulting rankings measure or why they should be considered to reflect the goals of public education that are shared by the people of the Commonwealth.

As professional educators, we doubt that the single ranking number that results from this complex calculation can form a meaningful basis for understanding how a school can come closer to achieving the goals and purposes of public education. Teaching and learning are complex endeavors. Reducing this work to a single number as a basis for labeling a school is shallow and simple-minded. It does not recognize the actual work of student learning and reduces the chance that a school will be able to use the ranking system in smart and productive ways.

4. An accountability system must be coherent and credible

Indicators work only if they are widely recognized as appropriate, meaningful, fair, unlikely to be corrupted by a high-stakes emphasis, and unlikely to have unintended consequences. The indicators proposed have many problems:

- The system continues to be heavily weighted on standardized test scores despite the clear evidence that this dependence results in a narrowing of the curriculum, with disparate impacts on districts and schools serving high-needs students.
- The non-testing indicators are an incoherent list with no sense of why these indicators were included and others were not. The only explanations offered refer to research that

- suggests a relationship of these indicators to student outcomes. However, there are many other indicators that have a similar research-based justification and also show correlations to student learning or other outcomes. Without a set of consistent principles for selecting indicators, the resulting mishmash lacks discipline and value.
- A number of indicators may well result in district practices that are contrary to what the “incentive” is attempting to create. For example:
 - ✓ The proposed measure of improvement on chronic absenteeism anticipates that schools and districts will “incentivize a minimal loss of classroom instruction time.” The methods for calculating what is covered under “absent” have not been settled and appear to require that students who are absent due to medical treatment or removed from school due to pending disciplinary measures will be counted against the accountability level indicator. It is unwise to rely on a measure that includes data of questionable merit and fairness. The potential unintended consequences of counting student absences due to discipline or health should be more fully considered before the data are counted against a school.
 - ✓ The proposed indicator of success in grade 9 courses is another example of an indicator that could provide a perverse incentive to change school and district reporting policies and not reach underlying barriers to success. While DESE cites the relationship of this indicator to student outcomes, it is essential to understand how including it in an accountability system that rates schools will affect district and school policies and practice.
 - ✓ By imposing a traditional academic model based on seat-time in a sequence of courses that lead to enrollment in a four-year academic program, DESE is incentivizing high schools to eliminate career education programs and other nontraditional high school educational options. Ensuring access to a well-rounded high school curriculum indicator should not become the basis for discriminating against vocational-technical programs and against students who seek to engage in nontraditional high school courses of study. If a student is shoehorned into a foreign language or social studies course that is really designed to improve a school’s accountability rating, we have elevated the demands of the system over the needs of the student, and we have lost sight of our core purpose as educators.
 - The school climate indicator is unfinished and lacks credibility. The only measure of school climate is a survey of students taken at the time of MCAS testing. School climate is obviously more complex than this indicator would suggest, involves more than students and, in any event, cannot be measured reliably at the time of MCAS testing.
 - DESE proposes a mandatory high school schedule that leaves only one instructional period in a student’s schedule for additional arts courses, career vocational courses, additional Advanced Placement or IB courses, academic skills or externship/dual enrollment programs.

- Despite its length, the list of indicators overlooks important aspects of school quality. The system does not incorporate accountability for all those with responsibility and authority for public education: state and local government, communities, districts, schools, educators and students. Of particular importance is whether essential resources and programs are even being provided to students; but none of the indicators address this issue.

5. Rank ordering of all public schools is unnecessary and harmful

ESSA requires that 5% of schools that receive Title 1 funds be identified for “comprehensive support.” In Massachusetts, this is approximately 55 schools. The draft Plan complies with this requirement in a meaningless and destructive way. There is no shortage of ideas on how to select 55 schools that most need comprehensive support. Clearly, however, the task does not require the rank ordering of all 1,850 schools.

All schools should have a clear sense of how well they are fulfilling the purposes and goals of public education and where improvements are needed. A single ranking number emerging from a complex rank-ordering system provides negative motivation and no useful information.

The proposed system continues the current practice of incorporating both relative performance and meeting targets into its formula, even though the current practice has created anomalous and conflicting results. For example, under the current system:

- 34 schools in Level 1 have school percentiles below 30.
- 23 schools in Level 3 have met their targets for all students and for high-needs students.
- A Level 4 school that met all its targets and also met the requirements for Level 1 (and was not among the lowest 10% of schools based on school percentile) was still identified as a Level 5 school.

