

# Teacher Effectiveness in the Every Student Succeeds Act

## A Discussion Guide



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## Introduction

For much of the past decade, states have engaged in the difficult work of establishing a shared vision of educator effectiveness and strengthening the educator workforce. Recently, as part of the 2015 Excellent Educators for All initiative, states developed equity plans to identify gaps in student access to great teachers and detail strategies to address these gaps. This process sparked significant collaboration across diverse education stakeholders, creating broad political will and momentum around equitable access. It came at a time when many states face acute challenges recruiting and retaining high-quality and diverse educators in their highest needs schools. These challenges contributed to a sense of urgency across the country as many recognized that a failure to address them would have dire implications for student success.

As these equity plans entered the implementation phase, the Every Student Succeeds Act (ESSA) was passed into law, bringing with it new opportunities and greater flexibility in federal education spending. Systemic challenges in the educator workforce require thoughtful and bold actions, and ESSA presents a unique opportunity (and requirement) for states to reaffirm, modify, or improve their vision of educator effectiveness. This discussion guide focuses on one aspect of this opportunity: defining *ineffective teacher* in the absence of highly qualified teacher (HQT) requirements. It is intended to support states in developing this important definition.

The definition of *ineffective teacher* marks a significant change for states to address. Although many of the equity-related provisions of No Child Left Behind are maintained under ESSA, one key change is that states now must ensure that low-income and minority students are not served at disproportionate rates by *ineffective teachers*, as opposed to unqualified ones. However, the law does not define *ineffective teachers*, allowing each state to determine its own definition. Although this key decision is just one of the many that states must make as they develop their state plans under ESSA, it has the potential to illuminate inequities in educational access and spur states to develop and implement strategies to close these gaps.

This discussion guide presents three key questions related to defining *ineffective teachers* with the goal of helping state leaders and their stakeholders ask the challenging questions that will lead them to a meaningful definition that works in their unique state context. Each discussion question is intended to help begin conversations among state teams, with the understanding that there is no one “right” answer. Whatever approach states take to defining *ineffective*, the opportunity exists for states to pilot new measures of educator effectiveness and contribute to the field’s understanding of how to best put them into practice. It is also important to consider continually improving the accuracy and consistency of this metric. As our understanding of measuring effectiveness evolves, so too could your definition of *ineffective*.

As you work through this guide and consider how to define *ineffective teachers* to improve equitable access, keep in mind the following general questions:

- How can your state ensure that your chosen definition of *ineffective* reflects the overall vision of educator effectiveness in your state?
- How can your state minimize costs and time burden for districts and educators?
- How can your state maximize educator and other stakeholder engagement?

- How can your state create coherence across the various state data-reporting and plan-development requirements?
- How does the existing evidence base support policy and practice in your state?

It is also important to bear in mind that federal regulations or guidance concerning this aspect of ESSA implementation are not available at this time. The questions and considerations presented in this document are intended only to inform conversations as states await more definitive guidance from the U.S. Department of Education. This discussion guide will be updated as new guidance becomes available.

## Relevant Requirements

ESSA contains two specific requirements related to the definition of *ineffective teachers*.

### Legislation

The following specific areas in the ESSA legislation reference the distribution of teachers by performance levels:

- 20 U.S.C. §6311(g)(1)(B) of Title I states that each state plan *shall describe* “how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by *ineffective*, out-of-field, or inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description” (emphasis added).
- Title II, Part A *authorizes* states to use funds for “improving equitable access to effective teachers.” If states use Title II funds in this way, then they must describe the purpose in their state applications as well as report on the use of funds for this purpose.

It should be noted that although the legislative language is framed in the negative (i.e. *ineffective*, *inexperienced*, and *out-of-field*), for the purposes of stakeholder dialogue, reframing these terms in the positive may better serve state goals. That is, it may be preferable or simpler for states to consider the extent to which students are taught by *effective*, *experienced*, or *within-field* teachers, for example. This reframing can support a strengths-based approach to planning and may simplify the conversation concerning *ineffective* as just the inverse of *effective*. In Discussion Question 3, we suggest states discuss the particular benefits of this positive reframing in the context of defining *ineffective* for the purposes of ensuring equitable access.

