

Education Policy Brief

Indiana’s Teacher Evaluation Legislation: Implications and Challenges for Policy, Higher Education and Professional Development

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UPCOMING POLICY BRIEFS . . .

- ✓ *Charter Schools: Accountability Through Charter Revocation and Nonrenewal Procedures*
- ✓ *What Do We Know About EMOs?*
- ✓ *Update on School Choice Policy and Programs in Indiana*

INTRODUCTION

In 2011, the Indiana General Assembly passed a broad and ambitious reform package that significantly altered how teachers and principals are evaluated. Senate Enrolled Act 001 (SEA 1) requires 1) annual evaluation for all certificated employees, 2) objective measures of student achievement and growth, 3) rigorous measures of effectiveness, 4) annual designation of each certificated employee in four rating categories, 5) explanation of the evaluator’s recommendation for improvement and the time in which improvement is expected, and 6) a provision that a teacher who negatively affects student achievement and growth cannot receive a rating of “effective” or “highly effective.”

Nearly all school corporations in Indiana are either implementing a new evaluation system for teachers and principals or are in the midst of developing their evaluation systems. From those school corporations that are currently implementing a system, much is being learned about the impact of the new system, as well as areas that will require refinement or change in the coming years. Initial findings include that the role of the principal must change in order to ensure the time and skills necessary to provide quality feedback to teachers and there is a great need for professional growth on assessment literacy. Evaluator training and re-training is critical; the development of assessments and student growth measures for the non-ISTEP+/ECA teachers has been a challenge; and transparency and collaboration in the de-

velopment and implementation of evaluation systems is imperative.

This brief is the second in a two-part series on the new era of teacher evaluation in Indiana. In the first brief, the results of a survey of attitudes and beliefs of school corporation superintendents were discussed; the features of quality evaluation plans were highlighted; and the essential elements of a planning process that ensures equitable, effective, and efficient plans for evaluating educators was introduced (Cole, Ansaldo, Robinson, Whiteman, & Spradlin, 2012).

The objectives of this second brief are 1) to provide information and discussion on the implications of the Indiana legislation on teacher and administrator preparation programs; 2) to provide information and discussion on the implications for educational policy and the procedural challenges that the state, superintendents, and boards should formally address to limit the possibilities for legal challenges and to ensure high-quality plans; and 3) to provide information and discussion on the implications for professional development as it relates to teacher and evaluator training and the use of teacher evaluation data to determine the focus of professional development.

IMPLICATIONS/CHALLENGES FOR HIGHER EDUCATION

As politicians and education leaders strive to improve the U.S. education system for all students through various reform efforts, there has been a growing focus on the need for high-quality teach-

ers and, subsequently, increased scrutiny of teacher preparation programs. Not only are educators required to be effective with an increasingly diverse student population, but they are also expected to prepare all learners to be “college and career ready” through the mastery of academic standards and acquisition of sophisticated 21st century skills (e.g., critical thinking, problem solving, collaboration, information literacy). According to Adelman (2004), 41% of students are not ready for college-level work, yet higher education attainment is considered critical to our economy and global competitiveness. Estimates are that in the next 10 years over 60% of new jobs will require a college education, including both two- and four-year degrees (www.completecollege.org).

The knowledge economy has put pressure on K-12 schools to improve, with concurrent pressure to raise standards for and outcomes of teacher preparation programs. For example, 25 states support a plan developed by the Council of Chief State School Officers to raise standards for teacher preparation programs and hold them accountable for the performance of teachers they produce (www.ccsso.org). One of President Obama’s four key education reform objectives includes ambitious efforts to recruit, prepare, develop, and advance effective teachers and principals (www.whitehouse.gov/issues/education/k-12).

Research has shown that some teachers have a more significant impact on student achievement than others (Harris & Rutledge, 2007). There is a wide range of ‘traditional’ and ‘alternative’ teacher preparation programs that vary in scope and quality. Senate Enrolled Act 001-2011 allows non-accredited entities to prepare teachers if they are approved by the Indiana Department of Education (IDOE). This opens the door to ‘alternative’ teacher preparation programs. According to research, teachers who complete a rigorous teacher preparation program from a competitive college prior to being hired and who were certified or licensed have been found to be more effective with students than teachers without this preparation (Darling-Hammond, 2000, 2010; Darling-Hammond,

Holtzman, Gatlin, & Helig, 2005; Eckert, 2013). A study by Boyd, Lankford, Loeb, Rockoff, and Wyckoff (2008) indicated that graduates of college preparation programs were significantly more effective than teachers lacking certification, and performed better than Teaching Fellows and Teacher for America (TFA) teachers, as measured by their impact on 4th and 5th graders’ math performance. Unfortunately, poorly prepared teachers most often end up teaching in urban schools, exacerbating inequities and achievement gaps (Easton-Brooks & Davis, 2009; Ingersoll, 2004). High teacher turnover is not only costly, but impedes cohesion, collaboration, and school-wide success.

Indiana’s teacher appraisal law has direct implications for teacher and administrator preparation and accountability at institutions of higher education, as connections are being made to the institutions that prepared these professionals (Boyd, Lankford, Loeb, Rockoff, & Wyckoff, 2008). Every aspect of teacher recruitment, preparation, and induction support will be increasingly scrutinized to ensure alignment with the demands and accountability measures in K-12 schools.

Recruitment of Teacher Education Candidates

In order to prepare exemplary teachers, preparation programs need to attract high-caliber candidates, including individuals from various racial, ethnic and socio-economic backgrounds who represent the diversity of the students in our schools. Policymakers and educators have suggested raising the bar for admission to teacher preparation programs in order to improve the quality of new teachers (Allen, 2003). However, given the fact that more teachers have been moving out of the profession than entering it for the past several decades (Quartz et al, 2004; Smith & Ingersoll, 2004), such a move could exacerbate teacher shortages.

Finland attributes its highly regarded educational achievement to the quality of its teachers. Teaching is regarded as a noble, respected profession and becoming a teacher is a highly competitive pro-

cess, with only about 1 in 10 candidates accepted to study primary education. There are several phases to the selection process involving a written exam, observation of clinical practice, and an interview (Sahlberg, 2010). Given the increased scrutiny of teacher education candidates and programs, it is likely that efforts to recruit “the best and the brightest” will intensify.

TEACHER PREPARATION COURSEWORK AND CLINICAL EXPERIENCE

Rather than merely focus on ‘inputs’ such as coursework and degree completion, there has been a shift in focus toward outcomes, or evidence of teacher effectiveness. Indiana’s SEA 1 requires staff performance appraisals that include rigorous measures of effectiveness and teacher ratings of “highly effective,” “effective,” “improvement necessary,” and “ineffective.” In order to prepare highly effective teachers and school leaders, programs must focus on what candidates should know, understand, and be able to do, as articulated in state and national standards (e.g., Interstate Teacher Assessment and Support Consortium [InTASC]) and aligned with teacher appraisal systems (e.g., RISE, TAP, PAR). For example, the Danielson Framework (The Danielson Group, 2011), a core component of several of these appraisal systems, articulates teacher activities and instructional processes including planning and preparation, instruction, the classroom environment, and professional responsibilities. The more teacher education coursework and clinical experiences align with these critical ‘inputs’ the better prepared teacher candidates will feel.

A comprehensive teaching development system requires close collaboration between preparation programs and partner school corporations. The intent is to have a seamless approach whereby beginning teachers are prepared and mentored by exemplary teacher leaders, to support and advance their practice. Such an approach ensures that pre-service teachers develop professional practices that promote student learning and, ultimately,

their success as practitioners.

