

LOWELL SCHOOL ADMINISTRATORS ASSOCIATION

Evaluation Handbook

INTRODUCTION

Educator Evaluation Overview (from the DESE School-Level Implementation Guide) Priorities for Implementing the Framework

“Simply put, poor evaluation practices are a missed opportunity for promoting better leading, better teaching, better learning, and better schools.”

This statement by the DESE Task Force highlights the underlying principles of these regulations: the purpose of evaluation is to promote student learning by providing Educators with feedback for improvement and enhanced opportunities for professional growth. To achieve this, all Educators—school and district alike—must maintain a focus on creating the conditions that can realize this vision. This requires an approach that is both thoughtful and strategic so that evaluation can be seized as an opportunity.

Approaching Educator evaluation thoughtfully and strategically requires attention to **coherence, connection, collaboration** and **conversation**. Attending to each will help create the synergy needed to ensure that the new Educator evaluation system will achieve its twin goals of supporting Educator growth and student achievement.

Coherence

Create coherence and leverage opportunities to reinforce it. Without explicit linkage to other priorities and on-going work, the new Educator evaluation regulations will be both perceived and undertaken as an “add on” that is disconnected from daily practice and big picture goals for the school and district, limiting opportunities for feedback and growth. Linking the data analysis, self-assessment, goal setting, and evidence collection activities required for Educator evaluation to key activities already underway in the school is one way to build this coherence.

Connection

Connect individual Educator goals to school and district priorities. Connecting individual Educator goals to larger school and district priorities is critical to effective implementation. Strong vertical alignment between individual, team, school and district goals will accelerate progress on the goals. For example, when a district is determined to build a strong tiered system of support in mathematics, it makes sense to ask individuals and their teams to focus self-assessment and goal setting on areas most closely associated with that work. As important, when individual Educators and teams are having trouble meeting their benchmarks, stakeholders will have a signal that school and district plans may need review.

Collaboration

Support teacher and Educator teams to collaborate throughout the cycle. Grade-level, department and other teams can use the steps in the evaluation cycle to help focus their work and learn from one another more systematically, thus enhancing opportunities for professional growth and feedback for

improvement. “Unpacking” several specific indicators and elements together as part of the self-assessment process can lead to identifying models and agreeing on team goals. Analyzing formative assessments or other student learning data together will sharpen each member’s insights and can lead to decisions to refine the action steps for the student learning goals.

Conversation

Engage everyone in on-going conversation about improving practice. Creating a shared understanding of effective practice is not limited to teams, however. Encouraging reflection and dialogue among teams, individuals, colleagues, and school leaders around the rubrics, student data, and teaching strategies is at the heart of the new Educator evaluation process. On-going, focused conversations about practice following frequent, short classroom visits are essential. So, too, are conversations in well-structured faculty and team meetings and through review and analysis of products and practices. All of these conversations will help create a shared vision of effective practice, a critical ingredient for nearly every strong and improving school.

1. **Purpose of Educator Evaluation**

- A) This contract language is locally negotiated and based on M.G.L., c.71, § 38; M.G.L. c.150E; the Educator Evaluation regulations, 603 CMR 35.00 et seq.; and the Model System for Educator Evaluation as of February 2013.. See 603 CMR 35.02 (definition of model system). In the event of a conflict between this collective bargaining agreement and the governing laws and regulations, the laws and regulations will prevail.
- B) The regulatory purposes of evaluation are:
 - i) To promote student learning, growth, and achievement by providing Educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, 603 CMR 35.01(2)(a);
 - ii) To provide a record of facts and assessments for personnel decisions, 35.01(2)(b);
 - iii) To ensure that every school committee has a system to enhance the professionalism and accountability of teachers and Educators that will enable them to assist all students to perform at high levels, 35.01(3); and
 - iv) To assure effective teaching and administrative leadership, 35.01(3).

