

Mendoza Plaintiffs' Response to the Special Master's August 13 Proposals to Resolve
Teacher and Principal Evaluation Plan Disputes

August 19, 2015

On July 30, 2015, the Mendoza Plaintiffs requested that the Special Master prepare an R&R on a number of issues regarding the District's teacher and principal evaluation plans. On August 10, 2015, the District provided its response to Mendoza Plaintiffs' R&R request.¹ On August 13, 2015, the Special Master provided the parties with a memo containing several proposals to resolve most of the issues for which the Mendoza Plaintiffs requested an R&R. Mendoza Plaintiffs' responses to the Special Master's proposals are organized using the headings contained in the Special Master's August 13 memo, and are followed by discussion of two additional R&R requests for which the Special Master did not provide a proposal.

Assessing Academic Performance of Students for Purposes of Evaluating Teachers and Principals

The District's August 10 responses helped Mendoza Plaintiffs better understand how teachers in grades three through five will have the academic growth component of their evaluation measured. Mendoza Plaintiffs will withdraw their R&R request on this issue if the District provides confirmation that third through fifth grade teachers' academic performance assessment will be measured by the performance of the evaluated teacher's own students in math and English language arts. If they are incorrect in their understanding, Mendoza Plaintiffs request that the District provide them with prompt clarification.

Teacher Evaluators

The Mendoza Plaintiffs are willing to accept the Special Master's proposal that a pilot study that "allows comparison of assessments of teaching practice by principals and assistant principals on the one hand and trained evaluators on the other" be conducted, but only if the District also agrees (1) that the issue can be revisited if it does not ultimately move forward with the pilot study after it is designed, and (2) to revise its cut scores to more accurately identify "ineffective" teachers, as discussed further below.

¹ The District's August 10 response included the incorrect statement that the Mendoza Plaintiffs developed R&R "arguments based on an out-of-date version of the plan. Objections should relate to the final, revised TEP version provided Plaintiffs and the Special Master on July 20, 2015 – not the previous version provided to them two months earlier." On August 11, the Mendoza Plaintiffs corrected the District's statements and provided a version of their R&R request with all express references to the "Final TEP" and "Final PEP" highlighted. They further requested that, to avoid confusion, the Special Master indicate in his R&R that Mendoza Plaintiffs' R&R request does in fact address the final versions of the teacher and principal evaluation plans.

Cut Scores

As detailed in their July 30 R&R request, the Mendoza Plaintiffs first understood that the under-identification of teachers in need of professional support resulted from the need to revise cut scores, but then understood that the root cause of such under-identification was principals' service as teacher evaluators. If the District were to proceed with the pilot study referenced in the section above and have principals again serve as teacher evaluators, cut scores would have to be revised so that the significant under-identification of teachers in need of additional support that occurred in the 2013-14 school year does not reoccur in the 2015-16 school year.

Mendoza Plaintiffs therefore do not believe that the Special Master's proposal that the District "commit to describing and justifying the bases on which it establishes cut scores that differentiate levels of teacher proficiency" adequately addresses this issue. Indeed, Mendoza Plaintiffs do not believe any adequate justification exists for the current cut scores because, as the Special Master states, "the USP cut scores came nowhere near identifying 4-6% teachers as ineffective"² and the District itself indicated that its 2013-14 data "calls into question the validity of the Teacher Evaluation Instrument" and that "[c]hoosing different cut scores would reduce the concern." (TUSD's May 29, 2015 "Teacher Effectiveness Evaluation Model 2015-16 (Draft H)" at 6; Mendoza Plaintiffs' July 30 R&R request.)³ Mendoza Plaintiffs therefore are willing to agree to the "pilot study" the Special Master proposes only if the District agrees to revise its cut scores to more adequately identify "ineffective" teachers.

Alignment of Instruments for Measuring Teacher and Principal Effectiveness

Mendoza Plaintiffs will withdraw their R&R request on this issue if the District agrees to the Special Master's proposal that it "develop[] a chart showing how important aspects of teaching and leadership are reflected in [evaluation] instrument" and additionally commits to providing these charts to teachers and principals, as the Special Master implicitly proposes in his August 13 memo.

Linking Evaluations to Improvement

The Mendoza Plaintiffs understand the report the District is preparing that "addresses the specifics of the processes related to how evaluations are used to improve teacher performance" to relate to teacher evaluation outcomes that would warrant

² From the Special Master's proposal, Mendoza Plaintiffs understood the reference to 4-6% of teachers as "ineffective" to derive from "research" on a "normal" distribution of teacher performance.

