



TESTIMONY OF EDUCATION LAW CENTER

SENATE EDUCATION COMMITTEE

SENATE BILL 1455 (TEACHNJ ACT)

MARCH 5, 2012

Thank you for the opportunity to comment on the proposed TEACHNJ Act (S.1455). My name is Stan Karp and I am the Director of ELC's Secondary Reform Project. Before joining ELC, I was a high school teacher and lead teacher for 30 years in Paterson, so I have direct experience with the many challenges our schools face, including the need to improve professional practice as part of comprehensive school improvement efforts.

ELC supports efforts to improve teacher quality, especially in our high needs, high poverty schools. In fact we believe there is a lot of common ground among educators, parents, and administrators on the need for:

- better support and evaluation before new teachers get tenure, or leave the profession, as nearly 50% do within 5 years;
- fair and timely procedures for resolving tenure cases when they are initiated;
- a credible intervention process to remediate and if necessary remove ineffective teachers, tenured or non-tenured.

Good models for each of these ideas exist, many with strong support from educators, professional associations, researchers, parent groups, and other advocates.

As an addendum to this testimony I have included a list of resources describing some of these promising approaches.

Some of these elements are reflected in S.1455. For example, ELC supports the proposal to add a year of mentoring for new teachers and to develop more collaborative approaches to teacher evaluation and support.

However, ELC is concerned about approaches to teacher quality issues that are not based on reliably proven practice and that potentially could undermine, instead of expand, the common ground needed to address these issues in a collaborative, constructive fashion. Some of these concerns apply to the current version of S.1455.

First, and foremost, as others have noted, we think it is premature to adopt legislation that attaches significant consequences to proposed new evaluation systems before the teacher evaluation pilot now underway is completed.

That pilot is designed to test both the reliability and feasibility of many of the proposed features outlined in S.1455. Already the pilot has been extended beyond its original one-year timeframe due to the many practical and educational issues raised by the effort. Development of a new evaluation process for principals, who would be given unprecedented new authority and responsibilities in the system proposed by the bill, has barely begun. A contract with Rutgers University to evaluate the teacher pilot was announced by NJDOE only last week. We believe this work should be completed and assessed before basing new mandates on its unknown results.

Last month, I participated on a panel sponsored by Great Schools of NJ, the association of high need districts, with a Superintendent, a district supervisor, and a NJDOE official, all of whom were involved in conducting the pilot. After an informative

discussion about the progress and challenges of implementing the pilot, concerns were expressed that one sure way to undercut whatever progress was being made was premature codification of the pilot into state mandates with high stakes consequences by either the Department or the Legislature.

This would do more than put the cart before the horse. It would preempt the public discussion and review of the pilot's results that must take place if new evaluation guidelines are to have the credibility they need to succeed. Section 21 of S.1455 requires districts to develop evaluation rubrics that "meet the minimum standards established by the State Board of education." Yet those "minimum standards" also should not be established until the pilot and its evaluation are completed.

The range of pressing issues that remain to be resolved is substantial. For example, developing the "objective measures of student learning" required by both the bill and the pilot has only just begun, and will take considerable time and evaluation before they can be credibly used to judge teacher performance.

To cite one relevant analogy: Federal court rulings have directed that, before implementing a new high school graduation test, advance notice must be given to affected schools, parents and students. Typically, three-years are required to set scoring standards, validate the test, and align curriculum and instruction before such a test can be implemented with high stakes consequences for students. As the current pilot has already shown, constructing a credible teacher evaluation process based on "multiple objective measures of student learning," is even more complicated than implementing a test to measure student mastery of curriculum standards. Unless this

work is done carefully and collaboratively, it runs the risk of negatively affecting our high performing schools and districts without positively impacting low performing ones.

The premature imposition of new teacher evaluation systems in other states has already led to significant problems. For example, the recent release of New York's error-filled teacher data reports is one example of how premature implementation of a flawed evaluation system can undermine the prospects for developing a better one. Nearly 1400 New York principals have signed a letter [[attached](#)] protesting the adoption by the NY state legislature of an "unproven, expensive and potentially harmful evaluation system."