2) **Definitions (* indicates definition is generally based on 603 CMR 35.02)**

- A) **Administrator:** Inclusive term that applies to all Educators covered by this article, unless otherwise noted. Administrators may include individuals who serve in positions involving teaching and other direct services to students.
- B) ***Artifacts of Professional Practice:** Products of an Educator's work and student work samples that demonstrate the Educator's knowledge and skills with respect to specific performance standards.
- C) **Caseload Educator:** Educators who teach or counsel individual or small groups of students through consultation with the regular classroom teacher, for example, school nurses, guidance counselors, speech and language pathologists, and some reading specialists and special education teachers.
- D) **Classroom teacher:** Educators who teach preK-12 whole classes, and teachers of special subjects as such as art, music, library, and physical education. May also include special education teachers and reading specialists who teach whole classes.
- E) **Categories of Evidence:** Multiple measures of student learning, growth, and achievement, judgments based on observations and artifacts of professional practice, including unannounced observations of practice of any duration, and additional evidence relevant to one or more Standards of Effective Teaching Practice (603 CMR 35.03).
- F) **Conference:** Any supervisory meeting involving the Educator and evaluator to discuss the Educator's performance, goals, and objectives.

- G) ***District-determined Measures:** Measures of student learning, growth and achievement related to the Massachusetts Curriculum Frameworks, that are locally bargained comparable across grade or subject level district-wide. These measures may include, but shall not be limited to: commercial assessments and district-developed pre and post units, modules, and course assessments, or portfolios or projects assessed using common rubrics.
- H) ***Educator(s):** The term “Educator” includes any employee of the Lowell Public Schools serving in a position recognized within the bargaining Unit B represented by the Lowell School Administrators Association.
- I) ***Educator Plan:** The growth or improvement actions identified as part of each Educator’s evaluation. The type of plan is determined by the Educator’s career stage, overall performance rating, and the rating of impact on student learning, growth and achievement. There shall be four types of Educator Plans:
- i) **Developing Educator Plan** shall mean a plan developed by the Educator and the Evaluator for one school year or less for an Educator without Professional Teacher Status (PTS); or, at the discretion of an Evaluator, for an Educator with PTS in a new assignment.
 - ii) **Self-Directed Growth Plan** shall mean a plan developed by the Educator for one or two school years for Educators with PTS who are rated proficient or exemplary.
 - iii) **Directed Growth Plan** shall mean a plan developed by the Educator and the Evaluator of one school year or less for Educators with PTS who are rated needs improvement.
 - iv) **Improvement Plan** shall mean a plan developed by the Evaluator of at least 45 school days and no more than one school year for Educators with PTS who are rated unsatisfactory with goals specific to improving the Educator’s unsatisfactory performance. In those cases where an Educator is rated unsatisfactory near the close of a school year, the plan may include activities during the summer preceding the next school year.
- J) ***Evaluation:** The ongoing process of defining goals and identifying, gathering, and using information as part of a process to improve professional performance (the “formative evaluation” and “formative assessment”) and to assess total job effectiveness and make personnel decisions (the “summative evaluation”).
- K) ***Evaluator:** Any person designated by a superintendent who has primary or supervisory responsibility for observation and evaluation as designated on the Educator Tracking Sheet (Appendix D). The superintendent is responsible for ensuring that all Evaluators have training in the principles of supervision and evaluation. Each Educator will have one primary Evaluator at any one time responsible for determining performance ratings.
- i) **Primary Evaluator** shall be the person who determines the Educator’s performance ratings and evaluation.
 - (a) **High School Headmaster**

