

# What you need to know

## about the teacher/ principal evaluation process



**W**ho should define excellence in teaching?  
*Teachers.*  
That fundamental tenet — that practitioners should lead the way in defining excellence in the professions — guided NYSUT in working to shape a new plan for teacher and principal effectiveness — one that, for the first time, defines a system of continual professional growth supported by meaningful evaluations and professional development.

“Practitioners know best what defines excellence,” said NYSUT President Dick Iannuzzi. “They know that haphazard evaluations fall far short of either defining excellence or supporting teachers who are struggling. In survey after survey, our members overwhelmingly support high standards for professional excellence, they want to see the profession strengthened, and they want to be the ones leading the way.”

At the same time we know there are many factors teachers cannot control that influence student achievement. This new process advances the teaching profession while ensuring that members’ due-process rights remain fully protected.

“The need to improve teacher evaluations and the Race to the Top timeline created a strategic opportunity,” said NYSUT Vice President Maria Neira. “NYSUT was able to leverage the circumstances into an opportunity to direct the conversation on effective teaching, and to lead based on the perspective and expertise of practitioners. With these changes, everyone will know the elements of effective teaching. Teacher standards will be the foundation.”

The new process was signed into law by the governor June 1, with implementation beginning in September 2011. Key elements include:

- A more objective process is established in law, exempt from regulatory changes, while the centrality of members’ due-process rights and the collective bargaining process are maintained.

- Evaluations will support continuing professional growth for all teachers and principals by providing meaningful and timely feed-

back and differentiated professional development.

- Collective bargaining is the essential tool for defining professional evaluations. In fact, local collective bargaining is embedded throughout.

- Where an evaluation appeal process does not exist, one must be collectively bargained.

- State standardized tests cannot be the sole determinant of teacher effectiveness.

- Districts are required to provide and document the supports and professional development called for in the Teacher Improvement Plan.

- A State Advisory Committee, including NYSUT and practitioners, will be a strong voice in defining student growth, multiple measures, the role of environmental factors in student learning and other key elements.

“Without question, this a pivotal moment for our members and our union, as we embrace the opportunity to define effective teaching,” Iannuzzi said. “As the standard bearers for excellence in the profession, our emphasis on effective teaching positions us to have significant involvement in the development and implementation of policy affecting our professional lives.”

Here are some frequently asked questions about the process:

**Q:** How does the new system benefit teachers?

**A:** ■ It reduces the subjectivity of the current rating system.

- It changes the focus of evaluations from discipline to improvement.

- It provides genuine support for struggling teachers.

- It appropriately limits the influence of state tests on teacher evaluations.

- It safeguards teacher and union voice in the evaluation system.

- It provides better information about teacher performance when making decisions about career ladder and professional learning opportunities.

**Q:** What did NYSUT gain for members under this agreement?

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**A:** NYSUT has consistently taken the position that it is better to be at the table shaping the changes than having the changes done to us. This agreement not only improves the evaluation process, it locks in due-process and collective bargaining protections legislatively and thereby short-circuits any push for the kind of inappropriate and draconian evaluation systems being promoted in other states.

The collective bargaining process is ensured and in some cases expanded. Local measures of student growth, procedures for evaluations and an appeals process must be negotiated.

In a difficult political climate, this agreement clearly establishes our leadership in defining excellence in our professions.

**Q:** Why is the process changing?

**A:** Teachers have consistently faulted the standard evaluation process, saying that too often it is meaningless, a subjective judgment by an evaluator not tied to any ongoing professional development or to improving student learning. In April, the Regents adopted new criteria for teacher/principal evaluations, including four evaluation categories: “Highly effective/ effective/ developing/ ineffective,” with use of student growth as one of the criteria.

NYSUT seized this opportunity provided by the Round 2 Race to the Top application to press for legislative changes that would improve evaluations and provide professional growth while ensuring teachers’ due process and collective bargaining rights.

**Q:** How will the process for teacher/principal evaluations change?

**A:** For one thing, it will be tied to a system of ongoing professional development.

The district will be required to provide support and professional development to those rated “developing” or “ineffective.”

This system could be used to provide highly effective and effective teachers with opportunities for professional advancement

such as serving as a mentor, peer coach or curriculum leader.

Teacher evaluation was never meant to be a “gotcha system,” and this new process would allow teachers to grow and develop professionally throughout their careers.

**Q:** How will the new ratings be determined?

**A:** Currently, teachers can be evaluated on eight criteria: content knowledge, pedagogical practices, instructional delivery, classroom management, knowledge of student development, use of assessment techniques/data, effective collaborative relationships and reflection of teaching practices.

