

**PROPOSED REGULATIONS ON EVALUATION OF EDUCATORS
603 CMR 35.00**

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **April 27, 2011**
- Period of public comment: **through June 10, 2011**
- Anticipated final action by the Board of Elementary and Secondary Education: **June 28, 2011**

The proposed regulations would replace the current Regulations on Evaluation of Teachers and Administrators and accompanying Principles of Effective Teaching and Principles of Effective Administrative Leadership, as adopted in 1995, <http://www.doe.mass.edu/lawsregs/603cmr35.html?section=all>.

Note: This is a revised version of the proposed regulations. Revisions to the version published on April 15, 2011 are indicated as follows:

New text is indicated by underline.

Deleted text is indicated by ~~strikethrough~~.

**603 CMR 35.00
Evaluation of Educators**

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35.01: Scope, Purpose, and Authority

(1) 603 CMR 35.00 is adopted pursuant to authority granted to the Board of Elementary and Secondary Education in M.G.L. c.69, §1B and c.71, §38.

(2) The specific purposes of evaluation under M.G.L. c.71, §38 and 603 CMR 35.00 are:

- (a) to promote student learning, growth, and achievement by providing educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, and

(b) to provide a record of facts and assessments for personnel decisions.

(3) The purpose of 603 CMR 35.00 is to ensure that every school committee has a system to enhance the professionalism and accountability of teachers and administrators that will enable them to assist all students to perform at high levels. 603 CMR 35.00 sets out the principles of evaluation for Massachusetts public schools and districts. 603 CMR 35.00 requires that school committees establish a rigorous and comprehensive evaluation process for teachers and administrators, consistent with these principles, to assure effective teaching and administrative leadership in the Commonwealth's public schools.

(4) The regulations on evaluation of educators, 603 CMR 35.00, constitute the principles of evaluation established by the Board of Elementary and Secondary Education.

35.02: Definitions

As used in 603 CMR 35.00, unless the context clearly requires otherwise, terms shall have the following meanings:

Administrator shall mean any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.09(1) through (5) or who has been approved as an administrator in the area of vocational education as provided in 603 CMR 4.00 *et seq.* and who is not employed under an individual employment contract.

Board shall mean the Board of Elementary and Secondary Education or a person duly authorized by the Board.

Commissioner shall mean the Commissioner of Elementary and Secondary Education or his designee.

Department shall mean the Department of Elementary and Secondary Education.

Developing Teacher/Administrator Plan shall mean a plan of one year or less for administrators in their first three years and teachers without Professional Teacher Status, developed by the educator and the evaluator. The plan shall include goals, an action plan with benchmarks, and a final assessment of meeting the set goals. All plans must be approved by the evaluator.

Directed Growth Plan shall mean a plan of one year or less for experienced educators who are rated in need of improvement, developed by the educator and the evaluator. The plan shall include goals, an action plan with benchmarks, and a final assessment of meeting the set goals. All plans must be approved by the evaluator.

Educator(s) shall mean teacher(s) and administrator(s).

Evaluation shall mean the ongoing process of defining goals and identifying, gathering and using information as part of a process to improve professional performance (the "formative evaluation") and to assess total job effectiveness and make personnel decisions (the "summative evaluation").

Evaluator shall mean any person designated by a superintendent, consistent with the procedures set out in 603 CMR 35.06, who has responsibility for evaluation. ~~The evaluator shall not be an individual who is in the same collective bargaining unit as the person being evaluated.~~

Exemplars shall mean products of an educator's work that demonstrate the knowledge and skills of the educator with respect to specific educator standards and indicators (practices).

Exemplary shall mean practice is consistently and significantly above proficiency on a standard or overall.

Experienced Educator shall mean an administrator with more than three years in a position or a teacher with Professional Teacher Status.

Formative Assessment/evaluation shall mean the formal and informal processes an evaluator uses to gather evidence and provide the educator with feedback on how to improve practice.