- (b) **Middle or Elementary School Principal or Principal of Record**
 - (c) **Assistant Superintendent of Curriculum, Instruction, and Assessment**
 - (d) **Assistant Superintendent of Student Support Services**
 - (e) **Assistant Superintendent of Finance and Operations**
 - (f) **Director of Special Education**
- ii) **Contributing/Supervising Evaluator** shall be the person responsible for developing the Educator Plan, supervising the Educator's progress through formative assessments, evaluating the Educator's progress toward attaining the Educator Plan goals, and making recommendations about the evaluation ratings to the primary Evaluator at the end of the Educator Plan. The Supervising Evaluator may be the primary Evaluator or his/her designee.
 - iii) **Teaching Staff Assigned to More Than One Building:** Each Educator who is assigned to more than one building will be evaluated by the appropriate Educator where the individual is assigned most of the time.
 - iv) **Notification:** The Educator shall be notified in writing on the Educator Tracking Sheet of his/her primary Evaluator and Contributing/Supervising Evaluator, if any, on orientation day.
- L) **Evaluation Cycle:** A five-component process that all Educators follow consisting of 1) Self-Assessment; 2) Goal-setting and Educator Plan development; 3) Implementation of the Plan; 4) Formative Assessment/Evaluation; and 5) Summative Evaluation. ***Family:** Includes students' parents, legal guardians, foster parents, or primary caregivers.
 - M) ***Formative Assessment:** The process used to assess progress towards attaining goals set forth in Educator plans, performance on standards, or both. The formative assessment form is Appendix C1 and must be completed by January 15 as part of the evaluation cycle for Developing Educator Plans. ***Formative Evaluation:** An evaluation conducted at the end of Year 1 for an Educator on a 2-year Self-Directed Growth plan which is used to arrive at a rating on progress towards attaining the goals set forth in the Educator Plan, performance on Standards and Indicators of Effective Teaching Practice, or both.
 - N) ***Goal:** A specific, actionable, and measurable area of improvement as set forth in an Educator's plan. A goal may pertain to any or all of the following: Educator practice in relation to Performance Standards, Educator practice in relation to indicators, or specified improvement in student learning, growth and achievement. Goals may be developed by individual Educators, by the Evaluator, or by teams, departments, or groups of Educators who have the same role.
 - O) ***Measurable:** That which can be classified or estimated in relation to a scale, rubric, or standards.
 - P) **Multiple Measures of Student Learning:** Measures must include a combination of classroom, school and district assessments, student growth percentiles on state

assessments, if state assessments are available, and student state English language acquisition growth scores. This definition may be revised as required by regulations or agreement of the parties upon further guidance expected from DESE.

- P) New Administrator:** An Educator who has not completed three (3) years in the position in the district.
- Q) *Observation:** A data gathering process that includes notes and judgments made during one or more classroom or worksite visits(s) of any duration by the Evaluator and may include examination of artifacts of practice including student work. Classroom or worksite observations conducted pursuant to this article must result in written feedback to the Educator. Normal supervisory responsibilities of department, building and district Educators will also cause Administrators to drop in on classes and other activities in the worksite at various times as deemed necessary by the Administrator. Carrying out these supervisory responsibilities, when they do not result in targeted and constructive feedback to the Educator, are not observations as defined in this Article. The parties agree that Observations shall last no less than 10 minutes.
- R) Parties:** The parties to this agreement are the local school committee and the employee organization that represents the Educators covered by this agreement for purposes of collective bargaining (“Employee Organization/Association”).
- S) *Performance Rating:** Describes the Educator’s performance on each performance standard and overall. There shall be four performance ratings:
- i) Exemplary: the Educator’s performance consistently and significantly exceeds the requirements of a standard or overall. The rating of exemplary on a standard indicates that practice significantly exceeds proficient and could serve as a model of practice on that standard district-wide.
 - ii) Proficient: the Educator’s performance fully and consistently meets the requirements of a standard or overall. Proficient practice is understood to be fully satisfactory.
 - iii) Needs Improvement: the Educator’s performance on a standard or overall is below the requirements of a standard or overall, but is not considered to be unsatisfactory at this time. Improvement is necessary and expected.
 - iv) Unsatisfactory: the Educator’s performance on a standard or overall has not significantly improved following a rating of needs improvement, or the Educator’s performance is consistently below the requirements of a standard or overall and is considered inadequate, or both.
- T) *Performance Standards:** Locally developed standards and indicators pursuant to M.G.L. c. 71, § 38 and consistent with, and supplemental to 603 CMR 35.00. The parties may agree to limit standards and indicators to those set forth in 603 CMR 35.03.
- U) *Professional Teacher Status:** PTS is the status granted to an Educator pursuant to M.G.L. c. 71, § 41.