Because SEA 1 also addresses the ‘outputs’ of student achievement data and student growth measures, teacher preparation programs must ensure that future educators can analyze student performance and make data-driven decisions regarding appropriate interventions. Thus, pre-service teachers need to be adept at using multiple forms of assessment and data management systems as they track student progress and select teaching and learning strategies that promote growth.

Finally, induction support, or the provision of support to new teachers, has been a key feature of residency models of teacher preparation. For example, the Woodrow Wilson Foundation’s teacher residency programs provide mentor support, in partnership with school personnel, for three years. Ongoing formative assessments and professional development are conducted as new teachers hone their knowledge and skills. This approach links effectively with the mentoring and professional development elements of various teacher appraisal models, including the collection of appraisal data regarding teacher effectiveness.

IMPLICATIONS/CHALLENGES FOR EDUCATION POLICY

The new evaluation movement has significant implications for the governance and management of public schools, including the development of policies and procedures concerning the management of staff and resources, the establishment of corporation and school priorities, the implementation of system initiatives and services, and establishing standards of accountability in the teaching and learning process as schools pursue excellence and equity in public education. Yet to be tested are issues concerning the recruitment, hiring, remediation, and dismissal of teachers. Sound due process procedures, including ongoing assistance in the form of adequately trained supervision in a transparent process, equity in evaluation procedures, the use of high-quality assessments in an appropriate manner, and accountability for reasonable and valid instructional standards

and outcomes, will continue to play a critical role in the implementation of new teacher evaluation systems.

Legal Issues and Teacher Evaluation

With the U.S. Department of Education’s Race to the Top (RTT) program, states have been implementing teacher evaluation systems, which include the consideration of student performance. The time is ripe to explore many of the legal issues involved with teacher evaluation programs, which surprisingly, few researchers have examined.

In an earlier piece, DeSander (2000) highlights the legal issues related to due process in teacher evaluation programs. Indeed, due process and notions of fairness are at the heart of every teacher evaluation policy because measuring performance is quite complex and imprecise. DeSander stresses that sound due process procedures must include compliance with collective bargaining agreements and state laws pertaining to notice, documentation, assistance for improvement, reasonable time for improvement, evaluations summaries, fair hearing, and trained evaluators. In more recent articles, Koski (2012) only briefly mentions some potential for litigation related to teacher evaluation, and Matula (2011) analyzes legal and policy factors that are beyond a teacher’s control within an evaluation system.

DeMitchell, DeMitchell, and Gagnon (2012) raise the possibility of an increase in educational malpractice litigation initiated by parents when they learn from teacher evaluations that their children are being taught by teachers who have been rated as ineffective. Green, Baker, and Oluwole (2012) provide a comprehensive analysis of the legal and policy issues involved with teacher evaluation systems. They raise questions about legal claims under Title VI, Title VII, and the Fourteenth Amendment. A few of the legal controversies involving teacher evaluations that involve the Fourteenth Amendment or other procedural issues are explored below.

Litigation

To date, there has been little litigation generated in regard to teacher evaluation, and those cases that do exist do not support the teachers’ claims. For example in *St. Louis Teachers Union, Local 420 v. Board of Education of St. Louis* (1987), teachers who received an “unsatisfactory” rating under the teacher evaluation system alleged that the rating violated their liberty interests, as well as their rights to equal protection and due process under the Fourteenth Amendment. The teachers had stated a claim for deprivation of a property right in the form of salary advancement without due process. The teachers also alleged a deprivation of their substantive due process rights to be free from arbitrary, capricious, and irrational action by the school corporation with regard to their teaching positions. Specifically, the teachers argued that being evaluated solely on the basis of student performance on standardized tests provided for an action of procedural due process violations with salary advancement and for substantive due process violations for irrational evaluations.

The U.S. District Court for the Eastern District of Missouri dismissed the teachers’ claims regarding their liberty interests and equal protection rights, reasoning that “unsatisfactory” professional ratings did not impinge teachers’ liberty interests and that the evaluation practices did not deprive teachers of equal protection. The court found also that the classification of teachers was rationally related to the corporation’s objective of improving education. However, the court denied the Board of Education’s motion to dismiss the teachers’ procedural and substantive due process claims, as well as state law claims.

In an older case from Connecticut, the State Board of Labor Relations challenged Connecticut’s Board of Education, asserting that the Teacher Evaluation Act did not appropriately address procedures related to teacher evaluations (*Wethersfield Board of Education v. Connecticut State Board of Labor Relations*, 1986). In this case, the State Board of Labor Relations took issue with the

Board of Education’s refusal to bargain on proposals that would have required consultation before evaluations, permitted unlimited grievances, and prohibited classroom observations by anyone other than a certified administrator. Upholding the trial court’s decision in favor of the Board of Education, the Supreme Court of Connecticut held that the legislature had excluded the subject of teacher evaluation guidelines from mandatory bargaining. More recently, state courts have begun to see some increased litigation in this area and it will be important to monitor the outcomes of these cases (see, e.g., *Doe v. Deasy*, 2012; *New York State United Teachers v. Board of Regents of the University of N.Y.*, 2011; *Robinson v. Robinson*, 2012).

Recently in Florida, seven teachers filed a federal lawsuit alleging violations of their rights to due process and equal protection under the Fourteenth Amendment of the U.S. Constitution (*Cook v. Bennett*, 2013). In their complaint, the teachers contend that they are being evaluated on test scores of students whom they never taught. The teacher evaluation law in Florida requires that at least 40% of a teacher’s evaluation be based on students’ FCAT scores. This lawsuit will be interesting to follow as it may open the floodgates to additional litigation, depending on the outcome.

The lack of litigation focused on teacher evaluation is not surprising for two reasons. First, many potential cases settle outside of court and are not reported. Second, courts tend to defer to the expertise of the school corporations in these cases. Thus, teachers may not be inclined to raise legal issues involving evaluations. Of course, there is the possibility that litigation may increase as more states have recently revamped their teacher evaluation plans and tied them to student achievement. A few potential legal issues involving Indiana’s law are analyzed below.

Indiana

Similar to other states’ teacher evaluation statutes, Indiana’s law may raise some legal concerns with regard to the Fourteenth Amendment. The U.S. Con-

stitution contains Due Process Clauses in both the Fifth and Fourteenth Amendments. The clause in the Fourteenth Amendment is most applicable to this discussion because it applies to the states, whereas the clause in the Fifth Amendment applies only to the federal government. The Fourteenth Amendment’s Due Process Clause provides that no state shall “deprive any person of life, liberty or property, without due process of law” (Fourteenth Amendment, 1868). Specifically, there are certain procedures that must be followed when taking away one’s life, freedom, or possessions. For example, a person must be given a fair trial before being imprisoned. Procedural due process ensures a right to fair procedures before a teacher can be deprived of property by the state. The substantive due process clause guarantees that a person’s life, freedom, and property may not be taken away without governmental justification, regardless of whether procedures are followed. The Fourteenth Amendment also includes the Equal Protection Clause. Under the Equal Protection Clause of the Fourteenth Amendment, similarly situated individuals need to be treated the same.

