

EVALUATING THE EVALUATORS

TEACHER EVALUATION

SUMMARY

Students are evaluated according to Federal, State and County guidelines at every step of their academic progress. Who evaluates the teachers? The intent of this study is to investigate current practices in teacher evaluation in San Diego County.

The Education Trust – West¹ says California’s current teacher evaluation system is broken. “Teacher evaluations are often approached as little more than the tedious act of filling out a form, when, in fact, they should be seen as an opportunity for teacher mentoring and development”². Fortunately, new, more useful teacher evaluation processes are being developed and implemented in “forward-thinking districts and charter schools across the state”³. The 2013-2014 San Diego County Grand Jury (Grand Jury) looked into the experiences of some educators who have developed new popular and viable programs ancillary to teacher evaluation which have proven to enhance teacher performance.

INTRODUCTION

“The central task of education is to implant a will and a facility for learning; it should produce not learned but learning people. The truly human society is a learning society, where grandparents, parents, and children are students together. In times of change, learners inherit the earth; while the learned find themselves beautifully equipped to deal with a world that no longer exists.”⁴

Scholastic Inc. and the Bill & Melinda Gates Foundation released *Primary Sources: America’s Teachers on America’s Schools*, a landmark national survey of more than 40,000 public school teachers in grades pre-K to 12 in which “teachers call for engaging curriculum, supportive leadership, clear standards common across states.”⁵

One of five solutions the teachers identified in the survey conducted between March and June, 2009 to address the challenges facing schools today and to help ensure that all students achieve

¹ The Education Trust-West Teach Plus November, 2011; http://www.edtrust.org/sites/edtrust.org/files/ETW%20-%20Teach%20Plus%20Improving%20Evaluation%20in%20CA%20Letter%20Nov2011_0.pdf

² Ibid

³ Improving Teacher Evaluation in California. The Education Trust – West Teach Plus Nov, 2011; http://www.edtrust.org/sites/edtrust.org/files/ETW%20-%20Teach%20Plus%20Improving%20Evaluation%20in%20CA%20Letter%20Nov2011_0.pdf

⁴ Eric Hoffer; Reflections On The Human Condition, 1973 Hopewell Publications

⁵ *Primary Sources: America’s Teachers on America’s Schools*, Scholastic and Bill and Melinda Gates Foundation; <http://www.gatesfoundation.org/Media-Center/Press-Releases/2010/03/40000-Teachers-Give-Their-Views-on-Education-Reform>

at their highest levels, was to “accurately measure teacher performance and provide non-monetary rewards.”⁶

PROCEDURE

The Grand Jury studied the question of teacher evaluation in the San Diego County schools from many different perspectives beginning with traditional practices, state-mandated procedures, currently implemented processes, and some innovative experimental models. This was done by reviewing documentation in the form of journals, articles, statutes, contracts, surveys, statistical data and websites.

The Grand Jury investigated provisions in existing contracts between teachers' unions or associations and their respective school districts. It also investigated how current state law is applied to teacher evaluations as well as court findings which may be relevant to the situation in San Diego County. Importantly, the study highlighted the teachers' perspective, what teachers feel about being evaluated.

The procedure further included interviews with teachers and administrators in the education community around the County. All were asked to address the issue of teacher evaluation from their own experiences, perspectives and beliefs. The interviewees were also asked to express their feelings and opinions about the traditional practices of teacher evaluation.

DISCUSSION

Teacher evaluation in San Diego County is almost entirely controlled by teachers' unions, whose leaders draft the contracts between them and the school districts. Per the contract between the school district and the corresponding teachers' union (San Diego Education Association, California Teachers' Association, National Education Association) it is the union which dictates how and when a teacher is evaluated, what guidelines to use, and what criteria to avoid.

For instance, Article 14 Section 14.3.1.1, Elements of Evaluation of the San Diego Unified School District contract⁷ requires consideration of a teacher's:

- a. Progress of pupils toward established standards.
- b. Instructional techniques and strategies.
- c. Adherence to curricular objectives.
- d. Establishment and maintenance of a suitable learning environment within the scope of the unit member's responsibilities.
- e. Performance of non-instructional duties and responsibilities including supervisory and advisory duties.