- V) **Rating of Educator Impact on Student Learning:** A rating of high, moderate or low based on trends and patterns on state assessments and district-determined measures. The parties will negotiate the process for using state and district-determined measures to arrive at an Educator's rating of impact on student learning, growth and achievement. These negotiations will commence upon receipt of guidance from ESE and conclusions from current research in order to comply with the regulatory requirements of implementation in 2014.
- W) **Rating of Overall Educator Performance:** The Educator's overall performance rating is based on the Evaluator's professional judgment and examination of evidence of the Educator's performance against the four Performance Standards and the Educator's attainment of goals set forth in the Educator Plan, as follows:
- i) Standard 1: Curriculum, Planning and Assessment
 - ii) Standard 2: Teaching All Students
 - iii) Standard 3: Family and Community Engagement
 - iv) Standard 4: Professional Culture
 - v) Attainment of Professional Practice Goal(s)
 - vi) Attainment of Student Learning Goal(s)
- X) **Record of Evaluation:** A documented collection of Educator and evaluator evidence pertaining to an Educator's performance during an evaluation cycle.
- Y) ***Rubric:** A scoring tool that describes characteristics of practice or artifacts at different levels of performance. The rubrics for Standards and Indicators of Effective Teaching Practice are used to rate Educators on Performance Standards, these rubrics consists of:
- i) Standards: Describes broad categories of professional practice, including those required in 603 CMR 35.03
 - ii) Indicators: Describes aspects of each standard, including those required in 603 CMR 35.03
 - iii) Elements: Defines the individual components under each indicator
 - iv) Descriptors: Describes practice at four levels of performance for each element
- Z) ***Summative Evaluation:** An evaluation used to arrive at a rating on each standard, an overall rating, and as a basis to make personnel decisions. The summative evaluation includes the Evaluator's judgments of the Educator's performance against Performance Standards and the Educator's attainment of goals set forth in the Educator's Plan.
- AA) ***Superintendent:** The person employed by the school committee pursuant to M.G.L. c. 71 §59 and §59A. The superintendent is responsible for the implementation of 603 CMR 35.00.

BB) ***Trends in student learning:** At least two (2) years of data from the district-determined measures and state assessments used in determining the Educator's rating on impact on student learning as high, moderate or low.

3) **Evidence Used In Evaluation**

The following categories of evidence shall be used in evaluating each Educator:

- A) Multiple measures of student learning, growth, and achievement, which will be negotiated by the parties in order to comply with the regulatory requirements for the 2013-2014 school year, but may include:
 - i) Measures of student progress on classroom assessments that are aligned with the Massachusetts Curriculum Frameworks or other relevant frameworks and are comparable within grades or subjects in a school;
 - ii) At least two district-determined measures of student learning related to the Massachusetts Curriculum Frameworks or the Massachusetts Vocational Technical Education Frameworks or other relevant frameworks that are comparable across grades and/or subjects district-wide. These measures may include: portfolios, approved commercial assessments and district-developed pre and post unit and course assessments, and capstone projects. One such measure shall be the Student Growth Percentile (SGP) or English language acquisition gain scores on Massachusetts mandated testing, if applicable, in which case at least two years of data is required.
 - iii) Measures of student progress and/or achievement toward student learning goals set between the Educator and Evaluator for the school year or some other period of time established in the Educator Plan.
 - iv) For Educators whose primary role is not as a classroom teacher, the appropriate measures of the Educator's contribution to student learning, growth, and achievement set by the district. The measures set by the district should be based on the Educator's role and responsibility.
- B) Judgments based on observations and artifacts of practice including:
 - i) Unannounced observations of practice.
 - ii) Announced observation(s) for non-PTS Educators in their first year of practice in a school, Educators on Improvement Plans, and as determined by the Evaluator or requested by the PTS Educator.
 - iii) Examination of Educator work products.
 - iv) Examination of student work samples.
- C) Evidence relevant to one or more Performance Standards, including but not limited to:
 - i) Evidence compiled and presented by the Educator, including :
 - (a) Evidence of fulfillment of professional responsibilities and growth such as self-assessments, peer collaboration, professional development linked to goals in the Educator plans, contributions to the school community and professional culture;
 - (b) Evidence of active outreach to and engagement with families;

- ii) Evidence of progress towards professional practice goal(s);
- iii) Evidence of progress toward student learning outcomes goal(s). (to start in the 2013-2014 school year).
- iv) Any other relevant evidence from any source that the Evaluator shares with the Educator.