Section 6 (a) and (b) of Indiana’s Public Law 90-2011 may raise some procedural issues if a teacher is not given a copy of the evaluation within seven days or if the 90-day remediation plan is not followed. Also, as in any evaluation plan, teachers need to be given notice of the evaluator’s expectations and notice of any deficiencies. Additionally, another potentially problematic section of Indiana’s law is that there are different processes in place for teachers deemed in need of improvement than for those labeled as ineffective, yet they have the same consequences. For example, in Section 6(c), only teachers who are rated ineffective are entitled to a private conference with the superintendent or a designee. However, a teacher who is rated as “in need of improvement” and a teacher who is rated as “ineffective” can both be fired, even though they receive different levels of support. As a result, there may be some equal protection concerns. It should be noted that under “cancellation of contract,” the law allows for a teacher rated

as “in need of improvement” to request a meeting with the superintendent (see IC 20-28-7.5-2). However, this language is not included in the teacher evaluation section of the law, which may cause confusion (see IC 20-28-11.5-6(c)).

Other legal issues may involve differences in the use of evaluation rubrics between school corporations. Although there are state guidelines and a general rubric (i.e., RISE) that corporations may choose to adopt, corporations may elect to create their own guidelines (Moxley, 2012). It is possible that due process and equal protection claims could occur as a result of differences in how teacher effectiveness is measured and reported through multiple evaluation systems in the state. Of course, teachers might also argue that the use of student test scores within teacher evaluation plans are inaccurate and thus unfair (Green, Baker, & Oluwole, 2012).

If a teacher was fired in Indiana for being rated “ineffective” under the teacher evaluation system, the teacher might argue that her or his substantive due process rights were violated. Because a fundamental right is not involved in this situation, the court would likely review Indiana’s law under a rational basis review. Under this standard, the teacher evaluation law must be rationally related to a legitimate government interest. Green, Baker, and Oluwole (2012) posit that a teacher might be able to demonstrate that the evaluation system is irrational and violates the substantive due process clause if the teacher was falsely identified as a bad teacher. Based on research from the Bill and Melinda Gates Foundation (2013) and from Schochet, & Chiang, (2010), there is between a 10 to 20 percent chance that a good teacher might be falsely identified as a bad teacher (Green, Baker, & Oluwole, 2012). Specifically, a court might hold that with a high level of error rates, the evaluation system is not rationally related to a governmental interest.

Fear of litigation, however, should neither paralyze nor distract school corporations from creating rigorous and robust teacher evaluation systems that ensure equity, efficiency, and excellence. There

are some processes and procedures that should be in place to diminish the possibilities for litigation, and in the end, ensuring that the components of a quality evaluation system are in place will be essential.

CHARACTERISTICS OF HIGH-QUALITY EVALUATION SYSTEMS

Characteristics of High-Quality Evaluation Systems

The fundamental change in teacher evaluations from process- and relationship-based experiences to more objective judgments based upon a systematic gathering and analysis of performance and student learning data has profound implications for educational policies and procedures. The role of policy in the governance process is to define and outline what is desired; policy must not creep into the role of management and the methods for determining how the ends of policy will be achieved. This principle can be conceptualized into two facets of an evaluation system. The first is what the system's operational characteristics will be. Will it be fair? Will it treat all teachers the same? Will it be efficient and easily implemented and understood? The second characteristic is what is expected from the system. Will it result in improved instruction? And, most important, will it result in improved rates of learning for all students?

While there is no clear prescription, research is emerging that should inform the design of an evaluation system. Quality systems should ensure fairness, improve instruction, address issues around assessment quality and methodological efficacy, develop the foundations for growth and achievement, address how students are assigned to classrooms, and determine protocols for gathering observation data and providing feedback (Bill & Melinda Gates Foundation, 2013; Marzano, 2000).

In Indiana, the Indiana Teacher Appraisal and Support System (IN-TASS), a system being used by 20 school corporations, outlines 12 key components

aligned with the research to ensure that corporations develop and implement high-quality evaluation systems. These include 1) reaching consensus on intent and philosophy; 2) developing a strategic communication plan; 3) complying with Indiana legislative components; 4) creating a process for classroom observations and walk-throughs; 5) assigning weights to measures; 6) developing clear timelines and protocols; 7) creating a system for measuring student learning; 8) adopting a system for collecting and storing data; 9) developing procedures for converting measurement scores to summative teacher ratings; 10) establishing an oversight process; 11) connecting outcomes to a professional development plan; and 12) creating appropriate evaluation forms. The development and revision of teacher evaluation plans should be a collaborative process involving both teachers and administrators.

Classroom Observations and Feedback

Indiana does not mandate the use of any single observation tool; however, the state did create the RISE system that includes an observation rubric. In a survey of superintendents, conducted as a part of the first brief in this series, 81.8% indicated that they would use RISE or a modified version of RISE. A total of 81.9% responded that sufficient state and local support for teacher evaluation system development and adoption was a major or moderate effect for selecting a model, and 82% reported that sufficient training for implementation had a moderate to major effect on the selection of their model (Cole et al., 2012). The IDOE provided approximately 13 hours of evaluator training on the RISE model across the state. This included training on the rubric structure and content, rubric scoring, note taking/mapping, and video observations. Corporations not using RISE or an adaptation of RISE have selected other tools such as those developed by Danielson (The Danielson Group, 2011) or Marzano (Marzano Research Laboratory, 2012).

The fact that the state has allowed the decision regarding the observation tool and evaluator training to be a local deci-

sion has some merit. This allows corporations to select a tool that may already be in use or is aligned with the corporation goals, or to develop one that is more aligned to the corporation's instructional focus. It also allows local choice regarding who will train evaluators, how often they will be trained, and what they will be trained in. There is a downside, however, to this flexibility. There is not consistency in evaluator training across corporations, there are no clear standards established for this training, and there is not a certification process to ensure that evaluators are highly trained and skilled. This could result in varied implementation, variance with inter-rater reliability across corporations, and different experiences for teachers within and across corporations.

Fear of litigation, however, should not paralyze nor distract school corporations from creating rigorous and robust teacher evaluation systems that ensure equity, efficiency and excellence.

As noted in the previous section of this brief on legal issues, the greatest risk is that a teacher's rating could ultimately be applied based on limited evaluator training and unclear expectations of the observation process. Inconsistency in judgment of observation data often comes from a lack of training, understanding, and inconsistent interpretation of observational data that vary across appraisers. Many states have specific standards and requirements for evaluators and call for state certification before an educator can become an evaluator. Indiana is not one of those states. Evaluator training is critical to ensure that the evaluation tool and process is understood and implemented with fidelity (Bill & Melinda Gates Foundation, 2011).

In a recent white paper, McClellan, Atkinson, and Danielson (2012) wrote:

Those who mandate high-stakes evaluations of teachers based in meaningful part on classroom observations have an ethical and, potentially, a legal obligation to verify the skills of the observers charged with conducting those high-stakes observations. If the observer is not demonstrably accurate, fair, impartial, and consistent in scoring observations according to the rubric, the judgments made as a consequence of the observation will be open to challenge. At the end of training, observers should be assessed to verify that they have learned the information presented in the training, and that they can apply the rubric accurately and consistently. Such an assessment will be referred to herein as an observer “certification” test (p. 8).

They go on to note that evaluators will also require regular recertification, preferably in tandem with some level of review of training materials. This should occur annually, at a minimum, and logically would be scheduled at the end of the summer break.

The Bill & Melinda Gates Foundation (2011, 2013) contends that given the low reliability reported in studies of various observation systems, teachers have a right to be concerned about the accuracy of their scores related to evaluator observations. The Gates research recommends that teachers have multiple observers as a system to check and compare the feedback given to teachers by different observers. Quality evaluation systems acknowledge that in addition to classroom observation data, teachers and students themselves are a valuable and reliable source of data.

