



**Board of Regents Learning Summit  
on Implementing Changes  
in Teacher and Principal Evaluations**

**May 7, 2015**

Presentation by the New York State Council of School Superintendents  
*(as prepared for delivery)*

**NEIL O'BRIEN – President of the Council; Superintendent of Port Byron Central School District (Cayuga County)**

Good Morning Board of Regents and invited guests. I am Neil O'Brien, president Of New York Council of School Superintendents. NYSCOSS is the only organization for public school superintendents across the state. I am also president of Leadership for Educational Achievement Foundation. LEAF is the premiere organization in providing professional development to school leaders. I am truly honored to be here and to represent public school superintendents. I will be sharing the next forty-five minutes with three of my esteemed colleagues from around the state. Our presentation is purposefully only 35 minutes in duration so time will be left for questions from the Board of Regents and stakeholders. While I have no intimate knowledge on why we were picked to go first today, I suspect it had to do with the fact we are the smallest and largest stakeholder group to present today.

The smallest? Yes, we are roughly 700 district leaders. The CEOs for school districts would be the best way to put it. Compared to other organizations presenting today we are very small in membership and our state organization is similarly staffed in size. But, we are also the largest organization too. The decisions we make touch all facets of the educational spectrum: Boards, Parents, Teachers and Principals, and that interest group that seems to have been lost in the shuffle: the students. This decision-making happens every day. We are the ones who are held accountable to lead the institution and collaborate with everyone. It is our duty and in reality it is our calling. We choose to lead because we want better schools, professionally engaged teachers and principals and productive citizens for future generations.

We do understand that you, the Board of Regents, are faced with difficult decisions to make in the next few weeks. I am reminded of the famous quote from the Mikado that was repeated by Stan Laurel and at times attributed to him. "What a nice mess you got me into" might be words you collectively would utter to the governor and legislators in the current dilemma. Well, we might join you in the chorus, but as school leaders we find ourselves in such predicaments all

the time. We have to resist the temptation to lament and commiserate and instead find opportunities to lead and grow. Sure, we do not like parts of the law and we will share them with you today, but for the present we need to find ways to make the best of the situation and move forward in unison with stakeholders.

In simple terms as it relates to the APPR and the summit today, we are also the implementers. When state education sent out a memo two weeks ago providing guidance for submitting the new iteration of the APPR it was addressed to us, school superintendents, and we accepted it as our duty to meet its requirements.

Therefore, let me be clear, we will not be forced into making the same mistakes as last time and face the same problems with no power to affect change. The famous quip is: the definition of insanity is to do the same thing over again and expecting a different outcome.

We have tried this before: Setting an arbitrary and unworkable deadline for implementation with the threat of losing state aid repeats the insanity that got us here in the first place. Why would anyone purposefully repeat the mistakes of the past? Why would they want to create legislation that is a carbon copy of the previous debacle? Should we be made to choose once again between improving the accountability of teachers and principals or receiving the resources to keep the doors open for our students? You have a choice today. Either regulate us down that worn path of repeated mistakes or find ways to create new pathways in regulation.

The new path is not just providing hardship waivers. Yes, any district with an open or soon to expire contract with teachers and/or principals clearly is in a hardship. So are those who continue to be short staffed, and the under-resourced, the list is long. The hardship is the deadline.

But, since we are implementers too – and we must – we will highlight today many ways to regulate the process so we can be as successful as possible given the situation:

Hold 3012c agreements currently in place as to be enforceable except for the narrow areas of the new laws that require change.

We will also share ways to make the process go more smoothly such as creating a state default plan with commonly accepted research-based best practices for those areas that need to be changed under 3012d. If a solution cannot be accomplished in the short time to negotiate, then we can go forward without harming students. We want to learn from the past and not repeat it. The one group not invited here should not pay a price for adults not behaving.

We also want to share that the past is not all bad. This is APPR 4.0 by our counting and we suspect 5.0 are not far off. Given the track record, it seems likely that this may be addressed by the Legislature again before we have seen the results of whatever system we put into place.

But in the meantime, we will share the gains that have occurred in the previous generations of APPR. In many school buildings today, teachers and principals are enjoying a deeper and more meaningful dialogue than in the past and that is the reward of the previous APPR iterations. In addition, these dialogues along with greater use of data are changing instructional strategies and rethinking curriculum choices. This is why we would like for you, the Board of Regents, be guardians in the process. Follow the Hippocratic oath found in the medical profession, by doing no harm. Make no regulation that takes away from the good or the gains. We also share today why principal's APPR needs to be different from the teachers.