4) **Rubric**

The rubrics are a scoring tool used for the Educator's self-assessment, the formative assessment, the formative evaluation and the summative evaluation. The parties have agreed to adopt the rubrics provided by ESE which are attached hereto. The parties recognize that the Rubrics for certain positions may be discussed and reviewed in the Joint Committee on Administrator Evaluation (JCAE) that is set forth in Section 30 herein and that any agreements regarding such Rubrics shall be subject to ratification by the LSAA and the School Committee.

5) **Evaluation Cycle: Training**

- A) Initial and ongoing training for evaluators and Educators is vital to ensure that the implementation of the evaluation system results in the continuous development of professionals.
- B) Prior to the implementation of the new evaluation process contained in this article, the Lowell Public Schools shall arrange training for all Educators, principals, and other evaluators that outlines the components of the new evaluation process and provides an explanation of the evaluation cycle. The district through the superintendent in collaboration with the JCAE shall determine the type, duration, and quality of training. In the event that training takes place outside the normal contractual work day or work year, Educators who participate in such training shall be compensated at the contractual hourly rate.

By November 1st of the first year of this agreement, all Educators shall complete a professional learning activity about self-assessment and goal-setting satisfactory to the superintendent or principal. Any Educator hired after the November 1st date, and who has not previously completed such an activity, shall complete such a professional learning activity about self-assessment and goal-setting as provided by the Lowell Public Schools within two months of the date of hire.

6) **Evaluation Cycle: Annual Orientation**

- A) At the start of each school year, the superintendent, principal or designee shall conduct a meeting for Educators and Evaluators focused substantially on Educator evaluation. The superintendent, principal or designee shall:
 - i) Provide an overview of the evaluation process, including goal setting and the Educator plans.
 - ii) Provide all Educators with directions for obtaining a copy of the rubrics and forms used by the district as collectively bargained by the UTL and School Committee. These may be electronically provided.

- iii) Encourage Educators and evaluators to ask questions and facilitate discussion regarding the evaluation process through open, honest communication.
- iv) The faculty meeting may be digitally recorded to facilitate orientation of Educators hired after the beginning of the school year.

7) **Evaluation Cycle: Self-Assessment**

A) **Completing the Self-Assessment**

- i) Between the start of the school year and the end of October, teams of Educators shall have a collaborative data and professional growth summit to work on their self-assessment and goal proposals; the JCAE shall provide guidance to the Superintendent on the structure and duration of this collaborative summit. The district may either schedule this summit by adding an additional early release day session in September or by continuing the practice of data summits with substitutes during the school day. The self-assessment process should include each Educator's review of the appropriate teacher rubric, attached as Appendices A2 and A3, and an analysis of the Educator's student data, using the ORID protocol, attached as Appendix F. The rubric and the ORID protocol are considered requisite documents for the Educator's use in preparing the Self-Assessment Summary Form and the Professional Practice Goal Proposal and Plan Development Form and do not need to be submitted to the primary evaluator.
- ii) The evaluation cycle begins with the Educator completing and submitting to the Primary or Supervising/Contributing Evaluator a self-assessment by October 31st or within four weeks of the start of their employment at the school.
- iii) The self-assessment includes:
 - (a) An analysis of evidence of student learning, growth and achievement for students under the Educator's responsibility.
 - (b) An assessment of practice against each of the four Performance Standards of effective practice using the district's rubric.
 - (c) A summary of strengths, areas of high-priority concerns for student learning, and areas for professional growth citing evidence.
 - (d) Proposed goals to pursue:
 - (1st) At least one goal directly related to improving the Educator's own professional practice.
 - (2nd) At least one goal directed related to improving student learning.

B) **Proposing the goals**

- i) Educators must consider goals for grade-level, subject-area, department teams, or other groups of Educators who share responsibility for student learning and

results, except as provided in (ii) below. Educators may meet with teams to consider establishing team goals. Evaluators may participate in such meetings.

