To:    Shelley Helton, Agency Rules Coordinator
       Illinois State Board of Education

From:  Dr. Brent Clark, Executive Director – Illinois Association of School Administrators
       Mr. Roger Eddy, Executive Director – Illinois Association of School Boards
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RE:    Proposed ISBE Rules Regarding Student Growth Model

Date:  August 18, 2014

The purpose of this letter is to provide comment regarding the proposed rules to Part 50, Subpart C of Title 23 of the Illinois Administrative Code regarding the incorporation of a default student growth model. Although we thank both the Illinois State Board of Education (“ISBE”) and Performance Evaluation Advisory Council (“PEAC”) for their work thus far, we have the following three areas of concerns: (1) The alternative assessment/SLO selection process is cumbersome and complex; (2) the rating scale lacks rigor and does not meet current administrators and teachers expectations; and (3) the default matrix to determine the summative evaluation rating as drafted protects underperforming teachers, especially those with multiple “Needs Improvement” ratings, and only should be applicable in a 50% teacher practice and 50% student growth scenario.

Without revisions, we believe that the proposed rules create a default system that usurps managements’ rights as to the substantive nature of the evaluation process and weakens the rigorous evaluations put in place by Senate Bill 315. For the reasons stated below, we respectfully request the following concerns be addressed and the proposed rules be revised accordingly.

First, the proposed rules detail a cumbersome process of selecting a student learning objective (“SLO”) where the Performance Evaluation Reform Act (“PERA”) joint committee is unable to reach agreement. We fully support the current proposal that the District Superintendent and/or designee would make any final decision. However, as drafted, this decision process is too complex, time consuming, distracting and unrealistic given the limited resources and time of administrators and teachers. We recommend making this process as concise and redraft the rules as simplistic as possible.
Our recommendation is twofold. Where the joint committee is unable to reach agreement to the two assessments to be used, using the “SLO Process” as detailed in Section 50.220, the administrator should select one and the teacher the other. Where only one assessment cannot be agreed upon, we believe that the joint committee should determine whether the already agreed upon assessment is the choice of the administrator or teacher. If the assessment is that of the administrator, then the teacher would select a SLO in place of the second assessment required by law, and vice versa. If the joint committee is unable to reach consensus as to the ownership of the first agreed upon assessment, then the parties would default to each party selecting a SLO as detailed above. We believe that this systematic and simplistic approach is a fair and equitable compromise.

However, please note that any revision to the proposed rules whereby the joint committee cannot reach agreement that does not include administrator control of one of the two SLOs will be met with deep resistance. It is long established labor law that the substantive nature of an evaluation is a management right. However, throughout the negotiation of SB 315, it was recognized that the incorporation of student growth is a new concept to which collaboration is not only necessary, but is recommended; thus, the creation of the joint committee in law. We were in support of and continue to advocate a collaborative approach using the joint committee, but where the joint committee cannot find agreement; we cannot and will not support any further erosion of managements’ rights in this context.

Second, the rules delineate the rating scale to be used to determine the student growth rating. The proposed rule states:

1) In instances in which less than 25 percent of students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "Unsatisfactory".

2) In instances in which at least 25 percent but no more than 50 percent of students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "Needs Improvement".

3) In instances in which at least 51 percent but no more than 75 percent of the students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "Proficient".

4) In instances in which 76 percent or more of the students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "Excellent".

Our collective experience from over 200 educational workshops with thousands of administrators and teachers on incorporation of both practice and student growth over the past three (3) years is that this rating scale is too low, lacks rigor and represents student growth below

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1 Furthermore, contrary to the current proposed Section 50.210(b)(1)(B)(i), the selection of the assessment should not exclude those previously discussed by the joint committee.
what both administrators and teachers expect. Accordingly, we recommend that scale be raised to 80% of students meeting expected growth would equate to a rating of “Excellent”; 60% -79% of students meeting expected growth would equate to a rating of “Proficient”; 40%-59% of students meeting expected growth would equate to a rating of “Needs Improvement” and 39% and below of students meeting expected growth would equate to a rating of “Unsatisfactory”. It is vital that the rating scale be rigorous for a multitude of reasons, the most important is that these rules as a whole will be used as a baseline for the negotiation at the joint committee level.