Goal shall mean a specific, actionable, and measurable area of improvement as set forth in an educator's plan. A goal may pertain to any or all of the following: educator practice in relation to standards, educator practice in relation to indicators, or specified improvement in student learning, growth and achievement outcomes. Goals may be developed by individual educators, by the evaluator, or by teams, departments, or groups of educators who have the same role.

Improvement Plan shall mean a plan of no more than one year, for experienced educators who are rated unsatisfactory, developed by the evaluator, with defined specific goals, an action plan with set benchmarks, and a final assessment of meeting the defined goals.

Measurable shall mean that which can be classified or estimated, in relation to a scale, rubric or standards.

Needs Improvement shall mean practice demonstrates lack of proficiency on a standard or overall.

Observation shall mean a category of measurement that includes notes and judgments made during a series of announced and unannounced visits of varying duration by the evaluator as well as exemplars of practice that support the judgments made relative to an educator's performance on standards and indicators.

Performance Standards shall mean the performance standards locally developed pursuant to M.G.L. c.71, §38 and 603 CMR 35.00, including the standards and indicators in 603 CMR 35.00.

Professional Teacher Status or PTS shall mean the status granted to a teacher pursuant to M.G.L. c.71, §41.

Proficient shall mean that practice demonstrates skilled performance on a standard or overall.

Rubric shall mean a scoring tool that describes characteristics of practice or exemplars at different levels of quality.

School Committee shall mean the school committee in all cities, towns and regional school districts, local and district trustees for vocational education, educational collaborative boards, boards of trustees for the county agricultural schools, and the board of trustees of a charter school.

Self-Directed Growth Plan shall mean a plan for experienced educators who are rated proficient or exemplary, developed by the educator. The plan shall include goals, an action plan with benchmarks and a final assessment of meeting the set goals. The evaluator must approve all plans.

Summative Evaluation shall mean an evaluation used to arrive at a rating on each standard, an overall rating, and as a basis to make personnel decisions. The summative evaluation includes the evaluator's judgments of the educator's performance against standards and the educator's progress toward meeting goals set forth in their development, growth or improvement plan.

Superintendent shall mean the person employed by the school committee pursuant to M.G.L. c.71, §59 or §59A. The superintendent is responsible for the implementation of 603 CMR 35.00. The superintendent shall be evaluated by the school committee pursuant to 603 CMR 35.00 and such other standards as may be established by the school committee.

Teacher shall mean any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.10(1) through (33), and 603 CMR 7.10 (39) through (42), or who has been approved as an instructor in the area of vocational education as provided in 603 CMR 4.00 *et seq.*

Unsatisfactory shall mean that practice demonstrates lack of competence on a Standard or overall.

35.03: Standards and Indicators of Effective Teaching. School committees shall establish evaluation systems and performance standards for the evaluation of all teachers that include all of the standards, and indicators within each standard, set forth in 603 CMR 35.03. School committees may supplement the standards and indicators in 603 CMR 35.03 with additional performance standards and indicators consistent with state law and collective bargaining agreements where applicable. The district shall adapt the indicators based on the role of the teacher.

(1) Curriculum, Planning and Assessment standard: Promotes the learning and growth of all students through designing coherent instruction and authentic and meaningful student assessments, analyzing student performance and growth, and continuously refining learning objectives.

(a) Curriculum and Planning indicator: Designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes, including:

1. Units: Plans units backwards from state standards with big ideas, essential questions, knowledge, and skill goals.
2. Lessons: Designs lessons focused on measurable outcomes aligned with unit goals.
3. Knowledge: Knows the subject matter well and has a good grasp of child development and how students learn.

(b) Assessment indicator: Uses a variety of informal and formal methods of assessment to measure student learning, growth, and understanding, develop differentiated and enhanced learning experiences, and improve future instruction.

(c) Analysis indicator: Analyzes data from assessments, draws conclusions, and shares them appropriately.

(2) Teaching All Students standard: Promotes the learning and growth of all students through instructional practices that establish high expectations, create a safe and effective classroom environment, and demonstrate cultural proficiency.

