

**TUSD's Response to the Mendoza 06/09/2015 Comments**  
**re TUSD's proposed TEI and PEI Plans**

On May 29, 2015, TUSD provided the plaintiffs and Special Master with its revised teacher evaluation instrument ("TEI") and its "Teacher Effectiveness Evaluation Model 2015-16" document. Its revised principal evaluation instrument ("PEI") was provided on June 2. On June 9 at approximately 5pm, the Mendoza Plaintiffs submitted the following comments and/or requests for information. Although these plans were scheduled to go before the Governing Board on the evening of June 9<sup>th</sup> for study/action, the Governing Board postponed the vote until June 23<sup>rd</sup> to allow time for District staff to review and analyze the Mendoza Plaintiff comments. The District reiterates its request to the Mendoza Plaintiffs to number their future requests to facilitate organized District responses.

Responses are below in **bold**.

1. As far as Mendoza Plaintiffs could tell, a fully revised teacher evaluation plan ("TEP") and principal evaluation plan ("PEP") were not provided but presumably will be.

**Response: Once approved by the Board approves the fully revised plan we will provide it to the SMP within 7-10 days.**

2. With regard to the TEI, Mendoza Plaintiffs generally support the District's proposals for measuring the academic growth of its students, but believe that the proposed multiple choice and essay options need further development, as they understand the District to believe as well, and appreciate the District's acknowledgement that "[c]onsensus will need to occur among the different stakeholders about which model will be implemented in 2015-16." (See Teacher Effectiveness Evaluation Model 2015-16 at 1.)

**Response: The District will develop the multiple choice options with teachers in July.**

3. In that regard, the District indicates that "[t]his year, TUSD will... administer[] pre-post assessments that are relevant to the course material of each teacher." (Id. (emphasis added)) In summarizing paragraphs, it then indicates in somewhat conflicting statements that "TUSD currently lacks district-developed assessments for each subject... [they] will be developed with teacher teams to be ready for implementation in 2016-17. In the meantime, two models have therefore been proposed for 2015-16 a pre-post multiple choice test or a series of written essays..." (Id. at 7.) Mendoza Plaintiffs ask that the District confirm that the assessments proposed for 2015-16 are specific to the "41 umbrella categories" referenced on page 2 of the Teacher Effectiveness Evaluation Model document.

**Response: Confirmed.**

4. If their understanding is correct, are the assessments that would be implemented in the 2016-17 year specific to the subject taught by each teacher, or will some grouping of teachers by subject remain, (thus resulting in a greater amount of "umbrella categories" which would be more specific to the courses covered under them than those for 2015-16)?

**Response: The assessments will be implemented in 2015-16; the 41 categories encompass all content matter (teachers will be grouped by like-content). The umbrella categories will have a core theme that is applicable for all courses within that category. For example, Physical Education is a category that**

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includes body conditioning, yoga, tennis, etc. The core theme might include a text about 'the body as a machine' and/or the 'mind-body health connection.'

**TUSD will analyze the data from 2015-16 for impact and relevance before developing revisions for 2016-17. The goal is to provide a pre-post assessment that is relevant and applicable to the course. The data analysis in the summer 2016 will help the District analyze whether the pre-post assessments need further content specificity within the umbrella categories.**

5. Mendoza Plaintiffs share some of the concerns expressed by the Special Master in his June 5, 2015 email, including that there needs to be some adjustment made so as to minimize or eliminate the disadvantage on teachers of lower-achieving students and at low-achieving schools. They understood the District to appreciate this concern as it discussed the "value added" measure approach, which takes into account the students served by individual teachers. It appears however, that the District does not propose any such measure for 2015-16. Mendoza Plaintiffs believe that if the District is to use a multiple choice or essay assessment as part of its teacher evaluation process, it need include some kind of measure or adjustment that will take into account teachers' student populations.

**Response: TUSD is not including this type of measure or adjustment because our measure of growth is equitable. Teachers at lower-achieving schools should not be at a greater disadvantage than teachers at a higher-achieving school due to the growth potential of their students.**

6. In addition, Mendoza Plaintiffs agree with the Special Master that the 30 student sample size proposed may be problematic in schools with high mobility rates. They would support an "oversample" at those schools as proposed by the Special Master, but would also consider any alternate methods the District may propose to deal with this issue.