³ Mendoza Plaintiffs further note that the charts in the May 29 "Teacher Effectiveness Evaluation Model 2015-16" reveal very significant disparities between the number of teachers classified as "ineffective" in the 2013-14 school year (Figure 5), which Mendoza Plaintiffs understand to correspond to only 14 teachers, (see TUSD's Response to Mendoza Plaintiffs' 7/30/15 Request for an R&R Regarding the Teacher and Principal Evaluation Plans" at 4), and what the District calls "[a]n appropriate (normal) distribution" (Figure 6).

additional professional support, and the professional support that would be provided to under-performing teachers. The Mendoza Plaintiffs await the “suggestion on this matter” that the Special Master indicates he will provide, but also believe that to fully address Mendoza Plaintiffs’ objection, the District must report on these issues as they relate to principals, which would then allow the Special Master to also provide a suggestion to resolve the issues as they relate to principal evaluations.

Training Evaluators

Mendoza Plaintiffs agree with the Special Master’s proposal that the District detail and “spell out how and when” evaluators will be trained on how to conduct evaluations “to ensure inter-rater reliability” and “allow the Implementation Committee to monitor this activity.” If the District sufficiently describes this training and it appears adequate, Mendoza Plaintiffs will withdraw their R&R request on this issue.

Assessing the Capabilities of Teachers and Administrators to Use Data on Student Outcomes

Mendoza Plaintiffs understand the Special Master to propose that the District identify assessments in the evaluation instruments on the use of data to improve student outcomes, target interventions, and perform self-monitoring, (as required under USP Section IV, H, 1), which he believes the “instruments do include.” Mendoza Plaintiffs do not believe that the assessments on *the use of data* to improve outcomes and target interventions in evaluation instruments constitute “adequate weight” as contemplated in the USP. They further note that the evaluation instruments include no assessments on the use of data to perform self-monitoring. However, rather than require the District to further revise the teacher and principal evaluation instruments now that the fall 2015 semester has commenced, Mendoza Plaintiffs recommend that the District instead include in future professional development efforts specific references to teachers’ and principals’ duty to use data for the following three USP-mandated purposes: (1) improve outcomes, (2) target interventions, and (3) for self-monitoring/self-improvement. If the District undertakes such a commitment, Mendoza Plaintiffs will withdraw their R&R request on this issue.

The Weight of Teacher and Student Surveys in Principal Evaluations

Mendoza Plaintiffs agree with the Special Master’s proposal that “teacher surveys account for 11 [percentage] points and student surveys account for six [in principal evaluations]. Or 12 for teachers and five for students,” which, if accepted by the District, would address Mendoza Plaintiffs’ concern and obviate the need for an R&R on this issue.

The Weight of Surveys in Teacher Evaluations

Although the Special Master did not include a specific proposal to resolve this issue, Mendoza Plaintiffs are willing to accept the 10% weight currently proposed for

student surveys in teacher evaluations if the District agrees to a slightly modified version of the proposal Mendoza Plaintiffs provided in their July 30 R&R request. In that R&R request, Mendoza Plaintiffs indicated they would withdraw their R&R request on this issue if the District “commit[s] to evaluating the *overall validity* of the evaluation process’ as described in the Special Master’s June 5 email, and that the District better align student surveys to the behaviors on which teachers are assessed...” In light of the Special Master’s proposal regarding “Alignment of Instruments for Measuring Teacher and Principal Effectiveness,” Mendoza Plaintiffs now state that they will withdraw their R&R request regarding the weight of student surveys in teacher evaluations if the District accepts those proposals and additionally commits to evaluating the overall validity of the teacher evaluation process, as the Special Master described in his June 5, 2015 email.

Student Academic Progress Component of Principal Evaluations

In their July 30 R&R request, Mendoza Plaintiffs noted that “because the number of teachers varies by school, it makes no sense that principal [academic growth] would be measured by the ‘aggregate’ total of teachers’ academic growth score.”⁴ The District’s August 10 response that “[t]he ‘aggregate’ total of student academic growth will be attributable to the principal: low, medium, or high growth” only raises additional questions. How will the District determine what is “low, medium, or high growth” given that the “‘aggregate’ total of student academic growth” will vary by school because student enrollment numbers vary by school? Given that the District does not account for varying student enrollment at TUSD schools, how will it ensure objectivity in determining principals’ academic growth score? How would “low, medium, or high growth” translate into a numerical figure that can be used in determining principals’ overall evaluation outcome? Mendoza Plaintiffs request that the Special Master address this issue, and if possible, provide a proposal to resolve it. Mendoza Plaintiffs further welcome any District clarification that may help them better understand how principals’ academic growth score will be determined and weighed into their overall evaluation outcome.

⁴ It may be that there is confusion concerning how the District is using the term “aggregate” when it writes in the Principal Evaluation Model that “Principals will receive the aggregate school total for all the teachers in the school.” As Mendoza Plaintiffs understand that sentence, if 10 teachers in one school receive a “2” (all are “average”), the “aggregate” score will be 20. If in another school, there are 20 teachers and they all receive a “1” (all are below average), the “aggregate” score will be 20. Therefore, notwithstanding the different performance levels of the teachers, the principals in both schools will receive the same “aggregate” score. If Mendoza Plaintiffs have misunderstood how the District is using the term “aggregate” they ask that an explanation be provided and would also recommend that clarification be provided in the evaluation model.