(a) Instruction indicator: Uses a range of instructional techniques to meet the learning and growth needs of all students, including:

1. Engagement: Designs highly relevant lessons that motivate all students and engage them in active learning.
2. Differentiation: Designs lessons that target several learning needs, styles, and interests.
3. Goals: Gives students a clear sense of purpose by communicating the unit's essential questions and the lesson's goals.

4. Repertoire: Selects and matches effective strategies, materials, and classroom groupings to foster student learning.
 5. Clarity: Uses clear explanations, appropriate language, and instructive examples to present material.
- (b) Learning Environment indicator: Creates and maintains a safe and collaborative learning environment that values diversity and motivates students to take academic risks, challenge themselves, and claim ownership of their learning, including:
1. Relationships: Is fair and respectful toward students and builds positive relationships.
 2. Prevention: Commands respect through a confident presence and detects potential discipline problems early and prevents them.
 3. Routines: Teaches routines and has students maintain them all year.
- (c) Cultural Proficiency indicator: Enables students to interact effectively in a culturally diverse environment in which each person is a member of many groups, with numerous identities, challenges, and strengths.
- (d) Expectations indicator: Plans and implements lessons that set high expectations and make knowledge accessible for all students, including:
1. Expectations: Conveys to students the concept, “This is important, you can do it, and I am not going to give up on you.”
 2. Support: Takes responsibility for students who are not succeeding, gives them extra help and, when necessary, refers students for specialized diagnosis and extra help.
- (3) Family and Community Engagement standard: Promotes the learning and growth of all students through effective partnerships with families, caregivers, community members, and organizations.
- (a) Engagement indicator: Welcomes and encourages every family to become active participants in the classroom and school community.
- (b) Collaboration indicator: Collaborates with families in creating and implementing strategies for supporting student learning and development both at home and at school.
- (c) Communication indicator: Engages in regular, two-way, and culturally proficient communication with families and caregivers about student learning and performance.
- (4) Professional Culture standard: Promotes the learning and growth of all students through ethical, culturally proficient, skilled, and collaborative practice.

- (a) Reflection indicator: Demonstrates the capacity to reflect on and improve his/her own practice, using meetings with teams and work groups to gather information, analyze data, examine issues, set meaningful goals, and develop new approaches in order to improve teaching and learning.
- (b) Collaboration indicator: Collaborates effectively with colleagues in teams on a wide range of tasks.
- (c) Decision-making indicator: Becomes involved in school-wide decision-making, and takes an active role in school improvement planning.
- (d) Shared responsibility indicator: Shares responsibility for the performance of all students within the school.
- (e) Professional Responsibilities Indicator: Is ethical and reliable, and meets routine responsibilities consistently.

35.04: Standards and Indicators of Effective Administrative Leadership. School committees shall establish evaluation systems and performance standards for the evaluation of all administrators that include all of the standards, and indicators within each standard, set forth in 603 CMR 35.04. School committees may supplement the standards and indicators in 603 CMR 35.04 with additional performance standards consistent with state law and collective bargaining agreements where applicable. The district shall adapt the indicators based on the role of the administrator.

(1) Curriculum, Instruction and Assessment standard: Promotes the learning and growth of all students and the success of all staff by cultivating a shared vision that makes effective teaching and learning the central focus of schooling

- (a) Curriculum indicator: Ensures that teachers design effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes, including:
 - 1. Expectations: Ensures that teachers know specifically what students should know and be able to do by the end of each grade level.
 - 2. Targets: Works with grade-level and subject-area teams to set measurable student goals for the current year.
- (b) Instruction indicator: Ensures that instructional practices reflect high expectations, engage all students, and are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness, including:
 - 1. Units: Asks teacher teams to cooperatively plan curriculum units.
 - 2. Pedagogy: Ensures that teachers know and employ effective teaching strategies and pedagogical techniques while teaching their content.