These examples are not isolated, and they create confusion, can be demoralizing to staff and students, and undermine the credibility of the accountability system as a whole. The proposed system merely perpetuates the problems:

- It creates eight tiers of school designations — six tiers based on the overall school percentile plus underperforming (Level 4) and chronically underperforming (Level 5) designations based on decisions of the Commissioner.
- Schools will be assigned to tiers based on the overall school percentile. The school percentile range for each tier does not have any obvious justification. For example, Tier 1 schools have school percentiles of 90-100 (a range of 11 points); Tier 2 schools percentiles range from 50-89 (a range of 40 points.)
- In addition, schools will be assigned targets on indicators for each year, based on some yet-to-be-defined process and judgment. Schools that meet their targets will move up a

level or levels and those that do not will move down, regardless of whether their overall rank would justify such a move.

- Educators, parents and students cannot reasonably be expected to understand and respond to why a school whose percentile ranking indicates Tier 2 status is nonetheless in Tier 5 because it has not met externally specified targets.
- Ranking 1,850 schools on a single composite measure incorrectly assumes that distinctions between two points on the ranking scale have educational meaning. A school ranked 41 will have outscored a school ranked 51 although there may be no meaningful qualitative distinction between the two schools.
- While there have been some assertions that the new indicators and ranking system will address the socioeconomic bias embedded in the current school rankings, the system and its indicators, on their face, provide no evidence of this goal. The current system has a clear bias against schools serving high-needs students. In the past seven years, all but one of the current Level 4 or 5 schools have a high-needs student percentage above 50%.

6. Educator Equity

As we set forth in our public comments to DESE on January 27, 2017, regarding DESE's proposed evaluation regulations at 603 CMR 35.00, we reiterate the important question of whether DESE has authority under the Massachusetts General Laws to involve itself to the degree it has in the promulgation of evaluation procedures and performance standards, both of which are matters squarely placed by Chapters 71 and 150E in other arenas for determination.

The following comments on Sections 5 and 6 of the draft Plan are selective and not intended to be comprehensive. There are many issues in the draft Plan that are difficult to address due to a lack of details. For example, the Plan includes legislative proposals that are in initial stages of the legislative process and, in some instances, provide only a skeleton of what the bill will eventually include.

DEFINITIONS

The draft plan addresses issues of educator equity by using shortcuts to label teachers as "ineffective," "inexperienced" and "out-of-field." Each of the proposed definitions is problematic and needs revisions as described below.

- a. DESE's reliance on the educator evaluation ratings as "needs improvement" or "unsatisfactory" to label a teacher as "ineffective" fails to take into account the complexity of the educator evaluation system.

For example, a cornerstone of the statewide educator evaluation system is the expected growth and improvement of early-career teachers as measured by the educator evaluation system. By design and regulations, early career educators are expected to meet a standard of "needs improvement" on each of the four standards in their first two years. Early-career educators are also expected to be supported and mentored as part of an induction program in

the first two years of practice. Educators who fail to improve in the first two years are either removed from their position or placed on an improvement plan as part of an Unsatisfactory rating. Educators have until the third year of experience in a role to reach Proficient or Exemplary in all four standards. Only after a teacher has failed to demonstrate improvement under a developing educator or directed growth plan should the educator then be considered a candidate for Unsatisfactory/Ineffective.

- b. In its definition of “out of field”, DESE relies on the out-of-date definition of “highly qualified” combined with the local regulatory term “core academic teacher.” The terms “highly qualified” and “core academic subjects” were part of the No Child Left Behind requirements that mandated teachers of core academic subjects meet a “highly qualified” standard, which included licensure and subject matter expertise measured through an MTEL or undergraduate degree. In 2012, Massachusetts adopted regulations that required “core academic teachers” to hold the Sheltered English Immersion Endorsement in order to provide instruction to ELLs. Massachusetts regulations do permit flexibility for teacher assignment by allowing educators to be employed in a role for which they do not hold a license for up to 20% of their role. Such flexibility for the purpose of assignment does not, and never has, relieved the educator from meeting either the “highly qualified” requirements under NCLB or the SEI Endorsement requirements under Massachusetts regulations. The proposed definition for out-of-field does not address this issue.
- c. Additionally, DESE is proposing a definition of an “inexperienced” educator as one who has only one year of teaching experience. Massachusetts requires educators and districts to participate in induction and mentoring programs for a minimum of two years. Educators are also not eligible to apply for full Professional licensure until they have completed three years in the role of a license under an Initial educator license.

