

**NEW YORK STATE COUNCIL OF SCHOOL SUPERINTENDENTS  
TASK FORCE ON TEACHER AND PRINCIPAL EFFECTIVENESS**

**Position Paper #3:  
Regulation and Implementation Considerations**

**Introduction:**

With the receipt of Race To The Top funding and the passage of Section – 3012c (Amendment to Education Law) in May 2010, New York State, The Board of Regents, the State Education Department and the educational community are engaged in a major educational reform agenda. The implementation of this reform agenda will rest squarely on the leadership of school superintendents. In order to successfully implement the New York State reform agenda specific to teacher and principal evaluation according to the proscribed timeline, the impending Commissioner’s Regulations must empower Superintendents to lead this work. The New York State Council of School Superintendents Task Force on Teacher and Principal Evaluation has asked the field two important questions:

- 1) “What is critical for superintendents in order to be able to implement specific parts of the law and, therefore, must be included in regulation?”
- 2) “What does it mean for superintendents to implement the agenda in a meaningful manner?”

This paper, the third in a series, identifies specific elements of regulation deemed critical for successful implementation of Chapter 103 of the Laws of 2010. Further, these positions comprise the perspective of approximately 700 superintendents representing all regions of the state and including districts of varying sizes, socio-economic statuses and demographic diversity. Superintendents in New York State are charged with ensuring high quality education for all students. The elements included in this paper are critical for superintendents in the development and implementation of high quality teacher and principal effectiveness reform.

**Regulation and Implementation Considerations:**

Chapter 103 of the Laws of 2010 indicates that regulations for Teacher and Principal Evaluation will be approved by the Board of Regents and promulgated to the field by July 1, 2011. To effectively implement regulations according to the aforementioned timeline, The NYSCOSS Task Force on Teacher and Principal Evaluation has identified

seven leadership imperatives. We strongly recommend that these areas be addressed in regulation.

It is important that the regulations for teachers and principals are aligned with common New York State Teaching Standards and National or International researched leadership standards, respectively. Further, components of the regulations are best implemented on a phase-in basis in order to clearly establish a “high bar” for student achievement aligned with teacher and principal effectiveness. A phase-in of regulation promotes rigor and innovation while providing time for the completion of newly created State assessments and quality professional development. Finally, the NYSCOSS Task Force notes that the legislation leaves a significant portion of the evaluation of teachers and principals (e.g., appeals process, processes to select “the other 60%,” and teacher and principal improvement plans) to the collective bargaining process. Superintendents are well aware of the impact of a very difficult fiscal climate. We believe strongly the regulations must ensure that the vision for the future of teaching and its important impact on student learning is not compromised at 700 separate bargaining tables. Early experience with this aspect of law and the collective bargaining process has demonstrated that the requirement to negotiate certain matters has been mired in union-suggested “trade offs” for contractual items (e.g., salary, improved health care, management rights) unrelated to either teaching practice or student learning. The greater the limits in regulation with respect to matters that are left to the collective bargaining process, the greater the probability the vision for improved student learning intended by the law will become a reality.

### **The Specifics:**

The following represent the areas of the legislation that require serious consideration and guidance in regulation. For each area, the “what superintendents need” and the “why superintendents need it” is embedded in the substance of the text.

- 1) The Appeals Process** - NYSCOSS Task Force on Teacher and Principal Effectiveness Position Paper #1 outlined a number of significant elements for consideration with respect to the appeals process, and the need for those elements. Superintendents consider the evaluation of teachers and principals a primary responsibility to ensuring student learning. It is a responsibility articulated in the law. For additional considerations such as timeliness, capacity and financial impact, guidance should recommend limiting challenges to the superintendent only and appeals should not be subject to a previously negotiated grievance process. The superintendent must be given the authority to apply reasonableness to these high stakes decisions. The guidance should state that only “ineffective ratings” should be subject to an appeal. In many current collective bargaining agreements, teachers have the right to respond in writing to their evaluations, stipulating their

disagreement. Finally, the guidance must confirm that the appeals process in no way limits current law with respect to the tenure process.

**2) 20% Locally Selected Assessments** - NYSCOSS Task Force on Teacher and Principal Effectiveness Position Paper #2 outlined a number of significant elements for consideration with respect to the process for selecting local assessments to measure student achievement, and the rationale for the need for those elements. It is critical that regulations require local negotiation solely of a process or procedures. Approved sources and/or assessments must be made available to all districts. Leaving the selection of assessments to the collective bargaining process would increase the probability that student results on these assessments could be a basis for an evaluation appeal. It is critical that regulations identify procedures by which approved or locally developed assessments are deemed rigorous, reliable, and valid. Assessments must be standards-based, content rich, aligned with the curriculum and the common core standards, infused with higher-order thinking, and are authentic measures of the content and skills being assessed. This will insure that assessments are rigorous and created in alignment with a state-wide definition of rigor. Finally, rubrics to determine degrees of rigor for assessing student work must be required to be developed professionally by experts in assessment to insure the rigor, creating normed assessments that are reliable and are valid measures of the skills being assessed.