⁶ Ibid

⁷ <http://www.sdea.net/wp-content/uploads/2008-thru-2013-SDEA-SDUSD-Contract1.pdf>

Forty-two school districts in San Diego County have contracts with forty-two separate unions or associations. Teacher evaluations may have certain processes in one district but different ones in another. The only exception is that teachers on probation, a two year term, are closely monitored and evaluated every semester or annually, across the districts. Tenured teachers are left to be evaluated by agreement with the management. "Burn out" is dealt with if and when it comes to the principal's attention, often punitively. Evaluation frequency can be up to five year intervals for teachers employed for ten or more years and whose previous evaluation rating was "effective".

The Stull Act (AB 293), signed into law on July 20, 1971, is a state law which maintains teachers' evaluations should include some measure of "progress of pupils toward the standards established pursuant to subdivision (a) and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments." (Education Code 44662(b) (1).) Some contracts carry specific prohibitions against application of this state law. Article 14 Section 14.5 of the contract between a district and its union states: "A unit member shall not be evaluated based upon the publisher's norms established by standardized tests." ⁸

Based on Grand Jury interviews, to the knowledge of those interviewed, no punitive action has ever been taken against any teacher with "unsatisfactory" or "requires improvement" evaluations. Teacher evaluation appears to be basically a "boiler plate" process that is done periodically to assure the administration that the teacher is performing satisfactorily without incentive to achieve a higher standard of teaching or to excel. A teacher's performance may be rated as "unsatisfactory", "requires improvement" or "satisfactory". No provision is made for "exceeds expectations" or equivalent. Yet teachers dedicated to their students are on their own proactively seeking ways through peer mentoring, Instructional Leadership Teams (ILT), and Professional Learning Communities (PLC), to better their strategies, thereby raising their students' performance ratings.

According to a survey⁹ released by Scholastic Inc. and the Bill & Melinda Gates Foundation, while higher salaries are important, teachers place more importance on supportive leadership and time to collaborate. Although not frequently used to evaluate teachers, student engagement and progress are viewed by those surveyed as the most accurate indicators of teacher performance measures.

Tenure doesn't make a good teacher; neither do text books. Teachers overwhelmingly say that up-to-date information-based technology is absolutely essential to improve student

⁸ Grossmont Union High School District contract; [GEAContract 7 1 08-6 30 11current\[1\].pdf](#) .

⁹ *Primary Sources: America's Teachers on America's Schools* Scholastic Inc. and the Bill & Melinda Gates Foundation; <http://www.gatesfoundation.org/Media-Center/Press-Releases/2010/03/40000-Teachers-Give-Their-Views-on-Education-Reform>

achievement. According to the survey, teachers say that "what's good for students and student achievement is good for teachers too."¹⁰

In the Grand Jury interviews, every respondent expressed dissatisfaction with the existing process and indicated a need for change. When asked to formulate their ideas of what they considered ideal models of evaluation, the responses were consistently uniform in that the goal of teacher evaluation should be to ensure their students achieve at their highest levels.¹¹ Vicki L. Phillips, Director of Education, College Ready, at the Bill & Melinda Gates Foundation said, "The survey tells us that what's good for students and student achievement is good for teachers too—in fact, it's what they want."¹² All included teacher collaboration and mentoring. "The most progressive concepts put forward were the Professional Learning Communities (PLC)"¹³ and Instructional Leadership Teams (ILT), in which teachers work together in teams to determine the best course of action for their courses.

