

Testimony before the State Board of Education
April 3, 2013
TEACHNJ

Good afternoon. I am Francine Pfeffer, associate director of Government Relations. NJEA President Barbara Keshishian outlined the major issues we have the proposed regulations: the rigid formulas and student achievement measures that emphasize tests, the lack of flexibility for districts to tailor the formulas to their needs, and the failure to thoroughly study the implications of a high-stakes evaluation system that hasn't been fully vetted. I am here to talk more in depth about some of our issues with the proposed regulations.

THE FORMULA AND STUDENT GROWTH PERCENTILES (SGPS)

Research does show that teachers are the biggest in-school influence on student learning. But this conveniently ignores the fact that research also shows that out-of-school factors have a much bigger influence on the variation in student test scores, accounting for up to two thirds of the variation (<http://www.epi.org/publication/ib286/>). The DOE cites the MET study to prove we can measure teacher effectiveness. The MET study is one study of teachers who volunteered to participate, and its results rely on random sorting of students. Our schools do not have random assignment of students to teachers – ask any teacher. This affects student test scores. And the MET study has not yet been replicated. New, emerging research needs to be validated by replicating its results.

Researchers caution about the use of value added models (VAM). While New Jersey is using a growth percentile, it is, in essence, a VAM model, for growth models become value added when they attribute the growth to an entity. “The contributions of VAM are not sufficient to support high-stakes inferences about individual teachers.” (<http://www.epi.org/publication/bp278/>) The RAND Corporation states that growth models and value added models do not indicate what caused the improvement in a student's score. “Neither SGPs nor value-added modeling indicates what might have caused improvements, nor do they reveal whether other students would make similar improvements if taught by that teacher.” (<http://www.rand.org/education/projects/measuring-teacher-effectiveness/student-growth-percentiles.html>) This is echoed by Damian W. Betebenner, whose technical overview of growth percentiles is found on the NJ DOE's website. In a different work, *A Primer on Student Growth Models*, he states that “the median student growth percentile is descriptive and makes no assertion about the cause of student growth.” (http://www.azed.gov/research-evaluation/files/2011/07/growth_percentile_primer_030809.pdf)

Contrary to this, the DOE states that SGPs can be used to measure an individual teacher's ability to drive growth on NJASK. However, with the questionable impact of VAM, 35% is too high for a system that has never been truly piloted over a long period of time. Instead of setting vastly different standards for teachers in tested grades and subjects, and calculating scores for some teachers, the DOE should give districts some flexibility to set their own standards within a range, based on what is appropriate for their district and their teachers, and calculate the ratings for their staff.

Many questions remain about the use of SGPs.

- There are questions about the validity of SGPS for special education students, English language learners, and gifted students.
- SGPs will not be used to judge a teacher unless s/he has at least 20 SGP scores. Is this a large enough sample size? Researchers state that at least three years of data should be used. One year of data, with 20 SGPs, might be skewed for reasons beyond a teacher's control.
- With current testing, SGP data will not be available until the following academic year. This means that for teachers of tested grades and subjects, a teacher's annual summative evaluation will be incomplete until almost halfway through the following year. How is a teacher supposed to improve instruction based on data this way?

There are instances when a teacher should not be held accountable for the growth of a student. Supervisors should have the flexibility to determine when it is appropriate to limit the application of SGPs to a teacher for reasons such as attendance, grades, or other unusual circumstances.

- The proposed regulations and guidance state that a student must be enrolled in a class 60% of the time, and that a teacher must be teaching the class for 60% of the time. Is 60% enough time? Furthermore, student enrollment has nothing to do with actual pupil contact time. A student could be enrolled in class 60% of the time, but only be present in class, receiving instruction, 30% of the time.
- According to the regulations and guidance, teachers could be held accountable for students who are in their class for 36% of the year. How is it fair to judge a teacher on a student's growth based on one third of a school year?
- Learning is a two-way process. Teachers should not be held accountable for the growth of students who are not participating in the learning process as demonstrated by their grades.
- Many factors affect a student's performance on state assessments. It is possible, due to class composition or life events, that student performance on state assessments may not accurately reflect a student's growth.