(c) Assessment indicator: Ensures that teachers use a variety of formal and informal methods and assessments to measure student learning, growth and understanding, and make necessary adjustments to their practice when students are not learning, including:

1. Interims: Ensures the effective use of common interim assessments to monitor student learning several times a year
2. Analysis: Monitors teacher teams as they analyze interim assessment results, formulate action plans, and follow up each interim assessment with re-teaching and remediation

(d) Evaluation indicator: Provides effective and timely supervision and evaluation in alignment with state regulations and contract provisions, including:

1. Supervision: Develops meaningful, actionable, and measurable professional practice and student learning goals for the educators they evaluate.
2. Observations: Makes frequent unannounced visits to classrooms and gives helpful feedback to teachers.
3. Discrepancies: Reviews alignment between judgment about practice and data about student learning when evaluating and rating educators and understands that the supervisor has the responsibility to confirm the rating in cases where a discrepancy exists.

(e) Data-informed Decision-Making indicator: Uses multiple sources of evidence related to student learning, including state, district and school assessment results and growth data, to inform school and district goals and improve organizational performance, educator effectiveness and student learning, including:

1. Strategy: Secures input to develop a strategic, measurable plan for the current year and periodically measures progress, listens to feedback, and adjusts the strategic plan.
2. Monitoring: Monitors data in several key areas, compares them with rigorous expectations, and uses them to inform improvement efforts.

(2) Management and Operations standard: Promotes the learning and growth of all students and the success of all staff by ensuring a safe, efficient, and effective learning environment.

(a) Environment indicator: Develops and executes effective plans, procedures, routines and operational systems to address a full range of safety, health, emotional, and social needs of students, including:

1. Expectations: Sets expectations for student behavior and establishes school-wide routines and consequences that give staff and students a sense of order, discipline and predictability within a caring environment.

2. Planning: Plans for the year, month, week, and day, keeping the highest-leverage activities front and center.

(b) Human Resources Management and Development indicator: Implements a cohesive approach to recruitment, hiring, induction and development that promotes high quality and effective practice, including:

1. Hiring: Recruits and hires effective teachers and staff who share the school's mission.
2. Development: Organizes on-going coaching and training that is aligned with school and district goals and builds classroom proficiency.

(c) Scheduling and Management Information Systems indicator: Uses systems to ensure optimal use of time for teaching, learning and collaboration, including:

1. Efficiency: Has a system for dealing with disruptions and administrative chores in ways that maximize attention to teaching and learning.
2. Scheduling team time: Creates a schedule that provides meeting times for all key teams.

(d) Laws, Ethics and Policies indicator: Understands and complies with state and federal laws and mandates, school committee policies, collective bargaining agreements, and ethical guidelines.

(e) Fiscal Systems indicator: Develops for the superintendent and school committee a budget that supports the district's vision, mission and goals, and allocates, manages and audits fiscal expenditures consistent with district/school level goals and available resources.

(3) Family and Community Engagement standard: Promotes the learning and growth of all students and the success of all staff through partnerships with families, community members, and other stakeholders that support the mission of the school and district.

(a) Engagement indicator: Welcomes and encourages every family to become active participants in the classroom and school community.

(b) Sharing Responsibility indicator: Continuously collaborates with families to support student learning and development both at home and at school, including:

1. Support: Identifies struggling students and works to get support services to meet their needs.
2. Conferences: Works to maximize the number of face-to-face parent/teacher report card conferences.

(c) Communication indicator: Engages in regular, two-way, culturally proficient communication with families about student learning and performance, including:

1. Provides families with information on grade-level learning expectations and ways parents can help at home.

(d) Family Concerns indicator: Addresses family concerns in an equitable, effective, and efficient manner.

(4) Professional Culture standard: Promotes success for all students by nurturing and sustaining a school culture of professional growth, high expectations, and continuous learning for staff.

(a) Commitment to High Standards indicator: Fosters a shared commitment to high standards of teaching and learning with high expectations for achievement for all, including:

1. Mission and Core Values: Develops, promotes and secures staff commitment to core values that guide the development of a succinct, results-oriented mission statement and on-going decision-making.
2. Meetings: Plans and leads well-run and engaging meetings that have an academic purpose and engage participants in a thoughtful and productive series of conversations and deliberations about important school matters.