Further, a review of the newly released NY data shows that less than 7% of the teachers rated received scores three years in a row that would have led to tenure under the proposed TEACHNJ bill. This was not the result of poor teacher quality but of wide margins of error and a poorly defined rating system that produced highly unstable results from year to year among teachers teaching the same subjects in the same schools. Attaching tenure decisions to such unreliable, untested rating systems has serious implications for teacher turnover, retention and instability that also need to be studied and considered before adopting legislation.

Our second major concern is related to the costs of implementing S.1455 at the district and school level. Thus far, the evaluation pilot has provided little reliable evidence about potential costs, which include everything from new assessments and data systems to greatly expanded time for observations and conferences and extensive professional development. The limited budget information released for the 11 districts in

the current evaluation pilot shows a wide range of per teacher expenditure, from \$38 to over \$600 per teacher, that has not been explained.

While Section 27 of the bill states that the Department "shall provide the funds necessary to effectuate the provisions of this act," there is simply no study or other information to show what those costs may be.

The bill also mandates in Section 20 (c) that "all funds budgeted by a school district for professional development shall be used primarily" to support the new teacher evaluation process. Yet many districts, particularly high needs districts, will be hard pressed to do so while also implementing new common core curriculum, preparing for new assessments, and responding to the myriad requirements of the NCLB waiver application, many with reduced or flat state formula aid should the Governor's proposed FY13 Budget be enacted.

Third, we are concerned about the extraordinary increase in principal authority over tenure decisions proposed by S.1455, the mutual consent provisions, and the prohibition of any review of those decisions by Superintendents. These proposals deserve further examination as part of the ongoing development of new evaluation procedures, but are not sufficiently supported by research and experience to warrant adoption. And while we welcome the collaborative intent of the proposed school improvement panels, we believe they fall well short of the kind of peer review and assistance initiatives that have been highly effective parts of teacher quality reforms in Montgomery County Maryland, Cincinnati, Toledo, and elsewhere. [see attached]. There is also insufficient attention paid to parent and community participation in the evaluation processes for both educators and administrators.

Finally, it is important to recognize that essentially the same tenure and seniority practices currently prevail in both NJ's high performing and low performing schools and districts. Mandating dramatic changes in these practices without any relevant experience about their potential impact is a risky experiment on our schools and our children. It is another reason to defer legislative action until, at minimum, the current pilot and its evaluation have been completed.

NJ needs to build consensus for a transparent, credible evaluation framework with broad public and professional support. Completing the current pilot, rather than adopting legislative mandates, is the next, best step toward that goal.

Education Law Center remains ready to work with the committee and the Legislature to build on the lessons of the pilot and of relevant experience in other states to develop improved proposals on these important issues.

Educator Evaluation Resources

Helping Teachers Help Themselves

New York Times, June 5, 2011

"The [Montgomery County Public Schools](#) system here has a highly regarded program for evaluating teachers, providing them extra support if they are performing poorly and getting rid of those who do not improve."

Montgomery County Md. Professional Growth System

<http://www.montgomeryschoolsmd.org/departments/development/teams/admin/admin.shtml>

A comprehensive evaluation system for teachers, administrators, and support staff.
Over a decade of successful implementation and outcomes.

A User's Guide to Peer Assistance and Review

Harvard Graduate School of Education

<http://www.gse.harvard.edu/~ngt/par/practice/toledo.html>

PAR programs in seven cities

Getting Serious About Teacher Support and Evaluation

<http://www.edweek.org/ew/articles/2011/10/12/07koppich.h31.html?r=1940232150>

A fresh look at peer assistance and review

By Julia E. Koppich & Daniel C. Humphrey

EQuATE report

Creating a Better System: Recommendations for a Systemic Approach to Improving Educator Effectiveness from Concerned Practitioners and Policymakers

<http://www.edlawcenter.org/news/archives/secondary-reform/111.html>

New York State Principals

www.newyorkprincipals.org

An Open Letter of Concern Regarding New York State's APPR Legislation for the Evaluation of Teachers and Principals (attached)