The consensus derived from the interviews was reflective of the results of the survey *Primary Sources: America's Teachers on America's Schools*, identifying five elements that would address their needs for change. Those elements are:

- Establish Clear Standards, Common Across States
- Use Multiple Measures to Evaluate Student Performance
- Innovate to Reach Today's Students
- Accurately Measure Teacher Performance and Provide Non-Monetary Rewards
- Bridge School & Home to Raise Student Achievement

Some principals are taking it upon themselves to reform the existing evaluation systems to adopt new data-driven systems that have succeeded in turning around the performance of the students.¹⁴ In one case, this resulted in improving student performance with math scores doubling and reading scores tripling within two years.¹⁵

A program such as "Professional Learning Communities" brings like-minded teachers together with unified goals and a desire to share their experiences, both good and bad, with one another. Many districts are adopting the model of Instructional Leadership Teams (ILT). The goal for teachers is to help students by helping themselves become better teachers. The process is experiential in that best practices and the evolving data of student performance are used to continuously improve the 'practice of teaching'.

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Professional Learning Communities and the Education Debate: Steve Rodriguez; September 2013; La Prensa San Diego Vol. XXXVI; <http://laprensa-sandiego.org/editorial-and-commentary/commentary/professional-learning-communities-and-the-education-debate/>

¹⁴ Voice of San Diego April 12, 2012 "Why San Diego Isn't Joining the Teacher Evaluation Revolution"; <http://voiceofsandiego.org/2012/04/12/why-san-diego-isnt-joining-the-teacher-evaluation-revolution/>.

¹⁵ Ibid

Some teachers take it upon themselves to seek out mentoring from other more successful teachers to enhance their performance. A high school teacher found himself ranked very low among the district's teachers and sought out another teacher who seemed more successful. He spent hours observing the teacher's techniques and strategies and emulated them in his own classroom. Within a year, he rose to close to the top and the next year he achieved first place ranking.¹⁶ Best of all, his students in advanced placement calculus shared his ranking advances and pulled ahead of other classes, scoring significantly higher than all the other calculus classes in the District.¹⁷

This strongly suggests that a dedicated teacher in a collaborative environment, with creativity and determination, can achieve great success in a relatively short time, for the teacher as well as the students. On the other hand, this is not prevailing practice. The question is "why can it not be?" All who were interviewed agreed that it takes leadership. Who will provide the leadership?

FACTS AND FINDINGS

Fact: Each school district contracts with a separate union or association, all affiliates of NEA or CTA.

Fact: Union/association leaders, not rank and file teachers, dictate the terms of their contracts.

Fact: There is minimal input from principals and superintendents on teacher evaluation.

Fact: Tenured teachers are evaluated according to the directives in the contract between the district and the union/association, not necessarily on their performance.

Finding 01: There is no personalized process to give individualized evaluations of teachers.

Fact: Tenured teachers are evaluated infrequently on whatever schedule they and their administrators agree to.

Fact: There is nothing in the contracts regarding tenured teachers who may be suffering from the effects of "burn out".

Finding 02: There is no process to deal with "burn out" of tenured teachers, except transferring them from school to school.

Finding 03: A few enterprising principals are using creative new programs such as Professional Learning Communities to help teachers through mentoring and collaborative interchange of strategies.

¹⁶ Ibid

¹⁷ Graph of math data viewed in site visit [**Note: need more complete reference.**]

Fact: The Stull Act is state law mandating the use of student performance as an element in teacher evaluation, which some unions/associations override.

Finding 03: Some unions/associations, in violation of the Stull Act, explicitly prohibit the use of student performance in teacher evaluation.

Fact: Many teachers believe that students' progress is the most accurate measure of a teacher's performance, though not the only one.

Fact: Some principals and teachers are incorporating student performance as an element in their own endeavors to better their educational strategies.

Fact: Some principals are taking it upon themselves to reform the existing evaluation systems by adopting new data-driven systems, which results in improving the performance of mediocre teachers to the betterment of their students.

Finding 04: Proactive administrators have successfully applied the principles of Professional Learning Communities to improve the performances of both teachers and their students.

Fact: Some teachers on their own are proactively seeking ways through peer mentoring and Professional Learning Communities (PLC) to better their teaching strategies.

Fact: A model system for teacher evaluation beyond the traditional proscription would contain the following elements:

- Student performance;
- Participation in professional collaborative programs for interchange of ideas;

Finding 05: A teacher evaluation model containing elements of student performance and collaborative interchange of ideas can achieve great success for the student as well as the teacher.