- ii) For Educators in their first year of practice, the Evaluator or his/her designee will meet with each Educator by October 31st (or within four weeks of the Educator's first day of employment if the Educator begins employment after October 15th) to assist the Educator in completing the self-assessment and drafting the professional practice and student learning goals which must include induction and mentoring activities.
- iii) A new Educator in his/her second or third years of practice may be required to continue to address induction and mentoring goals pursuant to 603 CMR 7.12. Additionally, the Educator may address shared grade level or subject area team goals.
- iv) For Educators with PTS and ratings of proficient or exemplary, the goals may be team goals. In addition, these Educators may include individual professional practice goals that address enhancing skills that enable the Educator to share proficient practices with colleagues or develop leadership skills.
- v) For Educators with PTS and ratings of needs improvement or unsatisfactory, the professional practice goal(s) must address specific standards and indicators identified for improvement. In addition, the goals may address shared grade level or subject area team goals.

8) Evaluation Cycle: Goal Setting and Development of the Educator Plan

- A) Every Educator has an Educator Plan that includes, but is not limited to, one goal related to the improvement of practice; one goal for the improvement of student learning. The Plan also outlines actions the Educator must take to attain the goals established in the Plan and benchmarks to assess progress. Goals may be developed by individual Educators, by the Evaluator, or by teams, departments, or groups of Educators who have the similar roles and/or responsibilities.
- B) To determine the goals to be included in the Educator Plan, the Evaluator reviews the goals the Educator has proposed in the Self-Assessment, using evidence of Educator performance and impact on student learning, growth and achievement based on the Educator's self-assessment and other sources that Evaluator shares with the Educator. Educator Plan Development Meetings shall be conducted as follows:
 - i) Educators in the same school may meet with the Evaluator in teams and/or individually at the end of the previous evaluation cycle or by October 31st of the next academic year to develop their Educator Plan. Establishment of team goals and coordinated Educator plans are encouraged. Educators shall not be expected to meet during the summer hiatus.
 - ii) For those Educators new to the school, the meeting with the Evaluator to establish the Educator Plan must occur by October 31st or within six weeks of the start of their assignment in that school

- iii) The Evaluator shall meet individually with Educators with PTS and ratings of needs improvement or unsatisfactory to develop professional practice goal(s) that must address specific standards and indicators identified for improvement. In addition, the goals may address shared grade level or subject matter goals.
- C) With the knowledge and approval of the Evaluator, the Educator completes the Educator Plan by November 1st and submits it to the Evaluator. The Educator shall sign the Educator Plan within 5 school days of its return from the Evaluator and may include a written response. The Educator's signature indicates that the Educator received the plan. The signature does not indicate agreement or disagreement with its contents. The Evaluator retains final authority over the content of the Educator's Plan.

9) Evaluation Cycle: Plan Implementation and Evidence Collection

- A) The Educator will implement the plan by working towards his/her goal(s). We encourage Educators to collaborate to achieve their goals and to seek necessary resources and supports. As the Educator implements the plan, both the evaluator and the Educator will collect evidence.
- B) A Record of Evaluation shall be kept for each Educator. All documents in the Record of Evaluation shall be treated as confidential records.
- C) Each Educator's Record of Evaluation shall consist of three parts: 1) standard forms; 2) Evaluator-supplied evidence; and 3) Educator-supplied evidence.
- D) Evidence will be documented on the Evidence Log (Appendix E) that will be used across the district for all evidence collected by evaluators.
- E) One copy of each Educator's evaluation report(s) shall be sent to the Lowell Public Schools' Personnel Office by May 15 to be included as part of the Educator's official personnel file.
- F) Evidence supplied by Educators for performance rating on Standards III and IV shall be judged according to the quality of each artifact, not the quantity or presentation. In order for Evaluators to have adequate time to review and characterize the evidence, Educators will submit between four and six artifacts for each of these standards to the Evaluator by March 15.