One area of concern we have is the use of the independent evaluator. I will steal from time I spent with Kim Marshall one day at Harvard in a seminar on teacher and principal accountability. He relayed how his thinking on evaluations has been evolving, due to the experiences New York and other states have had since implementing the new accountability systems. He asked the participants to imagine drawing of a large grid sheet. It would have roughly 1000 boxes, due to multiplying the 180 days of a school year on one axis by 5 or 6 depending on the number of classes a taught each day on the other axis. He colored in one box out of the nearly thousand boxes and asked how could it be possible to say how well the teacher performed in the other boxes from a single visit. There has to be variability in the quality in each of those boxes. It is only fair to draw conclusions from visiting scores of the boxes before making declarative statements.

Is there a place for independent evaluators? Probably, but a building principal has knowledge in maybe 200 or 300 of those boxes by interacting with stakeholders. How can you put significant weight on a single visit of the independent evaluator when the teacher is engaged professionally on many different levels with a principal? How can the independent evaluator have knowledge and more importantly evidence of the work with stakeholders, assessments and professional growth of a teacher? The independent evaluation should support the work of the principal and not be in competition with it. Evaluation is about feedback and accountability and not on how to derive a score.

We will also share today the correct role for assessments to play in the evaluation system. The doubling down on state assessments in the letter to Jim Malatras last December by SED or the governor's proposal in the APPR 4.0 for it to be 50 percent is not best practice and a major driving force on why we are in crisis with "opt-outs" today. We need to fix the assessments today if we are going to once again have stakeholders value them to inform progress of students in reaching state standards and to be part of measuring the value added by a teacher.

Lastly, we will dig into the metrics of the matrix. We advocated use of a matrix as one option, along with a 75/25 composite score as another. We would not want or advocate a 50/50 distribution of student assessments and professional rubric score. We wanted better engagement where the whole teacher is valued.

We do think there are ways in which you can improve the law, but please make no mistake that we think reducing a profession to a score is demeaning to the teacher or principal, but also is not best practice. Superintendents and principals were evaluating, observing, mentoring, and making employment decisions for teachers well before the introduction of the APPR system. This practice is nothing new. What is new is the box.

Today, I have Colleen Taggerty of Olean joining me who will share on where we can regulate the APPR process to help us make the November 15th deadline or the September 1st deadline. She will also share regulatory recommendations for the observation process, rubrics, and principal evaluations. Jack Bierwirth of Herricks will join me to discuss how assessments should be regulated in the process for 18 percent of teachers who receive state growth scores, 29 percent of the teachers who teach courses culminating with state assessments and the remaining 53 percent of teachers. He was also sharing our thoughts on student growth targets. Lastly, Jere Hochman of Bedford will discuss the weights found in the matrix and how the cut scores should be established for the HEDI categories.

### **COLLEEN TAGGERTY – Chair of the Council’s APPR Task Force; Superintendent, Olean City School District (Cattaraugus County)**

#### **Provide the necessary tool:**

Whatever deadline is set for plans to be approved, the Department could aid districts in meeting it by finding ways to simplify and streamline the process for review.

The review room must be simple to navigate with drop down menu to select any part of the newly instituted APPR regulation that permits choice. Given the imposed and unrealistic timeline; the limited nature of the scope of the APPR, a template where the fields are already generated with the allowable choices will make it easier and more efficient for the district and, we believe, for SED as well.

The review room must be simple and SED must be able to review and approve all evaluations by the November 15<sup>th</sup> deadline. Our recommendation is to permit the current approved rubrics; allow for school wide measures; create a default APPR plan for those districts that may be unable to negotiate a new plan/process by the imposed deadline; limit elements of the process to be negotiated; allow for flexibility that will support effective implementation.

All districts need the tools to get the work done right. Please seriously consider each individual districts capacity to fulfill this requirement within the current time structure. It is incumbent upon you to develop a process that will foster success for all.

#### **Observation Process:**

You must allow for the principal to be the primary evaluator. The relationship between the teacher and the principal is the one that fosters change and growth. The relationship is vital to the success of all learners.