## **Discussion Question 1: Should Your State Define Ineffective Teacher Using Evaluation Data, a New Measure, Existing HQT data, Locally Determined Measures, or Take Another Approach?**

Many states have made significant progress during the past several years in defining and measuring teacher performance, whereas other states are still early in these conversations. Where does your state fall? And how prescriptive does your state wish to be in the choice of measures afforded to districts? As a starting point, there are four possible broad approaches that states appear to be considering.

### **Approach 1: Use evaluation systems to define an *ineffective teacher*.**

At least 10 states<sup>1</sup> and the District of Columbia used their state’s teacher evaluation data in their 2015 equity plans. Other states indicated that they had plans to use teacher evaluation data in the future, once the evaluation system was fully implemented and considered valid and reliable. One option, therefore, is for states to consider the continued use of the evaluation data if they believe these data are accurate.

### **Strengths and weaknesses of this approach**

On the one hand, of all the measures available to assess teacher effectiveness, evaluation ratings, at least in theory, are the most directly representative of a teacher’s effectiveness. Teacher evaluations typically capture effectiveness from a number of angles as assessed by trained evaluators and are aligned with the standards that are important in any state context. Given the effort and resources that went into the design and implementation of many teacher evaluation systems, states also may wish to capitalize on these measures. In addition, this approach may provide for coherence in the state’s reporting and planning. Finally, such systems are one way to determine whether or not a teacher has met professional teaching standards, such as the Interstate Teacher Assessment and Support Consortium (InTASC) Teaching Standards.

However, states cited several issues with using evaluation system ratings in their 2015 state equity plans. In some instances, the state lacked power to collect the evaluation data from districts. In other instances, there was not yet confidence that the evaluation systems were valid and reliable, or that the evaluation ratings accurately reflected effectiveness for all teachers. Indeed, given how few teachers often are rated *ineffective* using these data, relying solely on the definition of *ineffective* in the evaluation system may not provide useful information for equitable access planning or reporting. To mitigate this issue, states could consider the preponderance of evidence emerging from additional measures (e.g., a range of performance measures, positive learning conditions) over time alongside their evaluation system ratings. Although such additional measures may not be part of the definition of *ineffective*, they can inform the overall equitable access analysis.

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<sup>1</sup> Florida, Indiana, North Carolina, New Mexico, New York, Ohio, Oklahoma, Rhode Island, Tennessee, and West Virginia

## **Approach 2: Engage stakeholders to select from available indicators of effectiveness to develop a new measure for use statewide.**

Under this approach for defining *ineffective* teachers, states could engage stakeholders in discussions to consider available indicators, along with some information about their strength as a measure of effectiveness, and select a set on which all of their districts must report. Some of these indicators may be incorporated into existing teacher evaluation systems; others may not. These measures could include the following indicators:

- value-added measures or student growth measures,
- student learning objectives (SLOs),
- classroom observations,
- student surveys,
- emergency credentials,<sup>2</sup>
- teacher absences,
- teacher engagement,
- teacher misconduct, and
- learning conditions.

Since two of the indicators (emergency credentials and teacher engagement) also may be collected and reported for other Title I purposes, utilizing these indicators might offer benefits in terms of efficiency and coherence. States may be collecting some of these data already for other purposes as well, and easily could use it for this equitable access reporting and planning.

### **Strengths and weaknesses of this approach**

We believe the research base is too limited to use any one indicator as a complete representation of teacher effectiveness, so developing a new measure based on a set of indicators that goes beyond any existing teacher evaluation data (if it exists) may be beneficial.

However, developing and selecting from available indicators may require significant investment in new data collection and additional stakeholder engagement as well. Moreover, this process would need to include an assessment of the validity and reliability of any new metric. Such an assessment could be technically complex and require a significant amount of time to complete.