10) Evaluation Cycle: Observation of Practice and Examination of Artifacts – Educators without PTS

- A) In the first year of practice or first year assigned to a school:
 - i) The Educator shall have at least one announced observation during the school year.
 - ii) The Educator shall have at least four unannounced observations at reasonable intervals during the school year.

- B) In their second and third years of practice or second and third years as a non-PTS Educator in the school:
 - i) The Educator shall have at least three unannounced observations at reasonable intervals during the school year.

11) **Evaluation Cycle: Observation of Practice and Examination of Artifacts – Educators with PTS**

- A) The Educator whose overall rating is proficient or exemplary must have at least one unannounced observation during the evaluation cycle. The Educator may request one announced observation during the evaluation cycle. The Educator may submit feedback from peer observation as evidence of professional practice.
- B) The Educator whose overall rating is needs improvement must be observed according to the Directed Growth Plan during the period of Plan which must include at least two unannounced observations.
- C) The Educator whose overall rating is unsatisfactory must be observed according to the Improvement Plan which must include both unannounced and announced observations. The number and frequency of the observations shall be determined by the Evaluator, but in no case, for improvement plans of one year, shall there be fewer than one announced and four unannounced observations. For Improvement Plans of six months or fewer, there must be no fewer than one announced and two unannounced observations.

12) **Observations**

The Evaluator's first observation of the Educator should take place by November 15. Observations required by the Educator Plan should be completed by April 15th. The Evaluator may conduct additional observations after this date.

The Evaluator is not required nor expected to review all the indicators in a rubric during an observation.

- A) Unannounced Observations
 - i) Unannounced observations may be in the form of a school or work site visitation or any other means deemed useful by the Evaluator. Visitations may include, but are not limited to, staff meetings, team meetings, classroom visits with supervising evaluator, walkabouts within the school or department, or individual conferences with students or parents.
 - ii) The Educator will be provided with at least brief written feedback from the Evaluator within 3-5 school days of the observation. The written feedback shall be delivered to the Educator in person, by email, through a district-supported web-based software portal, or mailed to the Educator's home.

- iii) Any observation or series of observations resulting in one or more standards judged to be unsatisfactory or needs improvement for the first time must be followed by at least one observation of at least 30 minutes in duration within 30 school days.

B) Announced Observations

- i) All non-PTS Educators in their first year in the school, PTS Educators on Improvement Plans and other Educators at the discretion of the evaluator shall have at least one Announced Observation.
 - (a) The Evaluator shall select the date and time of the lesson or activity to be observed and discuss with the Educator any specific goal(s) for the observation.
 - (b) Within 5 school days of the scheduled observation, upon request of either the Evaluator or Educator, the Evaluator and Educator shall meet for a pre-observation conference. In lieu of a meeting, the Educator may inform the Evaluator in writing of the nature of the lesson, the student population served, and any other information that will assist the Evaluator to assess performance.
 - (1st) The Educator shall provide the Evaluator a draft of the lesson, student conference, IEP plan or activity. If the actual plan is different, the Educator will provide the Evaluator with a copy prior to the observation.
 - (2nd) The Educator will be notified as soon as possible if the Evaluator will not be able to attend the scheduled observation. The observation will be rescheduled with the Educator as soon as reasonably practical.
 - (c) Within 5 school days of the observation, the Evaluator and Educator shall meet for a post-observation conference. This timeframe may be extended due to unavailability on the part of either the Evaluator or the Educator, but shall be rescheduled within 24 hours if possible.
 - (d) The Evaluator shall provide the Educator with written feedback within 5 school days of the post-observation conference. For any standard where the Educator's practice was found to be unsatisfactory or needs improvement, the feedback must:
 - (1st) Describe the basis for the Evaluator's judgment.
 - (2nd) Describe actions the Educator should take to improve his/her performance.
 - (3rd) Identify support and/or resources the Educator may use in his/her improvement.
 - (4th) State that the Educator is responsible for addressing the need for improvement.