(b) Cultural Proficiency indicator: Ensures that policies and practices enable staff and students to interact effectively in a culturally diverse environment in which each person is a member of many groups with numerous identities, challenges, and strengths.

(c) Communications indicator: Demonstrates strong interpersonal, written, and verbal communication skills, including:

1. Dialogue: Addresses concerns and problems in ways that invite dialogue with those affected by the issue.
2. Facilitation: Facilitates groups effectively including accepting feedback from supervisor, staff and stakeholders to improve performance to foster clear communication.

(d) Continuous Learning indicator: Develops and nurtures a culture where staff members seek out and apply current research, best practices and theory and also are reflective about their own practice using student data to inform how instruction needs to be adapted to achieve improved results, including:

1. Reflective practice: Nurtures a culture that supports continual analysis, experimentation, assessment and refinement, where learning is constant and regular team meetings are the primary locus for professional learning.
2. Ideas: Reads and shares research and fosters an on-going, school-wide discussion of best practices.

- (e) Shared Vision indicator: Engages all stakeholders successfully in a shared educational vision in which every student is prepared to succeed in postsecondary education, and become responsible citizens and community contributors.
- (f) Managing Conflict indicator: Employs strategies for responding to disagreement and dissent, constructively addressing conflict, and building consensus throughout a district/school community.

35.05: Evaluation of Administrators under Individual Employment Contracts

Districts shall have a system of evaluation for administrators under individual employment contracts that reflects the purposes in 603 CMR 35.01(2), adapting the Standards and Indicators for Effective Administrative Leadership in 603 CMR 35.04 as applicable to the role of the administrator. The district shall use evidence set forth in 603 CMR 35.07, the ratings set forth in 603 CMR 35.08, and student performance measures set forth in 603 CMR 35.09 as determined applicable by the district.

35.06: Evaluation Cycle

(1) School committees shall adopt either the comprehensive evaluation system designed and regularly updated by the Department of Elementary and Secondary Education, or a locally developed system that is consistent with these principles ~~and approved by the Department~~. The evaluation system shall include the evaluation cycle set forth in 603 CMR 35.06.

(2) The evaluation cycle shall include self-reflection and self-assessment.

- (a) Each educator shall be responsible for gathering and providing to the evaluator information on the educator's performance, which shall include an analysis of evidence of student learning, growth, and achievement for students under the educator's responsibility. The educator shall provide such information, in the form of self-reflection and assessment, in a timely manner to the evaluator at the point of goal setting and plan development. The evaluator shall consider the information.

(3) The evaluation cycle shall include initial goal setting and development of an Educator Plan.

- (a) Evaluators shall use evidence on educator performance and impact on student learning, growth, and achievement in goal setting with the educator based on the educator's self-reflection and other sources that the evaluator shares with the educator.

- (b) Educator Plans are a key component to promote student learning, growth, and achievement, and shall be designed to provide educators with adequate feedback for improvement, professional growth, and leadership, and ensure educator effectiveness and overall system accountability.
- (c) All educators shall be placed on a Plan based on their overall rating and their impact on student learning and growth, provided that educators who have not yet earned Professional Teacher Status and any other employee at will shall be placed on a Plan solely at the discretion of the district.
 - 1. Developing Teacher/Administrator Plan for all administrators in their first three years and teachers without Professional Teacher Status who received an overall rating of Proficient or higher and whose impact on student learning is either moderate or high.
 - 2. Self-Directed Growth Plan for all educators (among those not on a Developing Plan) rated Exemplary or Proficient, ~~and~~ For educators whose impact on student learning is either moderate or high, the plan may be for up to two years. For educators whose impact on student learning is low, the plan shall be for no more than one year and shall include one or more goals related to student learning developed on the basis of an analysis of the educator's professional practice.
 - 3. Directed Growth Plan for all educators ~~rated Exemplary or Proficient and whose impact on student learning is low, and all educators~~ rated Needs Improvement and whose impact on student learning is either moderate or high.
 - 4. Improvement Plan for all educators rated Unsatisfactory, and all educators rated Needs Improvement and whose impact on student learning is low.
- (d) All Educator Plans shall meet the following requirements:
 - 1. Include a minimum of one goal to improve the educator's professional practice tied to the standards of effective teaching or administrative leadership, as appropriate to the educator's status.
 - 2. Include a minimum of one goal to improve the learning, growth and achievement of the students under the educator's responsibility as measured by improvements in either statewide assessments or district-wide assessments comparable across grade and subject level when statewide growth measures are not available.
 - 3. Outline actions the educator must take to meet these goals, including but not limited to specified professional development activities, self-study, and coursework, as well as other supports that may be suggested by the evaluator or provided by the school or district.

