

## Background and Talking Points

Act 54, the accountability / teacher evaluation legislation enacted in 2010, serves as a foundation piece for HB 974 / Act 1 (2012), one of the key pillars of Governor Bobby Jindal's "bold education reform" agenda.

Along with its partner, HB 976 / Act 2 (2012), these two laws will fundamentally change how virtually all teacher and other school personnel decisions are handled. While there have been some changes regarding the implementation of Act 54 and minor amendments to HB 974 / Act 1, these have not quelled our uneasiness regarding the Value Added Model or its readiness for use in high stakes decisions concerning teacher performance, compensation and fair due process. Below are a few of LFT's concerns regarding both Act 54 (2010) and Act 1 (2012).

### **ACT 54**

Act 54 mandates significant changes to the evaluation process even beyond the controversial requirements that 50% of teacher and certified personnel evaluation be based on student growth data by the beginning of the 2012-13 school year for grade levels and subjects for which growth VAM data is available.

The Act further mandates that formal evaluations of all educators must occur annually, that teachers must be rated as highly effective, effective, or ineffective, *and* that BESE shall establish measures of student growth for grade level subjects for which value added data is not available.

#### **The Quantitative Evaluation**

To reiterate, Act 54 mandates that 50% of a teacher's evaluation must be based upon the performance of their students on high stakes tests (value added assessment) in tested subjects and grades. BESE was charged with setting standards of effectiveness to: recognize and reward highly effective educators; identify educators in need of assistance; inform employment decisions at the local level; and, **inform** certification and renewal decisions at the local level.

Since passage of the legislation, the **Value Added Model** has been piloted in approximately 9 districts and one school. The Federation has tracked and logged teacher experiences, concerns and reactions and we have brought those concerns to ACEE meetings, the legislature and BESE to no avail.

#### **The Qualitative Evaluation**

Act 54 also mandates that 50% of a teacher's evaluation will be the product of a principal's (or his / her designee's) evaluation. The department of education has created an evaluation instrument for this purpose (COMPASS). Administrators are being trained on its use.

#### **Discussion and Concerns**

Essentially and as succinctly as possible, the following is a limited digest of the changes to the evaluation process, and concerns raised by the Louisiana Federation of Teachers.

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- Beginning in 2012-13, *every* teacher's evaluation will be the product of a qualitative (administrator / subjective) evaluation and a quantitative evaluation (student growth / VAM). However, "**every**" doesn't mean every in the strict definition of that word, and "quantitative" doesn't really mean quantitative in the strictest sense of that word either.
- For teachers in tested areas (approximately one-third of teachers) evaluation will be the product of a quantitative (VAM student growth) evaluation (50%), and a qualitative (principal or designee) evaluation (50%).
- For NTGS teachers, teachers in non-tested grades and subjects, evaluations will be the product of qualitative (principal or designee) evaluation and an instrument currently being piloted now. *But, is this really quantitative instrument. And, the answer is "not really." This is not to diminish the serious work done by NTGS teacher workgroups to produce guidelines for a fair and systematic consistent evaluation model. However, the NTGS instrument will not be quantitative in the same sense that VAM will be quantitative. It appears that it will be a subjective / observer measurement of student growth.*
- During the 2010 legislative debate on the Act, the issue concerning an equitable process for all educators was repeatedly discussed. Serious concerns regarding the equity of the evaluation process was presented then. Those concerns still exist now; particularly, since the piloting for the NTGS did not roll out until January of this year with full, consequential implementation scheduled for 2012-13, and with the passage of HB 974/Act 1.
- Originally, in both the qualitative and quantitative evaluations, a five point scale was used for each, but at the BESE board meeting in April 2012 this was changed to a four point scale based on a model not used in the pilot program. The new scale is as follows:

<b>Effectiveness Rating</b>	<b>Composite Score Range</b>	<b>Consequences</b>
<i>Ineffective</i>	$x < 1.5$	triggers corrective action
<i>Effective: Emerging</i>	$1.5 \leq x < 2.5$	
<i>Effective: Proficient</i>	$2.5 \leq x < 3.5$	
<i>Highly Effective</i>	$3.5 \leq x$	triggers "rewards"

- **Qualitative evaluation** (principal or designee). Some great work was done by teacher work groups to standardize administrator evaluations. The score will be the simple product of adding the total points of each of the competency areas and dividing by the number of items. Simple. It is here where 50% of the total evaluation, the qualitative finding, is earned.
- **Quantitative (for tested/graded)** At the ACCE meeting on November 16, 2011, the explanations were quickly given, but the actual quick did not equal "clear." However, the premise was relatively simple: a teacher whose students "beat" their

projected growth targets by ten or more points are "highly effective." Teachers whose students failed to meet the growth targets are "ineffective."