There is a wide range of approaches that schools can use to generate opportunities for feedback that are teacher-based. These include student surveys that provide a teacher with information on student perspectives of effective instruction; Professional Learning Communities (PLCs) that encourage collaborative reflection on teaching and learning; protocols to examine student

work; peer observations and feedback; and self-directed videos of one’s own teaching (Mielke & Frontier, 2012). It is critical that schools and corporations share a common understanding about what constitutes “good teaching,” gather the evidence of that teaching, and then offer opportunities for rich professional dialogue and growth.

Fair and accurate observations are possible. Marzano (2012) recommends five steps to ensure that teachers receive valid feedback:

- Use teacher self-evaluation. Allow teachers to use the observation tool to rate themselves. This provides a useful reference point.
- Use announced observations for different lesson types. This ensures the observer will see varied examples of instructional strategies.
- Use brief, unannounced walk-throughs. These 3-5 minute observations provide valuable data to resolve any uncertainties or affirm scores from longer observations.
- Record teachers’ classes on video. Random recordings of teachers provide information that can be scored independently or in teams.
- Allow teachers to challenge summative scores by providing additional evidence (i.e., student surveys, artifacts, classroom videos, etc.) on specific elements of the observation.

Finally, evaluators need more than just training on the observation tool. If the focus of teacher evaluations is on continued growth and improvement, evaluators must develop the skills necessary to “coach” teachers for growth. This requires evaluators to provide quality, on going feedback; prompt teacher reflection; guide teachers’ professional development decisions; have meaningful, insightful conversations with under-performing teachers; and manage the logistics of conducting classroom observations and pre- and post-observation conferences (Jerald, 2012; Sartain, Stoelinga, & Brown, 2011). Rosenholtz (1985) argues that principals play a key

role in developing teacher certainty—a necessary pre-condition for teacher effectiveness—by supporting teachers in establishing instructional goals and monitoring their progress toward these goals.

With no clear standards, there is not consistency in evaluator training across corporations, there are no clear standards established for this training and there is not a certification process to ensure that evaluators are highly trained and skilled.

Student Learning Data

At a national level, the nature of new evaluation systems has added additional complexity with the introduction of statistical methodology in an attempt to arrive at more objectivity. Concepts of inter-rater reliability, construct validity, face validity, content validity, and standard error of measurement have barged into the world of education practice from the world of educational research. The profession is now being faced with the challenge of how to insure that the field of quantitative research does not sacrifice the soul of teaching at the altar of probability, projections, and statistical significance.

Over the course of a half-century of educational reform, changes in legislation and instructional methods have been accompanied by the emergence of various approaches to determining student learning. In addition to the use of grades, standardized testing has been around for decades in one form or another as a gauge for student learning. The norm-referenced standardized testing that dominated the period prior to the No Child Left Behind (NCLB) era is now accompanied by the use of criterion-referenced tests, mainly developed at the state level to measure student progress against state standards in the high-stakes

accountability era ushered in by NCLB.

State-developed tests, whether norm-referenced or criterion-referenced, have the advantage of being aligned with the academic standards prerequisite in a given state's accountability system. But they also pose a problem, in that current systems often represent a one-time assessment from which states are now developing projected growth models to determine whether or not students are meeting expressed growth targets. Because they do not represent a model of testing that allows an end-of-year comparison with a beginning of the year assessment, they create methodological confusion because it is not clear to a teacher whether their rating is in some way dependent upon how the student was taught the previous year (Linn, 2005). The question remains concerning whether one can, with confidence, determine for evaluation purposes the impact of a teacher's instruction from a single assessment of student learning.

State-developed tests are convenient, and it appears that in Indiana, they are destined to become an essential part of the teacher evaluation system. SEA 1 requires objective measures of student achievement and growth. Currently, the Indiana Growth Model (IGM) is one measure employed to determine student growth. The IGM is an analysis model that fits within the class of analytic tools called Student Growth Percentiles (SGP) (Whiteman, Shi, & Plucker, 2011). The growth model is a statistical way to determine how much change in ISTEP+ scores is equal to one year of student learning. It answers the question "how much did a student learn in a school year?" (Indiana Department of Education, 2009).

The Growth dimension uses standardized testing scores to create "academic peers" to compare student progress. Students are academic peers if 1) they are in the same grade level, 2) they are taking the same test, and 3) they have the exact same score.

After assessment scores are generated in year one of a two-year process, students are placed into academic peer groups. In year two, the academic peer group's

scores are compared on a normal distribution, represented in percentiles. Students are classified as High Growth (66th percentile or above), Typical Growth (35th to 65th percentile) or Low Growth (below 34th percentile). The Achievement and the Growth dimensions are combined graphically to form four quadrants: High Achievement/High Growth, High Achievement/Low Growth, Low Achievement/High Growth, and Low Achievement/Low Growth. Schools, classrooms, and students can be classified in any of the quadrants, giving a more complete picture of student progress (Whiteman et al., 2011).

It is important to recognize the limitations of state-standardized tests, including Indiana's system. Assessments and measurement methodology suffer from the limitations of statistical probability. By its very nature, statistical probability cannot eliminate error, it can only minimize it. In a 2011 CEEP brief on teacher evaluation the authors note:

SGP, and Indiana's version of it, is not without critics. In an informal analysis, Bruce Baker (September 2, 2011), notes that SGP may be susceptible to the same concerns and problems that some scholars claim plague VAMs. Specifically, Baker points to Briggs and Betebenner who wrote, "We wish to avoid the causal inference that high or low SGPs can be explained by high or low school quality" (2009, p. 19). Baker concludes, "SGP is essentially a descriptive tool for evaluating and comparing student growth...But, it is not by any stretch of the imagination designed to estimate the effect of the school or the teacher on that growth" (Baker, 2011).

For high schools, the current expectation is that teachers in English 10, Algebra 1, and Biology use data from the state-developed End of Course Assessment (ECA). This measure is an attainment (or proficiency) measure and is given at the end of the year. It does not measure growth.

Continued review and examination of the IGM and ECA will be necessary, especially if they continue to be funda-

mental components in the Indiana teacher evaluation model. Specifically, the system must ensure that the assessments 1) are aligned to the state's content standards, 2) satisfy technical psychometric requirements, and 3) are shown to be instructionally sensitive, i.e., the test represents the degree to which students' performances on that test accurately reflect the effectiveness of instruction specifically provided to promote students' mastery of whatever is being assessed (Popham, 2013). At the high school level, moving from a proficiency measure to a growth measure should be considered in the review of the evaluation system.

The apparent limitations of the use of IGM and ECA data suggest that schools utilize additional data to determine teacher performance. Any teacher who is being rated on a class's test score performance is right to argue that making a decision on the basis of one test is unacceptable. Thus, any credible evaluation system must include multiple measures. Having more than one data source to triangulate results in order to ensure a valid rating of student learning is important (Bill & Melinda Gates Foundation, 2010, 2011, 2013; Harris, 2012).

Indiana corporations have flexibility in determining which combination and array of assessments and data will be used to determine a growth rating in an assessment process and the weights attached to those measures. In order to choose the right combination of assessment instruments, understanding their respective strengths and weaknesses—what they are designed for and whether their test development specifications are robust enough to withstand professional and legal scrutiny—is critical. Harris (2012) notes that while the choices about the mix of measures should be based partly on evidence of validity and reliability, they also require value judgments. What aspects of teaching are valued? Choosing the right mix of measures depends on what is valued and what schools should be trying to achieve. Thus, the mix of measures should capture how well teachers contribute to the student outcomes that are valued.