## **Approach 3: Use the state definition of *highly qualified* teacher.**

Given the additional burden that new data collection would place on districts, some states are considering use of existing HQT definitions as a low-impact option. Under this approach, teachers not meeting this definition would be considered *ineffective*. Gathering and reporting HQT data was previously required; thus continuing to report this information under a new

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<sup>2</sup> It is worth noting that ESSA requires state report cards to present the number and percentage of the following (in the aggregate and disaggregated by high- and low-poverty schools [20 U.S.C. §6311(h)(1)(C)(ix)(I)-(III)]):

- inexperienced teachers, principals, and other school leaders,
- teachers teaching with emergency or provisional credentials, and
- teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

Therefore, states could realize efficiencies by collecting and reporting teacher emergency credential information for both accountability and equitable access purposes.

definition would minimize additional burden. Moreover, ensuring teachers are appropriately qualified for their positions is a basic element of ensuring teacher quality. HQT therefore represents an important floor, if not a ceiling.

### **Strengths and weaknesses of this approach**

The strength of this approach is the minimal work required to implement. In addition, this approach maintains an important floor on teacher qualifications. Finally, in another possible benefit, it may better ensure consistency in reported equity metrics over time.

However, our understanding of the connection between teaching and learning has evolved over the past decade. In fact, there is general consensus in the research community that, with the exception of mathematics teachers, there is little evidence that teacher qualifications alone are an accurate reflection of teacher effectiveness.<sup>3</sup> The change of the equity metric in ESSA from unqualified to *ineffective*, and the elimination of the previous HQT requirements, reflects this evolution while leaving the specific definition up to the states. In addition, in many states, the vast majority of teachers meet the HQT definition, making it of limited use as a measure.

Balancing its strengths and weaknesses, HQT may in fact be best used as one of many elements in a multifaceted definition of *ineffective*.

### **Approach 4: Allow LEAs to develop a locally specific definition within a set of parameters.**

This approach might be especially useful for states that already encourage or require their districts to develop local equity plans (e.g., Texas, Massachusetts, and Delaware). ESSA requires any LEA receiving Title I funds to submit a local plan discussing how they are going to address equity gaps. The guidelines for state approval of the locally determined definitions might include factors such as (1) the district's rationale for their selection, the evidence base for measures selected, and efforts they are taking to continually improve on and assess the accuracy and consistency of the data used to measure their locally selected definition of *ineffective teacher*; (2) if the selection of a definition and associated measures involved stakeholder engagement; or (3) whether the definition aligns with or includes certain state priorities.

### **Strengths and weaknesses of this approach**

This approach creates an extra burden for districts (as well as for the state that would have to vet these definitions), but it could be an opportunity for more effective statewide dialogue among educators across locales that may result in more “buy-in,” greater understanding of the complexities of measuring teacher effectiveness, and a more contextually relevant selection of measures. However, if district selections vary considerably, then this approach also could create challenges for the state to understand how equitable access compares across districts.

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<sup>3</sup> Goe, L. (2007). *The link between teacher quality and student outcomes: A research synthesis*. Washington, DC: National Comprehensive Center for Teacher Quality. Retrieved from <http://files.eric.ed.gov/fulltext/ED521219.pdf>

Whichever approach is chosen, it is important to note that currently available indicators to measure effectiveness are not equally strong. The evidence base related to the various possible measures does not point to an ideal one. Each indicator has strengths and weaknesses, as well as potential unintended consequences that should be considered.

We also suggest that states consider engaging in continuous improvement of the accuracy and consistency of any measures by regularly monitoring quality and revising as needed. Efforts to continuously improve the accuracy and consistency of teacher effectiveness measures could take many forms, such as gathering evidence about the completeness or quality of the data, determining the correlation between the measures and other data points, assessing the predictive ability of measures as they relate to teachers' future employment, graduation rates of those taught by teachers with a given level of effectiveness, or other outcomes.