LFT asked a number of questions, regarding "margin of error"; the effect of what researchers have termed "random error" in VAM on teacher evaluations, and how confident the designer was in the razor thin line separating an effective and ineffective teacher. Answers were not specific and thus not satisfactory.

Generally, the DOE responses were very similar to what was presented in testimony during the 2010 legislative debate: *a. nothing is perfect*, *b. it certainly will be better than what we have now*, and *c. the science is irrefutable*.

**Our spirited responses** to those were *a. Nothing is perfect is a platitude at best, and is not acceptable*. However, the science must be explainable if it is to be defensible and if it hopes to win the confidence of those subject to its judgment, *b. "Being better than we have now" may or may not be true, and only a successful launch will determine its value*, *c. The science is not irrefutable*. There is an ongoing debate within the field of psychometrics and education concerning VAM's reliability and the limits of its usefulness. *(Please note: Now, the high-stakes decisions that Act 1 (HB 974) compels will in large part depend upon the evaluation's reliability)*.

- Interesting, the projected breakout of where teachers will fall on VAM evaluations is the standard Bell curve: **10% highly effective, 80% effective and 10% ineffective**. A publically and politically palatable breakout was obviously noted and the LFT shared that observation with the Department. *(Note: Act 1 mandates that new teachers must be rated highly effective for five of six years to gain tenure. However, the VAM architect openly stated on numerous occasions that relatively few teachers would be deemed highly effective each year)*.
- **A teacher's final evaluation will be the simple product of the qualitative and the quantitative evaluations divided by two.**
- **Disconcerting Revelation. *If a teacher receives a score or ineffective in either the qualitative or quantitative (VAM) evaluation, then the teacher will be rated "Ineffective."*** LFT raised serious logical and legal concerns regarding this revelation. For example, what if a teacher receives a 4.1 in either the qualitative (VAM) or the quantitative evaluation and a 1.0 in the other? Rather, than adjudicate that teacher as "ineffective", shouldn't there be at the very minimum a review triggered by the apparent discordance of those scores? *(Note: Act 54 clearly states that 50% of the evaluation be based upon student growth. We still contend that this interpretation by BESE violates Act 54.*
- Among the other issues that we raised: what care will be taken to make sure that the qualitative evaluations are not influence by the quantitative findings? If VAM is seen as irrefutable and immune from any questioning, what influence will the irrefutable science have on the qualitative evaluations? Will at some point qualitative evaluations magically align with science? Answers were not forthcoming.

## **Moving right along and where we seem to be now**

**Ready or Not.** On December 7, 2011, LFT was presented with a copy of Bulletin 130, and it was revealed that long-standing fair, due process protections language had been struck. On December 8, 2011, LFT testified before the Joint House-Senate Education Committees, and brought these concerns to light. Shortly thereafter, the composition of the committees changed; the architect of VAM left the Department of Education; a new Board of Elementary and Secondary Education was seated; and, a new Superintendent of Education was appointed.

**Astonishing.** On March 2, 2012, Governor Jindal's "bold education" agenda was revealed in HB 974 and HB 976. On March 12<sup>th</sup>, 2012, the legislative session began. Two days later, HB 974 and HB 976 were passed to the House floor, and on April 5, 2012, they were ready for the Governor's signature.

On April 17<sup>th</sup> and 18<sup>th</sup>, 2012 the BESE Board once more tweaked Bulletin 130 after reportedly getting feedback from the 9 piloted districts, other stakeholders and one school in New Orleans. The changes did not address a number of LFT's major concerns.

Examples of those unaddressed changes in Bulletin 130 include the following language and procedural changes:

- **Statement: "Failure by the Local Education Agency to provide regular professional development opportunities to teachers and administrators shall not invalidate any results of the evaluation process." Concern:** How can one but conclude that the only responsible, culpable party in this relationship is the teacher.
- **Procedural change:** The terminal level of the grievance procedure terminates with the Superintendent or his/her designee. The Bulletin does not require any review, if requested, by the school board. **Concern:** Essentially, the state of Louisiana "owns" at minimum 50% of a teacher's evaluation; however, the State provides no avenue for dispute remediation. And, nothing contained within the Bulletin affords the superintendent any authority to amend or vacate the state's finding.
- **Deficiency:** Just to be clear, there is no provision to grieve the quantitative, or Value Added Model, portion of the teacher evaluation, which is sanctioned, designed, and controlled by the state, and not by the local school system. In short, without a due process component at the state level, the teacher will have virtually no recourse in evaluation disputes. The local superintendent will have no power to remedy the state's finding. **And, Act 1 (2012) compounds the risk for educators (tenure, compensation decisions, reduction in force changes).**
- **Struck Language:** Long-standing language mandating that a teacher has "the right to receive proof, by documentation, of any item contained in the evaluation or the assessment that the evaluatee believes to be inaccurate, invalid or misrepresented" has been struck. **Concern: Act 1 (page 13 of 14 lines 22 -26) states that "...the results of a teacher's evaluation ...evaluating the teacher's performance as "ineffective" shall constitute sufficient proof of poor performance ... and no additional documentation shall be required...)** Unbelievable.