Finally, the DOE has the discretion to annually change the percentages in the evaluation formula by April 15. This process should include public input, testimony, feedback, or an adoption process by the State Board of Education.

OBSERVATIONS

Currently, teachers are observed for a full period (secondary) or the length of a lesson (elementary.) The proposed regulations would reduce the required minimum length of time a non-tenured teacher is observed, setting a lower evaluation standard than has been in place in New Jersey for more than 30 years. In light of the more strictly defined criteria of the evaluation models and the high stakes nature of these evaluations, all observations of non-tenured teachers should remain the length of a full period or full lesson.

Tenured teachers would be observed for a minimum of three 20-minute observations. Half a lesson could create an unfair judgment of a teacher's practice. While these are minimums, minimums often become the norm. Time does matter to the quality of observations and to the feedback a teacher receives to improve instruction as a result of that observation.

The proposed regulations call for co-observations – two administrators evaluating the same individual – to ensure evaluator reliability, but at the same time allow one such evaluation to be used. If two observers do not agree, whose observation is used for the evaluation? Who decides which administrator isn't following the rubric correctly?

Finally, while TEACHNJ applies to teachers, principals, vice and assistant principals, there are other teaching staff members who need to be observed and evaluated. Current regulations provide specific guidance as to their observations. These proposed regulations do not require any observations for tenured teaching staff members not included in TEACHNJ.

COLLECTIVE BARGAINING

For 30-plus years, local associations representing teaching staff have been able to negotiate evaluation procedures with the local school boards, who are advised by the chief school administrator. This process has worked. Collective bargaining further integrates local decision-making into the process.

These regulations would undercut all bargaining of such procedures by labeling numerous components in the regulations as "procedures." Some of these, in fact, have been identified by the courts as managerial prerogative. Other components do not require procedures. Others are simply requirements, not procedures. The DOE substitutes the majority representative, identified by the courts as the appropriate representative of teaching staff members at the local level, with superintendent appointees on the ScIP and DEAC to discuss varied procedures. Some of these -- such as development of the individual professional development plan – are already addressed and defined in the TEACHNJ Act.

SCHOOL IMPROVEMENT PANELS (ScIPs)

TEACHNJ states that the teacher members of the ScIP will be chosen "in consultation with" the majority representative. We strenuously object to the proposed equation of "in consultation with" to "a list which the principal can simply disregard. "In consultation with" means a discussion about the type of individual best suited to serve on a ScIP, a collaborative process. This proposed rule flat out undermines the TEACHNJ Act language and intent.

RESPONSES/REBUTTALS

Evaluation should involve conversation between the teacher and supervisors. Over the past 30-plus years, teaching staff members have had the right to correct any misinformation, add critical information that was not included nor reflected, and indicate any elements that were missed through rebuttals/responses. Even though contained in regulations applying to non-tenured staff, this process was applied to all teaching staff members over time. The regulations specify that those responses are

required to be attached to the evaluation. However, the proposed rules eliminate that basic principle of fairness. They would only allow rebuttals for non-tenured staff who hold educational services licenses. This is a step backwards rather than forwards. Accountability should work both ways, and teachers should be able to address inaccuracies, particularly when their entire careers are at stake.

DISTRICT EVALUATION ADVISORY COMMITTEE (DEAC)

The DEAC should continue to exist. DEACs are supposed to oversee implementation, which should include ongoing review of the models. The DEAC should remain in place to oversee ongoing training needs, play a role in oversight of interrater reliability, and ensure a district continues to implement its evaluation system correctly. And suppose a district decides to change its evaluation system? How will all in the district have a say without the continuation of the DEAC?

Evaluation should be comprehensive and collaborative. The continuation of the DEAC will help ensure it meets these goals.

Thank you for taking the time to hear these concerns. We look forward to working with the DOE and this board on evaluation. New Jersey needs to get it right.