**3) Administrator (Evaluator) Training** - Training for evaluators will be critical for implementation limiting the number of appeals that could arise from inconsistencies in the evaluation process. Superintendents support in regulation the training for all administrators currently employed and for new administrators as a condition for certification. The responsibility for assuring the successful completion of training should be assigned to the superintendent or his/her designee. The training curriculum should not be cumbersome and must be content and process specific and consistent across the state. The focus should be on knowledge of standards and application of rubrics. The outcome of training should be to assure the quality of implementation.

Summer 2011 schedules already are in development in districts, therefore, required training plans should be developed and schedules established immediately in order that this work not deter or displace on-going leadership initiatives. Finally, the State Education Department must consider the most efficient and effective way to deliver this training so that the cost does not become another unfunded mandate for districts.

**4) Principal Evaluation** – Principal evaluation must be grounded in researched-based standards. ISLLC standards and the NYS Cohesive Leadership System have

been well researched and invested in by the State Education Department. Many districts have implemented these standards and have engaged in professional development and on-going review. It is essential that standards are implemented in totality. All standards and descriptors must be utilized to preserve the integrity of the evaluation process and to assure the knowledge, effective practice and continuous growth of skills requisite of a principal affecting change and school improvement. This approach must be included in the regulations. The use of all standards enables those collaborating in the principal evaluation process to first focus on the essential role of instructional leadership, while capturing the complexity and multiple demands of directing a well-managed, safe and culturally rich school. The implementation of selected descriptors or tasks as the sole basis for evaluation may not represent the success or improvement needed of a school principal, or any school administrator, for that matter.

The system of principal evaluation must be collaborative to assure professional growth. Continued growth is a hallmark of outstanding leadership. School leaders must achieve results, plan and effect change. The evaluation system must focus on the effective implementation of district- and/or school-based goals or improvement plans. Highly effective principals build relationships among multiple constituents; therefore, the system should include multiple measures and engage constituents in the evaluation process. Finally, the complex skills and dispositions of school leadership are refined and shaped over time. An evaluation system must be flexible enough to challenge and support the senior administrator as well as the principal at the start of a career. Regulations must allow for these elements to be the primary responsibility of the superintendent.

- 5) Clear Standards, Flexible Rubrics** – Best instructional practice can take various forms. Reading can be successfully taught using approaches of whole language and/or phonemic instruction, while mathematics can be taught effectively using a constructivist approach and/or a focus on algorithm. To address this complexity of teaching and learning, regulations for teacher and principal evaluation must establish uncompromisingly high standards with flexible options for the development of rubrics that guide evaluation. This balance encourages teachers and principals to employ multiple strategies to reach rigorous targets and thus achieve the goal of having a quality teacher in every classroom and a quality principal for each school.

The foundation for teacher/principal evaluation and professional growth is clearly established and well articulated in researched-based standards. Regulation should establish this research-based comprehensive system as the standard for all districts across our state. The New York State Teaching Standards, recently approved by the Board of Regents, and the ISLLC Leadership Standards (included in the Cohesive

Leadership System) have been studied, practiced and endorsed by superintendents as rigorous and valid standards for promoting student achievement. In addition, regulation must stipulate criteria for employing “comparable” alternative researched-based standards should a district want to pursue other options.

Regulations must provide for flexibility in the implementation of rubrics that guide the evaluation process. Guidelines established by the Commissioner and captured in regulation should define the required rigor and validity for the rubric, as well as a process for rubric adoption. Expectations for each performance level must be clearly defined and evidence-based so teachers and principals can focus on achieving excellence. Local development of rubrics according to these guidelines engages practitioners and allows for inclusion of important elements such as cultural imperatives and developmental differences. A well constructed, flexible rubric must promote the use of multiple measures of teacher and principal practice. A flexible rubric is not prescriptive and enables educators to take risks and to experiment with new and promising instructional practice. Rubrics must be tools that challenge educators to reach for high levels of excellence while encouraging the risk and reward of working with students in traditionally under-served populations or students with learning disabilities. Regulations must allow for these elements to be inclusive as districts develop and implement them for their students.

- 6) Scoring Bands (Low Risk, Low Stakes to Begin)** – In recent years, several states, including New York, have implemented “cut score” trajectories for anticipated and requisite levels of student achievement on standardized tests. This phase-in of expectations established a very high bar for student achievement implemented in a manner that was embraced, taken seriously, and fair.

A similar approach to phasing-in the high stakes nature of teacher and principal evaluation will nurture “buy in” and a serious application of what is a controversial and new approach. Regulations must allow for this phasing-in initially with low risk, low stakes scoring bands. Establishing a trajectory of “scoring bands” whose “cut scores” increase annually will facilitate methodology that pursues the highest of standards and practice rather than efforts to reduce evaluated tasks and benchmarks at a minimal, and possibly checklist, level.