**Response: TUSD will consider "oversampling" at the middle and high school level to ensure that teachers have a sample size of at least 30 students, where applicable. For example, if an elementary teacher only has 27 students in her class, then those are the students that would be used in this analysis. The intent of a pre-post assessment is to assess growth over time rather than achievement. Growth is a more sensitive measure when assessing different student populations.**

7. While Mendoza Plaintiffs believe that more than a ten percent weight for student surveys was contemplated in the USP, they would accept this weight allocation if, as the Special Master proposes, the District agrees to undertake an evaluation of its teacher evaluation process, and to better align its student surveys to assess the behaviors on which teachers are assessed as part of the TEI.

**Response: TUSD undertakes an evaluation of its teacher evaluation process, in collaboration with TEA, on an annual basis and will continue this practice. As part of an ongoing process, TUSD will continually evaluate and realign (where necessary) its student surveys to assess the behaviors on which teachers are assessed.**

8. They defer to the Special Master with regard to the ten percent weight for student surveys currently proposed for principal evaluations. In its June 1, 2015 email, the District indicated that it intends to conduct student surveys online, which will significantly reduce the printing costs

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that were associated with that survey. Mendoza Plaintiffs reiterate their June 4 request (in their budget comments) that the District confirm that it will have a process in place to facilitate students' access to those online surveys, and do so in a manner that preserves students' privacy, given that many students may not have computer and/or internet access at home.

**Response: Students will access the online survey while at school, using District computers and access to District networks. To protect student privacy, the online student surveys will not include a unique identifier by student. The survey will be similar to the School Quality Survey in that no identification is requested. This data will be analyzed in aggregate by teacher.**

9. With regard to "cut scores," Mendoza Plaintiffs agree with the District's recommendation that because "the cut scores for effectiveness was low" for 2013-14, "new cuts [should be] established to provide a more realistic distribution of teacher effectiveness." Mendoza Plaintiffs presume that new proposed cut scores will be included in the next revision of the District's TEP. If they are mistaken, they request that the District inform them of when it intends to develop a revised "cut score" scale to determine teacher effectiveness.

**Response: TUSD is not revising the cut scores at this time. The District will review the distribution of scores in the summer 2016-17 to assess the impact of the new surveys on teacher performance.**

10. Mendoza Plaintiffs remind the District of their continuing outstanding concerns regarding the TEP and PEP so that it will consider them in their next revisions to those plans. As detailed in Mendoza Plaintiffs' March 19, April 10, and April 30, 2015 comments, the District has failed to give adequate weight to teacher's use of data to improve student outcomes, target interventions, and to perform self-monitoring, as is expressly required for teacher evaluations under USP Section IV, H, 1, (ii). As far as they can tell, since the time the Mendoza Plaintiffs first raised this issue in March, the District has made no effort to revise its TEP to comply with USP Section IV, H, 1, (ii).

**Response: The rubric takes into account teacher's use of data to improve student outcomes, target interventions, and to perform self-monitoring. If these activities are not present, teachers will score lower on the rubric therefore the tool gives adequate weight to these activities pursuant to the USP.**

11. In addition, Mendoza Plaintiffs again ask what type of evaluation outcome would result in a referral for additional professional development and support under each of the TEP and PEP? Mendoza Plaintiffs presume that, at a minimum, those teachers falling into the "Ineffective" category and principals in the "Unsatisfactory" category would be referred for additional support.

**Response: See the Teacher Support Plan document.**

12. In their March 19, March 20 and April 10, 2015 comments, Mendoza Plaintiffs requested details on the professional development that evaluators, and teachers and principals to be evaluated would receive under the District's TEP and PEP. Notably, all discussion of professional development was deleted in the District's April 3 revised TEP. In its April 22, 2015 response, the District indicated that such information "exist[s] in the professional development plan that has already been sent to the parties." In their April 30 comments, Mendoza Plaintiffs informed the

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District that details of professional development in fact were not contained in the professional development plan. Moreover, draft three of the budget contains no allocation of 910(g) funds for professional development for activity 0411, Evaluation Instruments. Will all the professional development related to teacher and principal evaluations be paid from M&O funds? Mendoza Plaintiffs again ask that the District provide them sufficient information on the professional development evaluators, teachers, and principals would receive so that they may assess the adequacy of that training.

**Response: The training is integrated throughout all of the professional development during the school year. The evaluation is part of every discussion from MTSS to curriculum to culture and climate.**