4. Be aligned to statewide Standards and Indicators in 603 CMR 35.00 and any additional local indicators.
5. Be consistent with district and school goals.

(4) The evaluation cycle shall include implementation of the plan. It is the educator's responsibility to meet the goals in the plan and to participate in any trainings and professional development provided through the state, district, or other providers in accordance with the plan.

(5) The evaluation cycle shall include a formative assessment/evaluation, in which the evaluator makes an initial judgment on the educator's performance on each standard and overall in the form of a rating. In determining this initial rating, the evaluator may review all relevant evidence. The formative evaluation may be ongoing throughout the evaluation cycle, but typically takes place at the end of the first year for PTS teachers rated Proficient or higher.

(6) The evaluation cycle shall include a summative evaluation, in which the evaluator determines an overall rating of educator performance based on the evaluator's professional judgment and an examination of evidence that demonstrates the educator's performance against standards and indicators and evidence of the attainment of the educator's plan goals.

(7) Evidence of the educator's impact on the learning, growth, and achievement of the students under the educator's responsibility, together with the summative evaluation rating, shall be used as follows:

(a) For any educator who receives an evaluation rating of Exemplary or Proficient ~~and whose impact on student learning is either moderate or high~~, the district shall take the following actions:

1. If the educator does not have Professional Teacher Status, the evaluator may choose to put the educator on a Developing Teacher/Administrator Plan.

- a. If the district decides to put the educator on a Developing Educator Plan:

- i. The educator shall be evaluated annually.

- ~~ii. The educator may be eligible for Professional Teacher Status if the educator has received a Proficient or Exemplary rating on each standard.~~

2. For If the educator who has Professional Teacher Status, and whose impact on student learning is either moderate or high, the evaluator shall place the educator on a Self-directed Growth Plan.

- a. The educator shall receive a summative evaluation at least every two years.
- b. The educator may be eligible for additional roles, responsibilities and compensation, as determined by the district.

3. For the educator who has Professional Teacher Status and whose impact on student learning is low, the evaluator shall place the educator on a Self-Directed Growth Plan.

a. The plan shall be for no more than one year.

b. The plan shall include one or more goals related to student learning developed on the basis of an analysis of the educator's professional practice.

(b) For any educator who receives an evaluation rating of ~~Exemplary or Proficient~~ and whose impact on student learning is low, or who receives an evaluation rating of Needs Improvement or Unsatisfactory and whose impact on student learning is either moderate or high, the district shall take the following actions:

1. If the educator does not have Professional Teacher Status, the evaluator may choose to put the educator on a Directed Growth Plan.

a. If the district decides to put the educator on a Directed Growth Plan, the Plan may be for no more than 90 days.

i. The educator shall be evaluated at least every 90 days.

ii. The educator may be dismissed at any time.

~~iii. The educator shall not be eligible for Professional Teacher Status.~~

2. If the educator has Professional Teacher Status, the evaluator shall place the educator on a Directed Growth Plan.

a. The educator shall receive a summative evaluation at the end of the period determined in the Plan, but at least annually.