The new system adds one more criterion: student growth. Teachers would be evaluated on a 100-point scale. It would break down this way:

- 20 percent based on student growth on state exams (where applicable) or other comparable local exams. If the state develops a value-added growth model, this percentage will increase to 25 percent;

- 20 percent based on local measures of student achievement determined through collective bargaining. If the state develops a value-added model of student growth, this percentage will drop to 15 percent; and

- 60 percent based on evidence of teacher effectiveness based on the eight criteria, also determined through collective bargaining.

The evaluation would be a composite score based on the multiple measures that would place teachers in one of the four categories — highly effective, effective, developing and ineffective — with the maximum and minimum scores for each category set by the state.

**Q:** How will student growth be defined?

**A:** A State Advisory Committee, including membership by NYSUT and practitioners, will be established to partner with the Board of Regents in the development of appropriate measures of student growth. Growth is defined as the change in student achievement



between two or more points in time. New York’s law makes it clear student growth cannot be used as the sole means of evaluating a teacher’s effectiveness.

**Q:** What is the role of the new State Advisory Committee?

**A:** The legislation requires the Board of Regents to establish a State Advisory Committee composed of representatives of teachers (NYSUT), principals, superintendents and school boards to assist in developing state regulations to implement the provisions of this legislation.

In developing the regulations, the committee will consider the standards relating to professional teaching, the conditions for successful teaching and learning, and systems of professional growth. The committee will also weigh in on the full range of issues relating to this agreement, including Teacher Improvement Plans and the definition of student growth. The phase-in of the evaluation system will begin in 2011-12 to give time for the Advisory Committee to do its work.

**Q:** Why did NYSUT agree to the use of student state test scores as part of evaluations?

**A:** NYSUT has steadfastly opposed — and remains opposed — to attempts to use test scores as the sole determinant of teacher effectiveness and for high-stakes decisions such as the granting of tenure. Student test scores are

used now in Annual Professional Performance Review (APPR) evaluations — but in ways that are hidden and can’t be challenged. This new process brings transparency to past practices, strictly limits the use of test scores and stipulates that the criterion is student growth, not arbitrary cut scores. And, in instances where an appeals process for evaluations has not already been collectively bargained, it requires that an appeals process be established.

These protections are now established under the law, which means they can’t be altered through regulation.

**Q:** How will teachers be involved in the development of the new evaluation process?

**A:** The new process maintains, and in many ways extends, the role of collective bargaining. The elements that make up the composite score must be developed through collective bargaining. While evaluations will continue to be a significant factor in employment decisions such as tenure, or for promotions to lead teacher or mentor with supplemental compensation, how the evaluations will figure into those decisions must be determined locally through collective bargaining.

**Q:** Won’t teachers be reluctant to teach high-needs students if student test scores become one component of their evaluation?

**A:** On the contrary, the new system no longer penalizes a teacher who chooses to work with high-needs students. The student growth component of the evaluation system would be based on a change in an individual student's achievement between two points in time; it would not be based on whether all students reach a certain proficiency level.

As a teacher, if you have helped your students to achieve expected academic benchmarks, no matter where they started from, your effectiveness would be recognized.

**Q:** Won't the new system penalize special education teachers?

**A:** No. A process that evaluates student growth, rather than imposing the requirement that all students achieve a static "3 or 4" proficiency score as in No Child Left Behind, acknowledges that students learn at different rates and in different ways. According to the APPR regulations, student growth must consider the unique abilities of students with disabilities and English language learners.

**Q:** How will the new system evaluate teachers whose students do not take state tests?

**A:** For those teachers in non-tested subjects and grades, 20 percent of the individual's evaluation will be based on student growth on locally developed assessments and 20 percent on locally developed multiple measures of student achievement; the other 60 percent would be based on evidence of teacher effectiveness. Both components need to be negotiated with the union.

**Q:** How will the new evaluation system account for environmental factors such as poverty and class size, which impact student performance on state tests?

**A:** The new process requires 80 percent of the evaluation to be based on multiple measures of student and teacher performance that are locally determined and collectively bargained, with 20 percent based on student growth on state tests.

Evaluations must acknowledge and document the conditions for teaching and learning — poverty, class size and so on — that can and do affect student progress.

**Q:** Does the new agreement make it easier for schools to fire teachers deemed ineffective?

**A:** The new agreement safeguards and ensures the due process rights of our members.

Currently a teacher with one unsatisfactory evaluation could be charged with incompetence. In order to use the new, expedited process, a teacher would have to receive two consecutive annual evaluations of "ineffective" to be charged with incompetence based on a "pattern of ineffective teaching" and be subject to an expedited hearing before a single hearing officer within 60 days. And in districts where no appeals process for evaluations has been negotiated, one will be required.