### **Start the Discussion**

1. Which of the four approaches described earlier (using existing HQT or educator evaluation system measures, selecting from other available indicators, or allowing LEAs to develop their own measures) best fit your state context? Why is this approach the most appropriate choice?
2. If none of these approaches are ideal, how could the approach that best fits your context be changed right now to better meet your state's needs? How can it be improved upon over time?
3. Consider the noted strengths and weaknesses of each approach. Do these strengths or weaknesses change your answers to Questions 1 and 2?
4. Does your state already continually examine and improve its measures of effectiveness? If not, what would it take to begin the process of continuous improvement?

### **Discussion Question 2: How Can Your State Consider the Preponderance of Evidence When Defining *Ineffective Teachers*?**

The equity planning process in 2014–15 revealed that longstanding challenges in coming to consensus on a practical and acceptable definition of *ineffective teacher* (or effective teacher) persist. Therefore, regardless of the approach taken, we would suggest states consider the preponderance of evidence standard when establishing a definition of *ineffective teacher* for the purposes of equitable access reporting and planning. Although not an exact science, preponderance of evidence suggests considering all available evidence, including multiple measures over time, to create the most holistic picture possible to ascertain whether it is “more probable than not” that a teacher is effective.

This could include for example, with respect to access to positive learning conditions (one of the options for the third measure in accountability reporting required by ESSA), requiring a teacher to consistently fail to establish such conditions over multiple years before being identified as

*ineffective*. Another consideration could be the extent to which a teacher develops cultural proficiency over time, including for example through the use of culturally relevant pedagogy. Although empirical research evaluating such proficiency is limited, recent concerns about a lack of diversity in the teaching workforce point to the importance of this issue.

Regardless of the specific measures considered, the standard of a preponderance of evidence requires careful consideration of all available evidence within the given context. Those states using their evaluation data to define *ineffective teachers* (i.e., as in Approach 1) may feel these data meet such a standard by incorporating multiple measures into a summative rating. However, they also may want to consider additional measures to inform their equitable access analysis, though such measures may not be part of their definition of *ineffective*.

Ultimately, we believe a preponderance of evidence helps to establish rigor of definition and a rationale and defense for the cut point of who is deemed *ineffective* for the purposes of reporting and planning.

### Start the Discussion

1. What types of evidence of effectiveness are already considered in your state? Are any measures of effectiveness considered over time?
2. What are the potential benefits of and challenges to using the preponderance of evidence standard in your definition of *ineffective teachers*? How could challenges be overcome?

### Discussion Question 3: Should Your State Define *Ineffective Teachers* as Those Who Have Not Reached the Bar of *Effective*?

Many states with existing evaluation systems that use more than two levels of performance often use the term *ineffective* to describe the very lowest performance level. Relying on this definition of *ineffective* (i.e., as in Approach 1) is likely to be less useful for assessing gaps in equitable access (since low-income and minority students would not be well served if they were disproportionately assigned teachers deemed to “need improvement” or other performance categories in states’ evaluation systems that are above *ineffective* but not yet “effective” or “highly effective”). Furthermore, most states’ current teacher evaluation systems identify a fairly small percentage of teachers who are *ineffective*, which would likely not move the needle on addressing gaps in equitable access to teachers that are effective or highly effective.

Therefore, we would suggest that regardless of the approach chosen for measuring effectiveness, states consider whether it would make sense in their context to set a cut point (or bar) that designates all teachers as *ineffective* who have not reached the bar of *effective* based on a preponderance of evidence (see Discussion Question 2) for the purposes of equitable access reporting and planning. Such a cut point may or may not be the same as those used for existing evaluation systems, as it will be used only in the context of equitable access, rather than for accountability purposes. In fact, some states did consider access to “less than effective” teachers in their equity plans including, for example, Rhode Island and New Mexico.

## Start the Discussion

1. Does your state currently have a definition (or definitions) of *ineffective* as part of an existing evaluation system? If so, are there designations of performance that sit between *ineffective* and *effective* as described?
2. What would be the implications in your state of defining *ineffective teacher* as the very lowest performance level, rather than as a teacher that is “less than effective?”
3. Are there other measures in use in your state that may reflect “less than effective” to be considered for use in equitable-access planning and reporting (i.e., as with probationary teachers, teachers with one year of experience, teachers with emergency credentials)?



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