RECOMMENDATIONS

The 2013-2014 San Diego Grand Jury recommends the San Diego County Office of Education and the forty-two independent school districts in San Diego County:

14-23: Take a proactive position in developing guidelines for the evaluation of teachers, over and above the union's guidelines, to assure uniformity in the evaluation of teachers throughout the County and compliance with the Stull Act.

14-24: Encourage and support district superintendents to give input to the evaluation clauses in their union contracts.

- 14-25: Develop and support programs that give more individualized attention to teachers who may need to ameliorate their performance.**
- 14-26: Develop programs to evaluate tenured teachers more frequently to identify and prevent “burn out” before it happens.**
- 14-27: Empower districts to develop innovative practices in evaluating teachers, supplemental to the standard guidelines.**
- 14-28: Give oversight and input to the districts’ contracts to assure that teacher evaluation has some elements based on student performance rating, to comply with the state law.**
- 14-29: Encourage districts to allow teachers time for collaborative participation such as in Professional Learning Communities.**
- 14-30: Develop a system to measure effects of teacher evaluation on student performance.**

REQUIREMENT AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Due Date</u>
Superintendent, San Diego County Office of Education	14-23 through 14-30	07/28/14
Alpine Union School District	14-23 through 14-30	07/28/14
Bonsall Union School District	14-23 through 14-30	07/28/14
Borrego Springs Unified School District	14-23 through 14-30	07/28/14
Cajon Valley Union School District	14-23 through 14-30	07/28/14
Cardiff School District	14-23 through 14-30	07/28/14
Carlsbad Unified School District	14-23 through 14-30	07/28/14
Chula Vista Elementary School District	14-23 through 14-30	07/28/14
Coronado Unified School District	14-23 through 14-30	07/28/14
Dehesa School District		
Del Mar Union School District	14-23 through 14-30	07/28/14

Encinitas Union School District	14-23 through 14-30	07/28/14
Escondido Union High School District	14-23 through 14-30	07/28/14
Escondido Union School District	14-23 through 14-30	07/28/14
Fallbrook Union High School District	14-23 through 14-30	07/28/14
Fallbrook Union School District	14-23 through 14-30	07/28/14
Grossmont Union High School District	14-23 through 14-30	07/28/14
Jamul-Dulzura Union School District	14-23 through 14-30	07/28/14
Julian Union High School District	14-23 through 14-30	07/28/14
Julian Union School District	14-23 through 14-30	07/28/14
La Mesa Spring Valley School District	14-23 through 14-30	07/28/14
Lakeside Union School District	14-23 through 14-30	07/28/14
Lemon Grove School District	14-23 through 14-30	07/28/14
Mountain Empire Unified School District	14-23 through 14-30	07/28/14
National City School District	14-23 through 14-30	07/28/14
Oceanside Unified School District	14-23 through 14-30	07/28/14
Poway Unified School District	14-23 through 14-30	07/28/14
Ramona Unified School District	14-23 through 14-30	07/28/14
Rancho Santa Fe School District	14-23 through 14-30	07/28/14
San Diego Unified School District	14-23 through 14-30	07/28/14
San Dieguito Union High School District	14-23 through 14-30	07/28/14
San Marcos Unified School District	14-23 through 14-30	07/28/14
San Pasqual Union School District	14-23 through 14-30	07/28/14

San Ysidro School District	14-23 through 14-30	07/28/14
Santee School District	14-23 through 14-30	07/28/14
Solana Beach School District	14-23 through 14-30	07/28/14
South Bay Union School District	14-23 through 14-30	07/28/14
Spencer Valley School District	14-23 through 14-30	07/28/14
Sweetwater Union High School District	14-23 through 14-30	07/28/14
Vallecitos School District	14-23 through 14-30	07/28/14
Valley Center-Pauma Unified School Dist	14-23 through 14-30	07/28/14
Vista Unified School District	14-23 through 14-30	07/28/14
Warner Unified School District	14-23 through 14-30	07/28/14