A concern for equity in the evaluation

process will be an important factor to address. Are teachers in accountability areas like reading and math—where they are specifically required to use IGM or ECA or where there are nationally normed standardized tests available—being held to a more rigorous standard than teachers in the fine arts and non-tested content areas whose ratings will be dependent upon student performance on a variety of measures with differing levels of validity and reliability? There are really only a limited number of ways to address these concerns, and none of the available strategies completely addresses the issue.

One is to make the performance of students on the state accountability assessments a part of the evaluation for all teachers by using it as a school-wide measure. It would be wise for school corporations and states to monitor the litigation in the current Florida case, mentioned earlier in this brief. At minimum, for corporations who are currently using a similar school-wide approach, it is important that the decision to use such data across teachers be made collaboratively with teachers, and a written agreement between the bargaining unit and the corporation should be in place that acknowledges the imperfections of the individual components of the system but stipulates the validity of process with procedures to allow for fair and accurate ratings to be determined.

Additionally, there are other school-wide measures that could be considered by school corporations and applied across all teachers that do not measure academic progress but instead, measure school goals focused on positive behavior, family/student satisfaction, and other attributes that impact achievement, such as collaboration, citizenship, communication, etc. Finally, it is possible that some schools will have literacy skills as a school-wide expectation across the curricula, in which case a clear understanding of how this curricula is embedded in all subjects for all teachers, along with training to implement, will be important.

The other methodology is to create equitable processes with teachers in non-accountability areas so that they are ap-

praised with the same processes as those in accountability areas even though assessments and tests differ. Regardless of whether different tests are used for different teachers, allowing all teachers, including those in the accountability areas, to submit qualitative artifacts to validate the results of standardized measures in determining a student growth rating is becoming more common in many of the state evaluation requirements across the country. It represents a way to allow for professional judgment to enter into the evaluation discussion and evaluation of student performance (National Council on Teacher Quality, 2012).

Continued review and examination of the IGM and ECA will be necessary, especially if it continues to be a fundamental component in the Indiana Teacher Evaluation model.

And, finally, as different teachers develop and use different assessments, it will become important to ensure that growth targets are consistently applied across content areas and teachers. Allowing teachers to arbitrarily decide on the number or percentage of students who show growth in any given year is not equitable.

While there is a dearth of research at present to inform the issues of equity and fairness, there has been some research presented recently on these topics. Mihaly, McCaffrey, Staiger, and Lockwood (2013) studied how indicators or measures could be combined to improve inferences about a teacher's impact on student achievement. They found that more weight placed on any one indicator will identify teachers who perform better on that dimension but worse on other dimensions of teaching. More equally weighted composite scores, that average teacher performance across student achievement growth, classroom observations, and student survey responses,

will not be optimal for targeting any particular dimension of effective teaching, but will be close to optimal across many dimensions and more stable across years.

Valuing growth over proficiency in this current national and state dialogue has been an important shift. The expectation that every student in a classroom reach a proficiency standard, regardless of the student's unique differences, is a different standard and one that we can continue to move away from in this era of teacher evaluation. The challenge for teachers to ensure that every student grows from the time they enter their classroom to the time they leave their classroom should be embraced.

Integrity of the Process

Collective bargaining for educators in Indiana has significantly changed due to other major legislation passed in 2011 and only currently applies to compensation and compensation-related benefits. Therefore, some formal documentation of the evaluation plan must exist. The objectivity that the new systems strive for cannot be reached without the subjective process of review, discussion, consensus, and tolerance. In order to safeguard the right of teachers to be treated professionally and fairly, and just as importantly to ensure the integrity of an evaluation process that achieves the purpose of students receiving the highest quality instruction, an overarching doctrine in the form of a policy is a prerequisite.

Just as important to the progressive implementation of an evaluation system is a written agreement between the teacher's bargaining unit and the corporation. This agreement should acknowledge the imperfections of the individual components of the system but stipulate the validity of process with procedures to allow for fair and accurate ratings to be determined. The agreement would need to specify processes and criteria for the different components of the evaluation process, similar to previous bargaining unit agreements, but with new terms. The agreement would include 1) specifying the number of observations

required in an evaluation process; 2) how and when conferences must occur; 3) procedures to ensure that variations in consistency of implementation are resolved; 4) a transparent process where all relevant information is known and available; 5) the use of multiple measures to overcome methodological flaws in the development of assessments; 6) an agreement about extenuating circumstances impacting teacher and student performance; and 7) an implementation process that follows clearly communicated procedures.

Additionally, the agreement should take into account professional development for both teachers and evaluators in order to ensure complete understanding of the evaluation process and enhance the likelihood of consistent implementation of the process in a collegial and comprehensive manner. This agreement, therefore, would acknowledge that the process is not perfect, but that processes have been included to ensure that ratings will be fair and valid, that recourse is available to address concerns about the process from the individual to the systemic level, and that the system is recognized as the tool by which teacher performance will be rated.

Fidelity of Implementation

Concerns over the system's complexity will likely give rise to apprehensions over whether or not the implementation of the evaluation process will differ across schools and even between evaluators in the same school. In order to address this concern, corporations will have to engage in clear and comprehensive communications with explicit definitions and terms which have the same meaning for everyone, and provide corporation-wide professional development to ensure understanding, eliminate misconceptions, and dispel rumors.

Even though the tenets of effective evaluation can be clearly expressed and incorporated into a system's design, no system will be embraced and implemented effectively unless teachers are involved in the process, from design to implementation. One way to do this is to provide a structure for teachers, princi-

pals, and administrators to work together in monitoring the program's implementation, including the review of individual and systemic variations from the design standards, and to assess the impact of the system upon teacher development and student progress. It should be understood that the evaluation system's design is an ongoing process with the flexibility for changes to be made if necessary. In this way, a system can be designed and implemented that is robust enough to handle exceptions to its standards, and resilient enough to change for the better.

Fidelity of implementation is predicated on having a quality evaluation plan to implement. Because the results of teacher evaluations will be used to make personnel and compensation decisions, the fidelity of implementation across the state is critical. As mentioned earlier, the state of Indiana has given a great deal of flexibility to local corporations as they create and develop their teacher evaluation plans. On the one hand, this flexibility and local control allows corporations to align their plans with local needs and cultures. On the other hand, allowing corporations to determine their own unique plans may result in plans that will vary in quality and will be implemented with varied degrees of integrity. A hopeful outcome is that corporations will not only be compliant, but will have quality plans in place, implement those plans with fidelity, and monitor the data to continually improve their evaluation systems.

In the end, the ultimate goal of teacher evaluation is to improve teaching and learning. This will require a state review process that discerns key components of high-quality plans, identifies corporations that are implementing with fidelity, and provides support for corporations who need further development of their plans to bring them up to standard.

Aligning Teacher Evaluations with Corporation Professional Development Plans

Evaluation systems must meet a very important standard regarding their purpose, which is to help teachers achieve high levels of instructional competence

in their classrooms that result in improved student performance. If teacher performance is not improved through the evaluation process and student learning is not optimized, then the system has not achieved its purpose and is not effective.