The Department should include in its definition for educator equity the following:

Key Term	Definition
Ineffective educator	An educator who has been rated Unsatisfactory in a summative rating of his or her performance against the four standards of practice as part of the Massachusetts Educator Evaluation system. (should not include Needs Improvement because early-career educators are not expected to reach beyond Needs Improvement in the first two years of practice.)
Out-of-Field Teacher	Any educator who is assigned to a position where she or he does not hold a Massachusetts educator license. Educators who are employed under a waiver or who are assigned under the 20% licensure rule should be considered “out of field” (ESSA would require that district notify parents if their child’s teacher does not hold the proper license. DESE has not yet

	clarified whether this would include teachers under the 20% rule or not.)
Inexperienced Teacher	The Massachusetts state equity plan defines inexperienced teachers as teachers in their first year of practice. For the purposes of this application, the definition should be expanded to include any teacher in the first three years of practice or one who has not obtained Professional Teacher Status in any district. This is consistent with the regulator definition of <i>Experienced Educator</i> under 603 CMR 35.02.

LIKELY CAUSES OF MOST SIGNIFICANT DIFFERENCES

- a. Not included in DESE’s root cause analysis of significant differences in educator equity are its continuance of the Preliminary license and its failure to implement the statutory and regulatory requirement that districts employ teachers under a Preliminary license only when the district has an approved educator preparation program within the district. This requirement has not been enforced by DESE, and consequently districts ignore it. A commitment by DESE to enforce this provision of state law would address both access to trained educators while also closing the gap in the number of employment waivers requested by districts to employ uncertified and untrained teachers in critical areas such as English as a second language and special education.
- b. A second area unaddressed in the root cause analysis is the accountability status of the school or district and the impact a school turnaround strategy has had on educator equity. As part of Appendix B, DESE provides only statewide reporting of educator status with no drill-down comparisons of schools and districts. Teacher retention in the schools and districts in which DESE has seized control has declined and remained below state averages despite DESE having nearly full authority over budget, staffing and assignment of educators in these districts.

Current DESE policies encourage Level 4 and 5 schools and districts to require that educators reapply for their jobs, regardless of prior individual performance, and unilaterally modify the working conditions in the schools and districts where the Department has provided structural assistance. Experienced educators who hold highly sought-after credentials in special education and English as a second language, as well as experience providing sheltered content instruction, are recruited away from districts where working conditions are destabilized.

A selection of schools and districts that have received the most intense scrutiny and implement the department’s model turnaround programs has yielded some of the highest rates of teacher turnover and inequitable access to experienced educators. For purposes of comparison, Lowell Public Schools have worked to avoid DESE-promoted models of school improvement and have teacher retention rates well above state averages. Schools operating

under DESE turnaround models also trend toward having the lowest rates of licensed educators.

District/School and Level	Teacher Retention		
	SY2015	SY2014	SY2013
John Avery Parker School (New Bedford) - 5	9.1%	59.1%	81%
Paul A Dever School (Boston) - 5	0%	52.9%	73.7%
Holland School (Boston) - 5	3.6%	65.1%	81.3%
Holyoke District - 5	74.4%	86.1%	83.4%
Morgan School (Holyoke) - 5	10%	79.5%	86.8%
Lawrence – 5	72.3%	73.7%	81.6%
Springfield – 4	80.8%	82.0%	85.2%
Salem – 4	77.5%	86.1%	85.4%
Lowell – 3	91.4%	90.8%	90.4%
Statewide Averages	86.8%	87.6%	88.5%

Rather than put pressure on educator preparation programs to churn out teachers with specific licenses in future years, DESE should give districts an incentive to employ skilled, licensed and experienced educators as part of school and district improvement efforts.

Given DESE’s tacit support of programs that remove licensed and experienced teachers from high-need schools and districts, a revolving door of early-career educators and educators who do not hold appropriate licensure will become the *de facto* policy in high-need districts. There are no proposals by DESE to “disrupt” this ineffective educational model and ensure that while a student is enrolled in any single school, he or she has the benefit of a stable faculty of experienced educators.

CONCLUSION

Our federal and state governments have experimented with district, school, and teacher accountability systems for our local school systems for years now, and these experiments have not worked. As our schools must be accountable to the public, our accountability systems must be accountable to our school communities. DESE offers the draft ESSA Plan as a conceptual framework, but the errors of the past are embedded in the concepts. It is time to change the paradigm.

We urge DESE to delay the April submission and, as ESSA requires, open up a true, meaningful dialogue with the Commonwealth’s educational stakeholders, including tens of thousands of teachers.