You are charged with determining the weights and/or weighting options for the subcomponents of the evaluation. If you believe they must be used, we recommend you allow for options. Allow for each district to develop a plan for the use of an independent evaluator. The plan would clearly define the role and responsibilities of the independent evaluator and must be approved by SED.

If you do not believe a thoughtfully developed plan will fulfill the letter of the law, then we recommend SED limit the use of the independent evaluator by defining the role as a formative role only. The individual would gather evidence of teacher via “walk throughs” that then is used to help inform the principal’s summative review of teacher performance.

Outside evaluators for principals are difficult to conceptualize. Will they spend a day with the building leader and provide feedback? Will they attend a faculty meeting and provide feedback? Will they attend a parent meeting and provide feedback? Given the difficulty of defining how an independent evaluator would be helpful in the evaluation of a principal, we are recommending an interpretation to avoid requiring independent observations for every principal, every year. If you do not believe the independent evaluator’s role can or should be eliminated from the principal APPR process, then we suggest the role be used only when a principal receives a rating of ineffective. We also ask that SED define what the independent evaluator input process will be and how the person will collect the needed evidence for the evaluation. The law prohibits the use of artifacts such as lesson plans, use of surveys, and goal setting as evidence of student development and performance, however; these are critical aspects to good teaching. They should be permitted to be used to inform the evaluation process as it relates to showing good instructional practices.

We urge the Department to permit districts to continue to use all currently approved rubrics. School districts have invested significant resources in development, implementation and training of these rubrics. Starting over from scratch would be problematic for most districts. We also urge an interpretation of the law to allow the continued use of rubric elements that relate to observable elements of professional practice, such as effective development and use of lesson plans, for example. These steps would spare districts from having to revise practices many feel have been working and aid with meeting approval deadlines.

You, as leaders across the State, need to seriously consider the impact of this law beyond the right now. This law and the regulations you develop may have long-term negative consequences on teacher and principal recruitment and retention within New York State. With a focus on firing rather than a growth mindset, where the process helps to develop teachers and administrators, many be discouraged from ever entering the field of Education and many may elect to leave New York State to teach in other states. Please be courageous and bold, make the right decisions for all districts.

**JACK BIERWIRTH – Past Member, Regents Advisory Committee on Teacher and Principal Effectiveness; Superintendent, Herricks Union Free School District (Nassau County)**

The function of student assessment should begin and end with instructional improvement--first as a tool to inform the efforts of students, parents and teachers in the acquisition of skills and knowledge and second for the purposes of accountability of adults in providing the best education possible for students.

Let me start by saying that I have never met a student who did not want to know well they were doing, a parent who did not want to know how their child was progressing or a teacher who did not find assessment to be a critical and integral part of the instructional process. Teachers teach but they know that what counts is whether students learned. Assessment measures the latter to inform the former. Furthermore, I have never worked with a teacher or principal who did not expect student performance to be a critical part of the evaluation process. They expect to discuss how well their students did and reflect on what they could do to make their efforts to improve student learning more efficient and effective.

APPR has distorted this in New York and we are concerned that unless the next steps are taken carefully and thoughtfully may distort it even further. Some of the consequences may have been unintended. Perhaps even a majority were unintended. They are real, however, and they have had significant ramifications:

1. Assessment on the grade 3-8 level has become increasingly detached from the instructional process. To meet the needs of 0-20 calculations by the State, tests are now given three months before the end of the school year, meaning that the last three months are not assessed until the spring of the following school year. On the other hand test results are not available for use by parents, teachers or schools until the following fall so they do not inform any of the end of the year discussions between parents and teachers or among school staff during the spring and summer regarding the instructional needs of students for the next school year. Furthermore, they cannot be part of any end of the year discussions between teachers and administrators regarding performance that year.
2. Time spent on test prep for state English language arts (ELA) and math tests has increased significantly. Teachers are human and they respond to pressures from the State regardless of what school boards, parents or administrators say.
3. High degrees of competence in ELA and math are critical to student success but the focus on State tests in these two areas for APPR scores has diverted time and attention from science, social studies, physical education, art and music.
4. Just as Charlotte Danielson said that the purpose of her rubric (well supported by research) was reflection and discussion for the benefit of instructional improvement not



the creation of a score so too was student achievement data a topic of serious reflection and discussion between teachers and administrators not the creation of scores. APPR weighs heavily on that.