~~b. The educator may be dismissed at any time in accordance with M.G.L. c. 71, § 42.~~

(c) For any educator who receives an evaluation rating of Unsatisfactory or an evaluation rating of Needs Improvement ~~or Unsatisfactory~~ and whose impact on student learning is low, the district shall take the following actions:

1. If the educator does not have Professional Teacher Status, the evaluator may choose whether to put the educator on an Improvement Plan.

a. If the district decides to put the educator on an Improvement Plan, the Improvement Plan may be for no more than 90 days.

b. The educator shall be evaluated at least every 90 days.

c. The educator may be dismissed at any time.

~~d. The educator is not eligible for Professional Teacher Status.~~

2. If the educator has Professional Teacher Status, the evaluator shall put the educator on an Improvement Plan.

a. The educator shall receive a summative assessment at least annually.

~~b. The educator may be dismissed at any time in accordance with M.G.L. c. 71, § 42.~~

(8) Nothing in these regulations shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L. c. 71, §42.

35.07: Evidence Used in Evaluation.

(1) The following categories of evidence shall be used in each district's educator evaluation systems:

(a) Multiple measures of student learning, growth, and achievement, which shall include:

1. Measures of student progress on classroom (school-based) learning goals set between the educator and evaluator for the academic year;

2. State-wide growth measure(s) where applicable, including MCAS Student Growth Percentile and Massachusetts English Proficiency Assessment (MEPA);

3. District-determined measure(s) of student learning comparable across grade or subject district-wide.

(b) Judgments based on observations and exemplars of professional practice, including announced and unannounced observations of practice of any duration;

(c) Additional evidence relevant to one or more Standards of Effective Teaching or Administrative Leadership. The educator shall compile and present to the evaluator evidence including:

1. Evidence of fulfillment of professional responsibilities and growth, such as: self-reflections; peer collaboration; professional development linked to goals and/or growth or improvement plan; contributions to the school community and professional culture;

2. Evidence of outreach to and engagement with families;

3. Analysis of data from parents, staff (for administrators), and students, including surveys of climate, engagement, and other indicators of their experience with the educator.

(d) Any other relevant evidence that the evaluator shares with the educator.

35.08: Performance Level Ratings.

(1) Each educator shall receive one of four ratings on each standard and overall.

(a) Exemplary.

(b) Proficient.

(c) Needs Improvement.

(d) Unsatisfactory.

(2) In rating educators on standards for the purposes of either formative or summative assessment/evaluation, districts may use either the rubric provided by the Department in its model system or a comparably rigorous and comprehensive rubric developed by the district and approved by the Department.

(3) Evidence and professional judgment shall inform the ratings on standards and overall educator performance in accordance with the above rating scale and the evaluator's assessment of the educator's impact on the learning, growth, and achievement of the students under the educator's responsibility.

(4) All standards shall be rated using multiple categories of evidence.

(5) At a minimum, multiple measures of student learning, growth, and achievement shall be used in rating the Curriculum, Planning, and Assessment and Teaching all Students standards for teachers and the Curriculum, Instruction, and Assessment and Management and Operations standards for administrators.

(6) To be rated Proficient, a teacher shall, at a minimum, have been rated Proficient on the Curriculum, Planning, and Assessment and Teaching all Students standards for teachers, 603 CMR 35.03(1) and 35.03(2).

(7) To be rated Proficient, an administrator shall, at a minimum, have been rated Proficient on the Curriculum, Instruction, and Assessment standard for administrators, 603 CMR 35.04(1).

(8) An educator who receives a Needs Improvement rating shall receive this rating for one year only. The educator either must earn a higher rating in the following summative review cycle, which shall be for no more than one year, or shall be rated Unsatisfactory.

(9) Professional Teacher Status, pursuant to G.L. c. 71, § 41, should be granted only to educators who have achieved ratings of proficient or exemplary on each standard and overall. A principal considering making an employment decision that would lead to Professional Teacher Status for any educator who has not been rated proficient or exemplary on each standard and overall on the most recent evaluation shall confer with the superintendent of schools by May 1. The principal's decision is subject to review and approval by the superintendent.