Third, and most important, the default matrix to determine summative evaluation rating as drafted protects continuous underperforming teachers, especially those with multiple “Needs Improvement” ratings. Moreover, as drafted, the matrix is only applicable in a 50% teacher practice and 50% student growth scenario. Accordingly, we recommend the following.

The proposed default matrix uses a “round up” methodology using a mathematical equation whereby a numerical value of 1-4 is assigned to an evaluation rating (e.g. “Unsatisfactory” = 1; “Needs Improvement” = 2; “Proficient” = 3; and “Excellent” = 4), averaged and then rounded up using the same numerical value. For example, if a teacher receives a “Needs Improvement” in teacher practice and a “Proficient” in student growth, using the proposed mathematical/round up approach, the teacher would receive a numerical value of 2 for practice and 3 for student growth, 2+3=5/2=2.5, which equates to an summative evaluation as “Proficient.” A “round up” method for high performing teachers, as well as in a 50%/50% scenario, is palatable. However, where the percentage assigned to practice outweighs student growth (e.g. 70%/30% -- which is the most likely scenario in the field), this default matrix is no longer workable.

Where the joint committee agrees to a percentage combination different than 50%/50% but cannot subsequently agree to a matrix to incorporate such, we recommend the following weighted mathematical formula be used. The weighted mathematical formula would use the same concept as above, but instead would take the numerical value and multiply it times the agreed weighted percentage and then add the two numbers to reach a final numerical value. Using the same example above, if a teacher receives a “Needs Improvement” in teacher practice and a “Proficient” in student growth, but the agreed upon percentage combination is 70% teacher practice and 30% student growth, the teacher would receive a numerical value of 1.4 (2 multiplied by .70) for teacher practice and a numerical value of .9 (3 multiplied by .30), 1.4+.9 = 2.3, which depending on a “round up” or “round down” methodology would be a “Needs Improvement” or “Proficient”.

Using this weighted mathematical approach, we would recommend a “round up” methodology of a summative numerical value of x.3 and above for a teacher who has never been evaluated and/or received an overall summative evaluation rating of “Excellent” and/or “Proficient” in the preceding school year used for evaluation, and a “round down” methodology of a summative numerical value of x.7 or below for a teacher who has received a summative rating of “Needs Improvement” or “Unsatisfactory” in the preceding school year used for evaluation. Thus, using the example above, if the teacher had never been evaluated before or had received a summative

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2 Further, the default evaluation plan requires the use of the “Adaptive Conditional Measurement Model.” This model allows the teacher to place students into categories such as “Regular Education,” “English Learners,” “Intellectually Disabled,” “Emotionally Disabled,” “Autistic,” etc. Thus, the rules should reflect that the teacher’s students would need to meet the previously described standard for each category of student.
evaluation of “Proficient” or higher in the preceding school year used for evaluation, the teacher’s overall summative evaluation rating would be “Proficient”. However, for the teacher who had received a summative rating of “Needs Improvement” and/or “Unsatisfactory” in the preceding school year used for evaluation, the teacher’s summative evaluation rating would be “Needs Improvement”.

Given the intent of SB 315, the need for a rigorous default system, coupled with the inevitable fact that the default concepts will be used as a baseline for discussion at the joint committee level, we believe this to be a fair and equitable compromise. We understand given the recent conversations at the SB 7 working group, that the “round down” methodology may need to be further discussed, but we would ask that ISBE give this weighted mathematical approach serious consideration in instances where the joint committee agrees on a different weighted percentage combination other than 50%/50% and cannot reach agreement on a summative matrix.

In conclusion, the Statewide School Management Alliance feels very strongly that the concerns and comments provided herein should be considered by ISBE and the rules be redrafted accordingly. We are in a very crucial time period of implementation and believe that we must proceed in a manner that encourages collaborative development of rigorous evaluations but also maintains managements’ rights in evaluation. As always, we have encouraged our membership to share their comments and concerns in a constructive manner in order to reach the best possible solution.

If you should have questions and/or concerns, please do not hesitate to contact the Illinois Association of School Administrators at (217) 753-2213 or via electronic communication at clark@iasedu.org or sboucek@iasedu.org, Illinois Association of School Boards at reddy@iasb.com or mselbee@iasb.com, Illinois Principals Association at jason@ilprincipals.org or brian@ilprincipals.org, or Illinois Association of School Business Officials at mjacoby@iasbo.org.