5. Intended or not APPR has turned student assessment into a political battleground drawing in even well-intentioned parents, teachers, administrators and school boards and made rational discussion about assessment difficult if not impossible. Certainly, some of the restrictions in Federal law which currently make it difficult to move towards online, adaptive assessments which would give students, teachers and parents far more accurate information in a much more timely fashion and with much shorter assessments need to be changed but the current environment risks becoming so poisonous that progress might be difficult even if those restraints were removed.

Over the past several years, far too frequently the needs of the State's accountability system as defined in APPR have weighed more heavily in decisions regarding assessment than the needs of instructional improvement. In actual practice, these decisions have often been to the detriment of both areas whether intended or not.

1. Pull together groups of classroom teachers and principals to give specific feedback on the shortcomings of the current assessments in order to try to improve the next generation. Be public and explicit about pulling the group together and then about the feedback.
2. Tone down the rhetoric.
3. Press the Federal government for changes in law which would allow us to move forward to online adaptive assessments. Be public and explicit about this. Press in the meantime for alternating year assessments
4. Move to use of multiple year test data for APPR score calculations. Research supports this. It does not support one year data as best practice.
5. In the process of moving toward a system which provides for a “fork in the road”, emphasize test data as part of the process of reflection and discussion with effective teachers rather than the creation of specific scores.

**JERE HOCHMAN – Past Member, Regents Advisory Committee on Teacher and Principal Effectiveness; Superintendent, Bedford Central School District (Westchester County)**

As Neil pointed out previously, we are the leaders who collaborate with all of the other groups from whom you will hear today to design that which works best for every child’s learning, and we are the implementers. We are responsible for and assume accountability for that success. Therefore, the regulations, resources, and tools we use must be professional, they must be

uniform where necessary and they must provide flexibility where feasible, all within a context of our mission and purpose.

First, when what Neil described as APPR 1.0 was written, NYSCOSS wrote several position papers to inform the work of the Regents Task Force, specifically what would work best for student learning, professional practice, and accountability. The papers advised on what would benefit our best and developing teachers and expedite the termination of poor teachers using research-based and practical practice to evaluate, and they recommended uniform regulations and requirements where necessary and flexibility where possible.

Simultaneously, NYSCOSS wrote an “envisioning” statement for every policy maker to step back and honor the guiding principles, leverage points for change and professionalism, and critical elements of public education as the means to an educated citizenry and which educates every student – citizens and aspiring citizens - and perpetuates our democracy. We use these principles when deciding how to approach decisions.

Additionally, an examination of the New York State Teaching Standards illustrates that which should guide all of this work the legislators, the Board of Regents, and all of us sitting here today. Teaching Standards are the glue, they are the links that connect research, university teacher preparation, induction and development of teachers, pedagogy and curriculum development, and evaluation all for the purpose of every child learning well – not some – every.

These documents are even more relevant now that we have experienced the first round of implementation – the good and the bad. What these have in common is that they are about student learning as the end and must inform professional practice including supervision and evaluation as the means. Means and ends. Seeing the trees and the forest. Grasping that is essential in writing new regulations that are systemic and “do-able.”

As seven hundred superintendents and school districts, we are very much alike as we share these aspirations and beliefs about children and about public education in New York in the future: however, we are not all alike in funding, economic condition, enrollment, staffing, geography, stakeholder interests, union contracts, and resources. Therefore, we require regulations that maintain uniformity and common ground where prudent and provide local flexibility where necessary. We need regulations that allow us to collaborate, lead, and affect change respecting all state and local stakeholders’ interests and it appears the law provides *three categories* of prescriptions to reconcile in regulations.

First, there are elements of the law that are progressive and that allow us to continue with what is working well. As the saying goes, “if it ain’t broke, don’t fix it” such as the dialogue between administrators and teachers about planning, teaching, and assessment which has never been stronger as a result of APPR.



Second, there are elements that quite frankly are so restrictive, it will take creativity to sort them out without reopening the law. For example, how do we not allow a child to have an ineffective teacher two years in a row when there is only one art, music, P.E., French, or other teachers of single subjects? How do we continue a very successful practice of peers and department coordinators as evaluators if their observations are now a quantifiable component of their union colleague's evaluation?

And, Third, there are elements of the law that if seen broadly, can allow for latitude and professional practice that many New York districts and other states have spent years developing, implementing methodically, and getting results. For example, a second test could implement the three-year rolling average for growth used in North Carolina. Student surveys cited as valuable by one of today's experts and like those developed by Dr. Ron Ferguson in the Tripod Project and utilized in the MET study can be used for teacher self-reflection, professional development, and inspire changes in observable teaching practice.