35.09: Student Performance Measures

(1) Student Performance Measures shall be a significant factor in the summative evaluation.

(2) The evaluator shall determine whether an educator is having a moderate, low, or high impact on student learning based on the following student performance measures:

(a) At least two state or district-wide measures of student learning gains shall be employed at each school, grade and subject in determining impact on student learning.

(b) MCAS Student Growth Percentile shall be used as one of the measures where it is available, and

(c) Additional measures comparable across schools, grades and subject matter district-wide as determined by the superintendent and approved by the Department may be used in conjunction with MCAS scores to meet this requirement, or when MCAS growth scores are not available.

(3) ~~In any case where there are significant discrepancies between evidence of student learning, growth, and achievement and the performance rating that the evaluator makes,~~ For an educator whose overall performance rating is Exemplary or Proficient and whose impact on student learning is low, the evaluator's supervisor shall discuss and review the rating with the evaluator and the supervisor shall confirm or revise the educator's rating. In cases where the superintendent serves as the evaluator, the superintendent's decision on the rating shall not be subject to such review. When there are significant discrepancies between evidence of student learning, growth, and achievement and the evaluator's judgment on educator performance ratings, the evaluator's supervisor may note these discrepancies as a factor in the evaluator's evaluation.

35.10: Implementation and Reporting

(1) 603 CMR 35.00 shall take effect according to the following schedule:

(a) Districts with Level 4 schools, as defined in 603 CMR 2.05, shall adopt evaluation systems consistent with 603 CMR 35.00 for the 2011-2012 school year.

(b) Districts that are participating in the Commonwealth's Race to the Top activities shall adopt evaluation systems consistent with 603 CMR 35.00 for the 2012-2013 school year.

(c) All school districts shall adopt evaluation systems consistent with 603 CMR 35.00 beginning with the 2013-2014 school year.

(2) All evaluation systems and changes to evaluation systems shall be subject to the Department's approval review. ~~All changes to approved systems are subject to Department review and approval.~~ The Department will review districts' evaluation systems to ensure the systems are consistent with the Board's Principles of Evaluation and report its findings. Districts' existing evaluation systems shall remain valid until the Department has reviewed ~~approved~~ the new system.

(3) The model system developed by the Department need not be submitted for review ~~shall be considered a pre-approved system~~ under 603 CMR 35.00 if the district implements it as written. ~~If a district chooses to adapt the model system, it shall submit the evaluation system to the Department for approval.~~

(4) By September 2013, each district shall adopt a district-wide set of student performance measures for each grade and subject that permit a comparison of student learning gains.

(a) MCAS Student Growth Percentile shall be employed where it is available.

(b) At least two measures of student learning gains shall be employed at each grade and subject in determining impact on student learning.

(5) Districts shall provide the Department with individual educator evaluation data for each educator in the district in a form and manner prescribed by the Commissioner.

(a) The required data reporting may include but shall not be limited to: the number of educators rated at each performance rating; the percentage of teachers who receive Professional Teacher Status; the number of educators rated on each of the four standards at each performance rating; the percentage of teachers at each level: low, moderate, high impact on student learning; and the district's approach to reconciling discrepancies between state and local assessments in determining teachers' impact on learning.

(b) Any data or information that the Department creates or receives in connection with educator evaluation that is evaluative in nature and may be linked to an individual educator, including information concerning an educator's formative or summative evaluation or performance rating or the student learning, growth and achievement data that may be used as part of an individual educator's evaluation, shall be considered personnel information within the meaning of M.G.L. c. 4, § 7(26)(c) and shall not be subject to disclosure under the public records law.

(6) The superintendent is responsible for ensuring that all evaluators have training in the principles of evaluation.

(7) If any section or portion of 603 CMR 35.00, or the applicability of 603 CMR 35.00 to any person, entity or circumstance is held invalid by a court, the remainder of 603 CMR 35.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.