One of the issues addressed in the first brief of this series was the role of professional development in quality teacher evaluation plans. That brief noted that evaluation results should be used to identify individual, school, and corporation-wide needs; target professional learning; gauge teacher growth; and identify potential master teachers who could serve as mentors to new teachers (Cole et al., 2012).

For too long, educators have argued that systems intended to evaluate their performance were being imposed on them rather than being collaboratively developed with their input. Regardless of the system used to evaluate educators, simply evaluating teachers and principals will not change practice or improve the expertise and skills necessary to improve student learning. There must be a link between the data gleaned from teacher evaluations and quality professional development.

Robert Marzano (2012) states, "measuring teachers and developing teachers are different purposes with different implications" (p. 15). He surveyed educators about their beliefs regarding the purpose of an evaluation system. The vast majority of respondents believe that teacher evaluation should be used for both measurement and development, but that development should be the most important. A quality system acknowledges and rewards growth.

Because the results of teacher evaluations will be used to make personnel and compensation decisions, the fidelity of implementation across the state is critical.

In addition to providing opportunities for individual educators to learn and grow, school corporations must consider how their teacher evaluation systems inform the broader corporation goals. The focus of a corporation's professional growth plan should be linked to teacher evaluation data. These data should identify needs in teacher practice and/or corporation and school goals for improvement. It is through valid and reliable teacher evaluations that areas for improvement and professional development opportunities are illuminated. When evaluation scores suggest a particular area of concern, corporation leadership can ensure that support and professional learning is offered in this area. Likewise, in order to accurately link educator needs to school or corporation professional development, those in charge of professional learning for the corporation must have access to aggregated teacher evaluation results in order to prioritize and plan professional development offerings (Goe, Biggers, & Croft, 2012).

Funding

The survey conducted for the first brief of this series indicated a total of 82.7% of the superintendent respondents strongly agreed or agreed that an effective teacher evaluation system informs professional development, and 79.3% strongly agreed or agreed that an effective teacher evaluation system drives professional development. However, the data also indicate that 77.6% of respondents were concerned or very concerned about on-going support for professional development. Many view SEA 1 as an unfunded mandate at a time when school corporation resources are already being squeezed. Short-term solutions include seeking external grants, reallocating funds in existing budgets, forming consortia to share costs of professional development, or requesting business or community support (Whiteman, Shi, & Plucker, 2011).

In order for school corporations to align their professional development to the needs identified through the teacher evaluation system, administrators will need to assess how current resources are being spent to support teachers' growth.

Corporations can no longer engage in "random acts of improvement" that may drain resources and are not linked to teachers' needs. Many corporations have, or could develop, teacher leaders who could provide much of the needed coaching and technical assistance to support teachers' growth and development. High-performing teachers can help inform the professional development of lower performing teachers. The research suggests that teachers working collaboratively and learning from each other has a stronger and longer lasting impact than having teachers take classes or bringing in outside experts for assistance (Goe, Biggers, & Croft, 2012). Additionally, online learning and technology tools focused on specific skills or knowledge may be useful in meeting some professional development needs.

Finally, and most importantly, the state must ensure that resources are available to school corporations to provide the kinds of quality professional development necessary to ensure that teacher evaluation plans are implemented with fidelity. For example, state resources might include financial resources to corporations, statewide training, on-line resource materials, and professional networks.

CONCLUSIONS AND RECOMMENDATIONS:

Conclusion: Higher Education

Traditional college and university teacher and administrator preparation programs must evolve and innovate in order to stay current, relevant, and aligned with teacher evaluation laws. There has been a growing focus on the need for high-quality teachers and, subsequently, increased scrutiny of teacher preparation programs. The expectations for today's teachers and school leaders have never been higher.

Recommendations:

1. Experiences for pre-service teachers must include a different skill set developed through specific teacher

education courses and the accompanying practicum and internship experiences. Fundamental to these requirements will be an understanding of theoretical concepts of instruction; how they are adapted as instructional activities to address curriculum standards; expertise in content knowledge and cultural competency; a firm understanding of the developmental nature of learning; and an advanced familiarity with measurement concepts and item development to analyze student performance and make data-based decisions regarding interventions.

2. Colleges and universities, in partnership with area schools, must collaborate in this endeavor, including support for new teachers and evaluation data for professional development and continued program improvement. Models such as Professional Development Schools (PDS) and residency approaches are promising for developing a transformational pre-service through an in-service professional development continuum that transforms students, educators, and schools.

Conclusion: Legal Challenges

There has been relatively little litigation generated with regard to teacher evaluation, and those cases that do exist have not supported the teachers' claims. Indiana's law may raise some legal concerns with regard to the Fourteenth Amendment, specifically procedural issues. Fear of litigation, however, should neither paralyze nor distract school corporations from creating rigorous and robust teacher evaluation systems that ensure equity, efficiency, and excellence.

Recommendations:

1. To comply with Section 6 (a) and (b) of Indiana's law, corporations should ensure that a teacher be given a copy of the evaluation within seven days and that the 90-day remediation plan is followed. Teachers need to be given notice of the evaluator's expectations and

notice of any deficiencies.

2. As noted in this brief, a teacher who is rated in need of improvement and a teacher who is rated as ineffective could be fired, even though they received different levels of support. To eliminate this problem, school corporations should provide the same processes for teachers rated in need of improvement and those rated ineffective.
3. In order to ensure consistent application of due process, the evaluation law should include language about a meeting with the superintendent or designee for teachers who are rated as in need of improvement. Currently IC 20-28-11.5-6(c) only mentions teachers who are rated as ineffective.
4. Corporations should ensure that the components of a quality evaluation system identified in this brief are in place.
5. A written agreement between the bargaining unit and the school corporation should be in place that acknowledges the imperfections of the individual components of the system, but stipulates the validity of process, with procedures to allow for fair and accurate ratings to be determined. This agreement should specify processes and criteria for the different components of the evaluation process much as in past bargaining unit agreements but with new terms.
6. Any teacher involved in a remediation/dismissal process for something other than gross malfeasance, deserves a series of experiences that are completely transparent, where all concerns are communicated with clarity and in a comprehensive fashion. All aspects of current state statute and procedural due process law should be in place.

Conclusions: Quality Evaluation Plans

As states and school corporations continue to implement new teacher evaluation

systems, more is being learned about what makes a teacher evaluation plan effective, equitable, and efficient. These components, when implemented with fidelity, ensure a quality evaluation system. Creating and implementing a quality evaluation system reduces the possibility for litigation and ensures that teachers are a part of a system that supports their continued growth and development.

Recommendations:

1. To ensure the fair and accurate collection of observation data, corporations should 1) allow teacher self-evaluation as a reflection tool; 2) observe various examples of instructional strategies; 3) use 3-5 minute walk-throughs to gather additional data; 4) record teachers teaching on video; 5) allow teachers to submit evidence beyond observation data; 6) ensure all evaluators have extensive training on the instructional rubric, providing feedback, and coaching teachers; 7) use student surveys as evidence; and 8) use multiple observers for classroom observations.
2. School corporations should ensure that there are equitable processes in place for teachers, both non-tested and tested, to select and develop assessments.
3. School corporations should ensure that multiple measures of student learning make up a teacher's rating and that no single measure has a significantly higher weight than the other measures. The ideal plan would use a combination of norm-referenced, criterion-referenced and authentic assessments to measure student learning.
4. A strategic communication plan should be a part of any corporation evaluation system. This would include structures and procedures that are in place to ensure "teacher certainty" or teacher understanding with respect to all aspects of the evaluation system.
5. School corporations should establish an oversight committee to

provide opportunities for teachers and administrators to work together in monitoring implementation, including the review of individual and systemic variations from the design standards, and to assess the system's effect on teacher development and student progress.