For example, we expect the application of the 20% of evaluation based on assessment of non-tested subjects and the 20% of evaluation based on the use of locally selected assessments to employ rigorous and authentic measures of student learning. The farther one moves away from bubble tests into an arena of rubric-assessed measures and others, a significant concern is subjectivity. Phasing-in the use of such rigorous and authentic measures allows for risk-taking, innovation, and insured authenticity. Should the scoring bands in these and other areas that are new territory for all raise

the bar too high and too soon, the unintended outcome will be the selection of low cognitive, easily scored, and narrow learning objectives and assessments.

Large numbers or a quota of ineffective teachers and principals (in the lowest scoring band) in year one or two will establish a negative culture and suspicion around evaluation that will be difficult, if not impossible, for superintendents to change. Phasing-in of the scoring bands also allows for purposeful evaluator training, thereby increasing even further the probability that evaluation will have its intended outcome to improve professional practice and student learning and achievement. The regulations must allow for these phase-in elements to facilitate the practical implementation in a changing educational environment.

- 7) **Capacity to Complete the Work - Quality is essential or the effort is meaningless.** This is an ambitious, visionary endeavor into new territory for New York State and school districts; therefore practical considerations must be reviewed.

Superintendents are experiencing a period of financial challenges unprecedented in New York State. Class sizes have increased, teachers and administrators have lost their jobs and instructional programs have been eliminated. Projections for at least the next two school years are similar and dismal. Amidst an outcry to “reduce administrators” and other non-instructional academic support, superintendents are working to increase accountability. Essentially, a high school with over 100 teachers to be evaluated will employ possibly three administrators who can complete, along with all other tasks, teacher evaluations; many elementary schools with upwards of 50 teachers have only a principal to complete these evaluations. Furthermore, collective bargaining agreements require a specific number of classroom observations, in addition to the summative (APPR) evaluation. The complete process typically includes a goal setting conference; mid-year meetings, including goal updates; classroom observations; data review of student progress; and final evaluations and conferences, including suggestions for improvement and recommendations for aligned staff development activities. For an administrator, this entails hours of direct communication with a teacher and time for writing observation summaries and evaluations. The new evaluation system incorporates the collection of additional testing data, implementing procedures to apply rubrics for assessments and analyzing data, and the collection of additional data previously not required.

A system that already borders on unmanageable, and perhaps the root of the challenges we face today, will now be more time-intensive and high stakes. The process is significant with many qualitative components. It must be deemed fair and objective. To that end, superintendents seek not only a phase-in of the high stakes nature of this process, but also regulations that insure the manageability of this effort

that are clear and concise. If left to the collective bargaining process in 700 school districts, the outcome will be 700 versions of a process with varying degrees of rigor, authenticity, and accountability, and no way to compare and ensure a quality system statewide.

### **Conclusion:**

The integrity and substantive implementation of the law and regulations ultimately will depend upon superintendent leadership. With superintendents supportive and with the right regulatory tools and guidelines from the State Education Department, the agenda becomes a meaningful endeavor and a priority initiative in every school district across New York State. Without superintendent support or without the right tools and guidelines for implementation, it becomes a technical exercise of implementing a law and regulations, thus minimizing the intended impact on teacher and principal evaluation to enhance student learning outcomes.

Regulations that include what superintendents have indicated as critical will allow for a meaningful implementation. Regulations that empower leadership and leave less to the collective bargaining process enable superintendents to drive the reform agenda for teacher and principal evaluation to a high quality implementation.

Superintendents need regulations and guidelines that not only support their commitment to quality implementation but enhance their efforts to embed teacher/principal evaluation reform into the culture of their respective organizations. With a logical phase-in of certain aspects of the law and regulations superintendents will align this work in on-going district strategic plans and make them part of the primary district goals for improved student achievement and success. If implementation of the law and regulations is hurried, it will result in the handcuffing of superintendents, reducing professional growth to clipboard tasks to be checked off and be less than effective.

Superintendents are the gatekeepers who set the agenda for each year and ensure what is important gets done. Superintendents are invested in New York's reform agenda, but it must be practically implemented to ensure quality and effectiveness. Regulations and guidelines that do not erode the authority of the chief executive officer and instructional leader of districts and phase-in certain changes will go a long way toward making the agenda meaningful and not another clinical exercise.

An event in a school district takes planning and is over in a day. Changing culture takes precise planning and requires time. This reform agenda is a change in culture for all schools in New York State. Superintendents given support by the State Education

Department through regulations and guidelines as outlined in this paper will be empowered to effectively lead this reform effort.

The leadership of superintendents is vital for a successful implementation. We need the State Education Department to provide us with the tools necessary to ensure a successful, timely and quality implementation.

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