To continue and to move from the previous law to the current and to develop new regulations broad enough for us to lead, we need a default State model and regulations to ensure compliance and fairness and regulations that allow flexibility and local options.

The use of a matrix rather than index scores and points has great potential.

- Evaluation must include valid and reliable measures of student growth on test scores, learning, and objective scoring bands and all components of the teacher-practice rubric; however, these data should serve as *entry points* into the matrix, and which then shifts the emphasis to HEDI categories which provide pathways for next steps of accountability and growth, not a score on professional teachers.
- I would like to reiterate that. Test scores, evidence of student learning, and all points of observation should place a teacher "in" the matrix, a matrix that provides that "fork in the road." A matrix that provides pathways without points and scores to distinguish highly effective and developing novice teachers for their continued success and development and we need tightly aligned, narrowly defined, and routine consistent observation of low developing and ineffective teachers.
- As noted, we need a matrix like those used in other states which utilize test scores and evidence of student learning but do not weight 50 percent of an evaluation based on tests scores. We have seen the parent reaction to too much emphasis on testing and its potential to narrow the curriculum.

#### Prohibited Components

- We need to interpret prohibited components of measures of student learning still applicable to teacher practice. Goal setting, lesson plans, rubric-assessed teacher portfolios, student feedback survey, and other artifacts are aligned with New York State Teaching Standards

and should be incorporated into the evaluation. For example, a descriptor in the Standards cites: Teachers design lesson plans and adjust instruction to include a variety of strategies that support the learning needs of each student.

- We need regulations that do not exclude artifacts and evidence that are cited in the State’s researched and proven Teaching Standards.

A broad interpretation of the law will allow default and expanded regulations applicable to several components of the evaluation process:

- We accept the use of a second measure of student learning with a broad interpretation. Multiple measures or a second measure could allow a series of assessment using the rolling average over perhaps three years. Furthermore, many of us have found success using a school-wide measure of literacy to mobilize forces across a school for student achievement and this, too, should be available as an option for a second measure.
- We need regulations on classroom observations that establish a default minimum for all districts with the option for districts to use a combination of scheduled observations, unannounced observations, and a series of short annually and/or multiple approaches over a cycle of years for novice and tenured teachers.
- We need to be able to use components of the law in a differentiated manner. Many districts currently use the equivalent of an independent evaluator such as a content area coordinator; district leaders in special education, foreign language, and bilingual teaching; assistant superintendents of curriculum and instruction, and others; however, all of these contribute to the final evaluation *absent* percentages prescribed for each . Other districts do not have the personnel or capacity for this degree of independent evaluators. To insure inter-rater reliability and differentiation, a prescribed percentage of an independent evaluator’s contribution should be flexible, not restrictive.
- And, for those of us who have utilized the expedited 3020-a process, an experienced and highly-trained independent evaluator could provide routine and consistent observations alleviating the hundreds of hours of administrators observations and lesson design necessary now.

Throughout our stance, you have heard the words “default” and “options” as critical to regulations that are professional and consistent across districts and extended in others to provide leverage for change and to guide teachers proceeding through pathways of success, development, and ineffectiveness.

We do not believe that laws should be so prescriptive as to set quantitative requirements and provide scripts for professional regulations and practice. Those components of this law must be taken in the broadest sense possible to provide for a statewide model, component defaults, and

minimums in order to leverage change where needed. Similarly, there are elements of the regulations that require uniformity, consistency, and alignment across the State and those that require latitude.

As you listen to those who will follow us today with their respective group's interests and incorporate the viewpoints of the expert panels, please keep in mind that the regulations, as a means to the ends of student learning and professional practice and accountability must work for everyone and the superintendents in every school district in the State accepts the responsibility to implement it well.

## **NEIL O'BRIEN**

I leave you with one final thought and the one that should resonate in your deliberations and work today and into the future. We should be designing a research-based best practice for professional growth and accountability with fidelity when implementing. Please take note that I used a conjunction in that statement. APPR has two distinct separate paths. For most professionals it needs to be a system to inform and help create a dialogue to create a career path of reflection and growth. A small piece of the APPR needs to be devoted to those who will follow an accountability system of change or removal.

Thank you and we would be happy to answer any question you might have today.