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- Struck language: There is no longer a requirement that teachers “must be provided with ample assistance to improve performance.”

### **Teacher concerns / unanswered questions from teachers in piloted areas**

This is a sampling of concerns/ queries received from LFT from teachers in piloted districts as of October 31, 2011.

1. Algebra I teachers receive value added measurement scores based upon 8th grade student performance on the 8th grade LEAP and not on the end of course examination. The question of responsibility, isolation of teacher contribution, and fairness raised (multiple queries).
2. Only one score is reported for students who have multiple grade levels in their classes or for teachers who teach different grade level subjects (this is also the multiple preparations question). Which becomes the measurable grouping? The question fairness and responsibility is raised (multiple comments).
3. If a teacher seeks to challenge the VAM assessment, will the teacher be provided with the formulae and will the process be explained and defended in a manner that allows for a fair review? (To date and to our knowledge, the algorithm still remains a mystery inside of a riddle).
4. Since VAM does not identify a teacher's strengths and weaknesses, then how does VAM inform instruction? Will it be left for the judgment of another observer to ascertain which practices are responsible for outcome and/or which are inconsequential to good practices? (Thoughtful question asked differently by a significant number of teachers).
5. If a teacher is assigned to a combination of elective and core courses, will a teacher be evaluated using VAM or NTGS instrument or both?
6. Teachers who mentor student teachers / interns. How will such teachers' assessments be affected by this individual's performance?
7. When will teachers in non-tested, graded subject areas see the instrument to be used in their evaluation? How long will it be piloted and how much time will be allowed for adjustments prior to full, consequential implementation

This is simply a sampling. There are many other questions and concerns and the timeline before implementation grows very short.

### **Act 1 (HB 974)**

HB 974, now Act 1 of the 20012 Legislative Session uses the evaluation process in the Value Added Model to make virtually all personnel decisions.

- A large part of this evaluation system has not even been piloted yet, and the VAMs used in other parts of the country are coming under more scrutiny. Yet everything

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from salaries to termination to teacher placement will be *informed* by the Louisiana model of VAM.

- There may never be another across-the-board state pay raise, and with the mandate for 2013 for the creation of a new teacher salary schedule that includes a student performance piece while only specifying that credit for advanced degrees is “permissive”, uncertainty is the kindest assessment of the possibilities.
- Any teacher who receives an “ineffective” rating even once will be ineligible for pay raises, will lose tenure rights and will be considered an “at will” employee who can be fired immediately. The architect of Gov. Jindal’s Value Added evaluation program said that a one-year snapshot of a teacher’s evaluation is not an accurate reflection of the teacher’s real ability.
- Teachers will have to be rated “highly effective” for five out of six years to earn tenure. The architect of Gov. Jindal’s Value Added evaluation program says that such a scenario is extremely unlikely.
- In dismissal proceedings, teachers have no right to a list of specific charges, may not appeal to the school board, and have only 60 days to lodge an appeal, instead of the current one-year limitation. And, in addition, the teacher will first be terminated, and the limited appeal process will be in regard to reinstatement. Language requiring teachers to be found guilty of criminal acts before they can lose tenure is removed.
- The superintendent, not the board, will make decisions to hire, place and fire employees. School boards shall have no authority to reject or amend personnel recommendations of the superintendent.
- Years of experience cannot be the primary criterion used for personnel decisions.
- Any non-tenured teacher, including those who were formerly tenured, will be considered “at will” employees subject to immediate termination.
- RIFs and dismissals will be based ONLY on performance, effectiveness (student performance on tests), and system needs, and not years of experience.
- Tenure may no longer be considered as a criterion in RIFs.

These are just a few of the concerns the Louisiana Federation of Teachers has concerning the “reform” of public education in Louisiana.

If you have any questions or additional concerns, please do not hesitate to contact the Federation.

A one-stop shop on the WEB for information regarding Act 1 / HB 974 and Act 2 / HB 976 is under construction.