6. The state of Indiana should continue to review both the IGM and the ECA as required measures for student learning. The state should ensure that they: 1) are aligned to the state's content standards; 2) satisfy technical psychometric requirements; and 3) are shown to be instructionally sensitive, i.e., the test represents the degree to which students' performances on that test accurately reflect the effectiveness of instruction specifically provided to promote students' mastery of whatever is being assessed (Popham, 2013). Additionally, the state should consider replacing the ECA, which measures proficiency, with a more appropriate growth measure.

Conclusion: Fidelity of Implementation

In the first brief of this series it was stated that because the results of teacher evaluations will be used to make personnel and compensation decisions, the fidelity of implementation across the state is critical. The flexibility that the state has given corporations in the development of their evaluation plans has allowed corporations to tailor their plans to their local needs. However, as implementation continues across the state, there is a strong likelihood that this flexibility without accountability will result in plans that vary in quality and will be implemented with varied degrees of integrity. An inconsistent application of the Indiana legislation is not fair and equitable to teachers or administrators.

Recommendations:

1. We reiterate a recommendation from the first brief of this series and suggest that the state implement a review process that discerns key components of high-quality plans; identifies corporations that

are implementing with fidelity; and provides support for corporations in need of further development of their plans, to bring them to standard. A review process should not result in sanctions; rather, a review process, combined with clear standards and on-going support, will help to move corporations beyond compliance to an understanding of high-quality evaluation systems.

2. It is recommended that a planning rubric or process be used to determine model implementation sites, to review corporation plans, to inform future policy, and to determine what practices are effective and should be scaled up. Additionally, school corporations should have a clear process in place to internally evaluate their local teacher evaluation system.

Conclusion: Professional Development

Teacher evaluations identify pedagogical weaknesses and help teachers and administrators collaboratively develop professional development plans. If teacher performance is not improved through the evaluation process and student learning is not optimized, then the system has not achieved its purpose and is not effective.

Recommendations

1. Corporations should have structures and processes in place so that evaluation results are used to identify individual, school, and corporation-wide needs; target professional learning; gauge teacher growth; and identify potential master teachers who could serve as mentors to new teachers. All corporation professional development should be aligned with teacher evaluation data.
2. The state of Indiana should develop a process to certify all evaluators who will be rating teachers' instructional effectiveness, including number of hours of practice and study. Because the state does not mandate a common rubric used in all corporations (and that is not a

recommendation of these authors), this will be difficult. However, there are components of training that could be developed and used for certification purposes, including the design and instructional philosophy behind the observation tool; providing feedback, managing data, ensuring accurate data; and using evidence to determine ratings. Additionally, developing training on specific rubrics and use of the rubrics could be done for the major researched-based observation tools that are currently being used in the state.

Conclusion: Funding

SEA 1 is an underfunded mandate in a time when school corporation resources are already being squeezed. For the new teacher evaluation legislation to become a part of the long-term landscape in Indiana education, it must be supported with the needed dollars to ensure that corporations are implementing with fidelity, that teachers are continuing to learn and develop, and that students reach their maximum potential.

Recommendations:

1. The state must ensure that resources are available to corporations to provide the kinds of quality professional development necessary to ensure that teacher evaluation plans are implemented with fidelity.
2. Corporations can look at short-term solutions including seeking external grants, reallocating funds in existing budgets, forming consortia to share costs of professional development, or requesting business or community support (Whiteman, Shi, & Plucker, 2011).

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Policy Perspective

Implementing Indiana's Teacher Evaluation System

Dr. Brenda Pike

While the teacher evaluation system is still in the early stages of implementation, it is already apparent that improvements may be necessary. The new evaluation system has a significant impact on teachers' salaries, employment status and licensure. Several components of the evaluation system remain unclear, and school officials face difficulties in carrying out the state mandate.

The following measures are recommended to improve implementation:

- **Adequately Trained Evaluators**
The existing law does not go far enough to ensure uniformity or adequacy of training for evaluators. Under IC 20-28-11.5-1, an "evaluator" means an individual who conducts a staff performance evaluation. The term includes a teacher who meets certain criteria. Although a teacher may have a record of effective teaching, this does not necessarily mean that the teacher has the knowledge and skills required to properly evaluate another teacher. Selection by the principal seems arbitrary and subjective. Evaluators need to undergo, at minimum, a training program to instruct them how to fairly and accurately evaluate staff.

Anecdotally, principals have taken on the role of evaluator and have come to rely on checklists. This narrow focus seems to counter the original intent of the evaluation system – focusing on effectiveness. Additionally, requiring principals to evaluate every teacher is overly burdensome. Estimates show



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that 17 hours of additional workload could be created for every teacher a principal evaluates.

ISTA strongly recommends that the state invest in real and meaningful opportunities for all potential evaluators to undergo adequate training for them to demonstrate their proficiency. The impact of evaluations on teachers' salary, employment status and licensure can be significant. Considering the weight of evaluations, it is imperative that evaluators be adequately trained and that the evaluations are clear.

- **RISE**
The RISE places much of the blame on teachers for failing to improve student achievement despite the fact that multiple factors, such as poverty and parental involvement, also impact student learning. Districts may have been given flexibility to develop evaluation systems. However, the IDOE over-incentivized districts to adopt the RISE in what is probably an attempt to move districts quickly into the system (even though RISE is not law). In doing so, evaluations are less locally developed than the original intent of the law. Districts should be encouraged to re-evaluate what they have done in the process of implementation. If a district adopts RISE, some changes could be made to the system to improve the clarity and accuracy of the evaluation components. Currently, the large number of components makes an evaluation complicated and burdensome, and it may be more effective to develop a more streamlined system.
- **Merit Compensation**
Linking teacher pay to student test scores can be problematic. Using test scores to determine a teacher's

compensation can place the sole blame on a teacher, and teachers in certain geographic areas are disadvantaged. Furthermore, research shows that merit pay does not have a significant impact on raising student achievement. In fact, there is no evidence to suggest that there is any difference in student achievement levels between teachers receiving merit pay and those not receiving it.

Under the current model, teachers are divided into two categories – one with teachers who receive a "highly effective" or "effective" rating and the second with teachers who receive an "improvement necessary" or "ineffective" rating. A primary concern is that more than one rating category is lumped together and attached to the same consequences. This is especially problematic when lumping the bottom two ratings together when they are certainly very different. ISTA does not support prohibiting merit compensation to teachers who receive an "improvement necessary rating." However, lumping together "needs improvement" with "ineffective" is unfair. The "needs improvement" category of teachers should receive targeted remediation and not punitive action.

- **Limited Funding**
School funding was cut by \$300 million in 2010, and the reset annually has resulted in nearly \$1 billion in cuts over the past several years. Certain categorical programs were also cut or eliminated in the 2011-13 budget. Training for evaluators, as well as merit compensation, should be adequately funded to ensure successful implementation. In funding merit compensation at the state level, the budget should provide an adequate amount so districts do not bear the entire burden. A further burden on districts will be created if funding is inadequate.

This list of suggestions is not exhaustive but simply a first step toward improving implementation of the evaluation system.

