

# FairTest

## National Center for Fair & Open Testing

---

To: Massachusetts Board of Elementary and Secondary Education

From: Monty Neill, Ed.D., Executive Director

Re: Written Testimony on Proposed Massachusetts Teacher Evaluation Regulations

Date: June 15, 2011

Dear Members of the Board:

I have previously submitted written testimony and spoke at the April BESE meeting. Here I add a few additional comments and a report that FairTest released on June 14.

FairTest continues to call on the Board to reject any proposal that a) mandates any specific weight be given to the use of MCAS or other standardized test scores, including in any 'growth' model; and b) that requires districts to create or purchase new tests or additional district-wide assessments for all teachers. Our reasons are explained below and in the report.

First, a strongly-praised a teacher evaluation system in Montgomery County, Maryland, does not use test scores at all. U.S. Secretary of Education Arne Duncan was among those offering praise. There is simply no good reason or need to use student test scores in the evaluation of educators, while the use of such scores will certainly wreak havoc. The state should work to build a system that does not require using student scores, either MCAS or new twice-a-year tests in all subjects for all teachers. (See <http://www.nytimes.com/2011/06/06/education/06oneducation.html>.)

If the Department does not modify its proposed regulations to remove this misuse of test scores, Board members should vote to do so.

Second, the Board has decided it is too costly to have a MCAS history test at this time. Yet the draft regulations propose that every district have new "assessments" in all subjects and grades. I assume the Department does not intend to pay for this, beyond the use of some of the RTTT funds. Thus, a huge, ongoing unfunded mandate will be imposed on the districts.

The Board should ascertain how this will be paid for, that the costs are reasonable and what would need to be sacrificed, before it requires any such thing. I expect there is no realistic way to pay for it without harmful losses elsewhere.

Third, it is not appropriate for the BESE to mandate a major, continuing expense that taxpayers and localities will have to bear. The Board should defer any such requirement until the legislature determines this is an appropriate and effective use of taxpayer funds.

Fourth, a mass array of hastily written, underfunded district tests is unlikely to be of acceptable quality. They will provide no fair or sound basis for judging educators, and they will not adequately reflect or measure important areas of student learning. That is, they will lack validity.

**P.O. Box 300204, Jamaica Plain, MA 02108**  
**fairtest@fairtest.org 617-477-9792 <http://www.fairtest.org>**

The Board should determine what the educational consequences of this vastly increased quantity of testing will be. The use of the tests to judge teachers and principals could lead to using those test results to judge students, in order to coerce the students into taking the tests seriously. The extra testing time will be an unreasonable burden on students, who already take many standardized tests that displace time for teaching and learning. The tests are unlikely to be educationally sound –that is to appropriately assess the richness and complexity of the educational content our children deserve. Absent adequate evidence to ascertain that these harmful educational consequences will not occur, the Board should reject this approach to evaluating teachers.

Fifth, it is likely that the error-prone nature of MCAS and any new tests will lead to indefensible judgments about educators and then to litigation. Their validity and reliability will likely not be strong enough to defend their use as a key component in making life-shaping decisions about teachers and principals. It is likely educators will sue either the Department or districts. Will the Department pay to defend districts? Should suits be filed and perhaps lost, the taxpayer will bear that burden, along with the burden of the testing itself. The Board should have defensible answers to these questions before imposing this mandate on the districts.

Sixth, I have seen no evidence that the expense of this program will produce more valuable outcomes than would other uses of similar funds – or, indeed, that it will produce valuable outcomes at all. If the Board has such evidence, it is not to be found in existing reports, nor has the U.S. Department of Education produced such research.

Rather, the assumptions that teachers should be evaluated and current evaluation systems are inadequate has led to a huge scheme unbacked by evidence that it will produce improved student experiences or learning. The anger and hostility these schemes will generate are most likely to damage student learning experiences, as explained in the attached report.

The Board should have reasonable evidence that the proposal will produce meaningful improvements that are worth the investment, and that other possible uses of the funds, if such funds are available, are not superior. Prior to approving these regulations, the Board should insist on a serious cost-benefit analysis that includes comparing other possible uses of the funds.

Seventh, I recognize that districts might use assessments other than tests. Overall, FairTest applauds the development of local assessments, the use of projects and portfolios, and the reliance on classroom-based evidence of student learning in an overall evaluation of students, educators and schools. We have long backed proposals to create a truly comprehensive system instead of one test. (See HO1955 sponsored by Rep. Sciortino and Sen. Eldridge.)

However, this is simply the wrong way to go about it: using new assessments in a context certain to be seen as punitive, and with a short timetable. The Department's proposal will undermine the good that could come from a new assessment system. The Department and Board should throw its weight behind a new comprehensive system, carefully build that system, and then decide how it could be properly used as a part of evaluating teachers and principals, as well as schools.

In sum, without major changes to the proposal, and unless many critical questions are answered, the Board should reject the proposed regulations. The students and educators, families and communities and taxpayers of this state do not deserve the damage that is highly likely to follow from these draft regulations if the Board adopts them.

- Attached: “Flawed Massachusetts Teacher Evaluation Proposal Risks Further Damage to Teaching and Learning,” by the Massachusetts Working Group on Teacher Evaluation.