**Q:** What is the Teacher Improvement Plan and how would it be implemented?

**A:** Districts must provide to teachers who are identified as "developing" or "ineffective" — as soon as practicable but no later than 10 days from the date they report to work in September — a Teacher Improvement Plan aimed at supporting that teacher's professional growth.

The plan would have to be mutually agreed upon by the teacher and the principal. It would include identification of areas in need of improvement, a timeline for achieving improvement, how the improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's improvement in those areas.

This professional development component of the evaluation system would be developed locally through collective bargaining with the local union.

The employer would be required to document that such a plan was implemented as part of

the expedited disciplinary process.

The bottom line is that the district will be held accountable for supporting struggling teachers with a concrete, customized plan of action. A tenured teacher would have to receive two consecutive ineffective annual ratings in a row before he or she could be charged with incompetence under the new, expedited process.

**Q:** How will the new evaluation system affect the granting of tenure?

**A:** Tenure law has not changed. With this new agreement, the tenure process has the potential to improve because the process will be based on more objective information.

**Q:** How will the new system protect teachers from decisions by biased administrators?

**A:** The new scoring system will make it more difficult to manipulate the rating system. The new evaluation appeal process will give the teacher the ability to challenge an unfair, biased rating. Evaluators will be required to participate in training on the new system.

**Q:** What is the timetable for implementation?

**A:** The new evaluation process begins in the 2011-12 academic year and will be phased in as unions negotiate specifics in their collective bargaining agreements. Any existing evaluation procedures established in a contract stay in place until the contract expires. At a time when a new

contract is negotiated, the many elements of the evaluation process protected through this agreement must be collectively bargained.

**Q:** What will NYSUT do to help local unions and members?

**A:** This system will be evolving through the next year. Using all of our communication media, we will keep members up to date. We will provide regional workshops for leaders and provide locals with examples of contract language and guidance. As always, NYSUT labor relations specialists will work closely with locals to assist them.

**Q:** Was this agreement reached simply to help New York State receive a Race to the Top grant?

**A:** No. NYSUT's commitment to strengthening the evaluation process is not and was not tied to the timetable for RTTT. However, it is correct the union was able to leverage the looming federal deadline to advance our position on teacher effectiveness.

**Q:** What will NYSUT do to ensure the practitioner's voice is heard as the details of the new system are developed?

**A:** NYSUT will continue to be involved at every stage to ensure this process is good for the profession, benefits students and is fair to teachers. The agreement builds in a strong voice for local unions as well as opportunities at the state level for teachers to be front and center in defining excellence.



# Practitioners' voice to guide law's implementation

By **Sylvia Saunders**  
New York Teacher

An advisory committee that will include NYSUT and practitioners will have a key role in helping to define the details in the new teacher/principal evaluation system.

"The committee will give practitioners a strong voice in defining student growth, multiple measures, the role of environmental factors in student learning and key elements of a fair evaluation system," said NYSUT Vice President Maria Neira.

"Locals will influence the development of the new system using collective bargaining as a tool to strengthen our profession," she said.

The Teacher and Principal

Advisory Committee, which is expected to be appointed by the Board of Regents, will include representatives of teachers, principals, superintendents of schools, school boards, school districts and other stakeholders.

"The advisory committee will give us another partnership in the implementation of the teacher/principal effectiveness legislation," Neira said. "It will be our opportunity for practitioners to influence the direction and guidance from SED on implementation."

For example, the advisory committee will be a key vehicle to ensure that growth measures will reflect where students are and make sure that measures take into account students with disabilities and English language learners.

Other key discussion points

will be how to evaluate teachers in non-tested areas; how to factor in the role of teaching and learning conditions such as class size and students living in poverty; and what multiple measures might be negotiated at the local level.

The committee will also provide guidance on professional teaching standards and benchmarks for a continuum of system support for teachers and principals.

Regulations are to be effective on July 1, 2011, for implementation in the 2011-12 school year.

Practitioners on the committee will benefit from the work being done by the NYSUT Innovation Fund project to pilot a new comprehensive teacher evaluation system.

The project will inform the discussion of teaching standards and multiple measures.

"Our work has only just begun and the most difficult tasks are still ahead of us," said Rod Sherman, president of the Plattsburgh TA and a NYSUT Board member whose local is involved in the Innovation Fund workgroup.

Connecting student learning and test results to teacher evaluation "is a long overdue conversation," Sherman said. "This really opens up the door to reform that will hopefully guide the rest of the nation."

Through the work of the Advisory Committee, NYSUT is positioned to move forward our teacher effectiveness initiative, Neira said.

We can't  
hide our  
excitement!



**COMING THIS SEPTEMBER**

The monthly magazine for all members.