Policy Perspective

A New Era of Accountability is Forthcoming for Educator Preparation

Bradley V. Balch and Steve Gruenert

Institutions of Higher Education (IHEs) to date have spent much time and energy to ensure their educator preparation programs (including those for teachers, school/district leaders, and human service professionals) are responsive to broad reforms included in Public Law 90. Statewide conversations among university-based preparation program faculty include the recruitment and retention of teacher candidates; the alignment of coursework, assessments, and embedded clinical experiences with reform expectations; school-university partnership requirements that benefit both stakeholder groups and focus on improved K-12 student learning; and accountability expectations for IHEs. Ultimately, much of the change agenda in educator preparation will be driven by an accountability system.

An Educator Effectiveness Preparation Advisory Council (EEPAC) was formed by the IDOE in 2011 to inform an accountability system. Basic assumptions discussed by EEPAC were to 1) include input from teacher preparation entities; 2) include both qualitative and quantitative measures; 3) have buy-in from teacher preparation entities; 4) include reliable and valid measures for program completers actively employed in Indiana schools; 5) accurately reflect teacher prep program; 6) reflect mission differentiation and 7) inform programs' continuous improvement by identifying strengths and weaknesses.

In addition, EEPAC advocated final ratings and other pertinent information must be reported back to teacher preparation entities prior to being made public. EEPAC also discussed metrics that might be included in a robust teacher preparation accountability system (i.e., quantitative and qualitative). Potential measures included 1) Teacher Effectiveness – What percentage of educators receive a “Highly Effective” or “Effective” rating on annual performance evaluations under IC 20-28-11.5?; 2) Pre-Service/In-Service Rating Correlation - What is the correlation between a teacher’s pre-service rating and in-service rating?; 3) Content Area Licensure Assessment – What are the pass rates by content area test?; 4) Pedagogy Licensure Assessment – What are the pass rates on pedagogy by developmental level?; 5) Mission-Specific Metric – What data must be collected specific to each program’s uniqueness and mission distinctiveness? ; 6) Program Completer Follow-Up Survey – What feedback do graduates provide about their teacher preparation programs through an optional survey at the time they apply for initial practitioner licenses?

Several challenges were also considered by EEPAC that would need to be resolved prior to implementation. First, personally identifiable information about teachers must be shared. Unfortunately, school districts are not to report personally identified

information and the IDOE cannot collect teacher-level evaluation results. Second, pre-service and in-service correlations should be informed by a statewide pre-service evaluation tool that is similar to the RISE Teacher Effectiveness Rubric. Third, how many years of teacher data should be used (e.g., a teacher’s first three years)? Finally, the accountability system should provide feedback at not only the unit-level only, but the program-level as well.

What immediate next-step imperatives should be considered for IHEs? First, IHEs must ensure our collective voice is heard, and we should have a clear stake in the system’s development. The Indiana Association for Colleges of Teacher Education (IACTE) is well positioned to represent this role. Second, we must advocate for data-sharing pilots to ensure teacher-level data accurately reflect program graduates (i.e., the correct teachers and IHEs are matched) and that appropriate tracking mechanisms are in place for alternative licensure pathways as well as the multiple means for adding licensure. Third, IHEs should consider a standardized and seamless transition from preparation programs’ clinical experiences through first-year experiences as teachers. This should include aligned content, assessments, and experiences. IHEs need access to statewide faculty resources embedded in PL 90 expectations, similar to that offered through edTPA (more information at <http://edtpa.aacte.org/>). Fourth, the IDOE must ensure Indiana’s accountability system is robust enough to support mission differentiation among the IHEs. Finally, we need to use PL 90’s impact on K-12 to inform educator preparation programs; especially field experiences. Ultimately, IHEs must add value to K-12 student learning. In other words, IHEs must hinge their success or failure on the success or failure of their K-12 partners.



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Policy Perspective

School Boards and Public Education Accountability

Dr. Frank A. Bush

School boards support and encourage fair, meaningful and responsible staff evaluations that can lead to higher student achievement. The delivery of such professional feedback to education personnel is a significant component of a functional accountability system for the public schools, which can effectively encourage high performing teachers and administrators through periodic evaluations. Therefore, since the public expects quality, measurable performance from teachers and administrators, school boards are committed to meet this expectation via an effective evaluation program. But with the recent school reform initiatives for certified staff evaluation coupled with pay for performance, many school officials are bewildered on how to sustain the state directive that begs many questions more than providing answers.

The issue should be however not to repeal the staff evaluation mandate but rather to improve its implementation. School boards and school officials want a viable evaluation system that can be utilized, not one that has multiple unclear directives. To this end, a few suggestions for amending and improving the current statutes/rules on certified staff evaluation are:

- **Classroom Rubrics for Assessing Teacher Performance**

There are too many factors for an evaluator to consider during a classroom observation. RISE has 19 components for effective teaching



that can be utilized. It is suggested that education research be employed to establish a smaller number of observation rubrics and thus reduce from 19 to a manageable number that are of high priority.

- **Higher Performing Teachers Assessed Less Frequently**

Statute calls for an annual evaluation of all certified staff, but if a highly performing teacher continues to maintain such performance, the evaluation time of the administrator could be more responsibly used working with less effective teachers. It seems appropriate to establish a base for a teacher such as if he/she is high performing in 2013, then an evaluation will be conducted once every three years rather than annually. This approach could incorporate periodic, short-term observations during the three-year cycle to ascertain if a more in-depth evaluation is warranted.

- **Principals Evaluating Teachers**

This requirement needs to be redirected. A principal's professional responsibility includes but is not limited to effective teaching and learning. There are many other duties such as community outreach, student discipline, staff coordination, transportation, parental consulting, etc. Teachers can be evaluated by a host of methods, i.e., team review, mentors, external evaluators, department chairpersons, and if the review is less than favorable, then the principal can schedule an observation to assess the teacher's performance. To overburden the principal with the practically sole duty of evaluation and pay performance recommendation will be ineffective and not sustainable.

- **State Fund to Reward Teachers and Administrators with Pay for Performance**

If the pay for performance initiative is to be accepted and beneficial to encouraging continued higher performance, it needs to have the necessary funding to make the reward meaningful. The state needs to allocate and specify funding for this initiative.

- **Expand Definition of Teacher**

In order to enjoin all essential school officials in the evaluation process, the assistant superintendent and assistance principal roles need to be included in the statute.

- **"Substantial" Evidence**

If the evaluation process determines that a teacher should be recommended for dismissal, the current statute changed the grounds for dismissal from substantial to preponderance of evidence, which is more inclusive to prove the reason for the termination. Substantial evidence needs to be reinserted in the statute to provide greater local flexibility.

- **Career Earnings Standard**

The state needs to establish a statewide minimum salary schedule that is realistic so that beginning educators may associate teaching with a career.

There are a host of other concepts that could be shared to lead to a more proactive and useful evaluation system but the ones as posed highlight the necessity for amendments and adjustments to the process. Hence, the call is to heighten the engagement of school officials in exercising their local input to the Indiana Department of Education and legislators to responsibly amend the statutes/rules so that useful results can be obtained to enrich the learning environment in every school.

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WEB RESOURCES

National Council on Teacher Quality

<http://www.nctq.org/p/>

The New Teacher Project

<http://tntp.org/>

National Institute for Excellence in Teaching

<http://niet.org/>

National Comprehensive Center for Teacher Quality

<http://www.tqsource.org/>

The Danielson Group

<http://www.danielsongroup.org/>

National Center for the Improvement of Educational Assessment

<http://www.nciea.org/>

The MET Project

<http://www.metproject.org/>

Marzano Teacher Evaluation

<http://www.marzanoevaluation.com>

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