13) **Evaluation Cycle: Formative Assessment**

- A) A specific purpose for evaluation is to promote student learning, growth and achievement by providing Educators with feedback for improvement. Evaluators are expected to make frequent unannounced visits to classrooms. Evaluators are expected to give targeted constructive feedback to Educators based on their observations of practice, examination of artifacts, and analysis of multiple measures of student learning, growth and achievement in relation to the Standards and Indicators of Effective Teaching Practice, Administrative Leadership Practice or Support Personnel Practice, whichever is applicable to the Educator.
- B) Formative Assessment may be ongoing throughout the evaluation cycle but typically takes places mid-cycle when a Formative Assessment report is completed. For an Educator on a two-year Self-Directed Growth Plan, the mid-cycle Formative Assessment report is replaced by the Formative Evaluation report at the end of year one. See Section 14, below.
- C) The Formative Assessment report provides written feedback and ratings to the Educator about his/her progress towards attaining the goals set forth in the Educator Plan, performance on Performance Standards and overall, or both.
- D) By December 15, the Educator shall provide to the Evaluator evidence of family outreach and engagement (Standard III), fulfillment of professional responsibility and growth (Standard IV), and progress on attaining professional practice and student learning goals. The Educator may provide to the evaluator additional evidence of the Educator's performances on Performance Standards I and II.
- E) Upon the request of either the Evaluator or the Educator, the Evaluator and the Educator will meet either before or after completion of the Formative Assessment Report.
- F) The Evaluator shall complete the Formative Assessment report and provide a copy to the Educator. All Formative Assessment reports must be signed by the Evaluator and delivered face-to-face, by email, through a district-supported web-based software portal, or mailed to the Educator's home.
- G) The Educator may reply in writing to the Formative Assessment report within 5 school days of receiving the report or request a face-to-face meeting to discuss the contents.
- H) The Educator shall sign the Formative Assessment report within 5 school days of receiving the report and keep a copy of the signed report. The signature indicates that the Educator received the Formative Assessment report and does not indicate agreement or disagreement with its contents.
- I) As a result of the Formative Assessment Report, the Evaluator may change the activities in the Educator Plan.
- J) If the rating in the Formative Assessment report differs from the last summative rating the Educator received, the Evaluator may place the Educator on a different Educator Plan, appropriate to the new rating.

14) **Evaluation Cycle: Formative Evaluation for Two Year Self-Directed Plans Only**

- A) Educators on two year Self-Directed Growth Educator Plans receive a Formative Evaluation report near the end of the first year of the two year cycle. The Educator's performance rating for that year shall be assumed to be the same as the previous summative rating unless evidence demonstrates a significant change in performance in which case the rating on the performance standards may change, and the Evaluator may place the Educator on a different Educator plan, appropriate to the new rating.
- B) The Formative Evaluation report provides written feedback and ratings to the Educator about his/her progress towards attaining the goals set forth in the Educator Plan, performance on each performance standard and overall, or both.
- C) Before March 15, the Educator shall provide to the Evaluator evidence of family outreach and engagement (Standard III), fulfillment of professional responsibility and growth (Standard IV), and progress on attaining professional practice and student learning goals. The Educator may also provide to the evaluator additional evidence of the Educator's performance on Performance Standards I and II
- D) The Evaluator shall complete the Formative Evaluation report and provide a copy to the Educator by April 15. All Formative Evaluation reports must be signed by the Evaluator and delivered face-to-face, by email, through a district-supported web-based software portal, or to the Educator's home.
- E) Upon the request of either the Evaluator or the Educator, the Evaluator and the Educator will meet either before or after completion of the Formative Evaluation Report.
- F) The Educator may reply in writing to the Formative Evaluation report within 5 school days of receiving the report.
- G) The Educator shall sign the Formative Evaluation report within 5 school days of receiving the report. The signature indicates that the Educator received the Formative Evaluation report and does not indicate agreement or disagreement with its contents.
- H) As a result of the Formative Evaluation report, the Evaluator may change the activities in the Educator Plan.
- I) If the rating in the Formative Evaluation report differs from the last summative rating the Educator received, the Evaluator may place the Educator on a different Educator Plan, appropriate to the new rating.

15) **Evaluation Cycle: Summative Evaluation**

- A) The evaluation cycle concludes with a summative evaluation report. For Educators on a one or two year Educator Plan, the summative report must be written and provided to the Educator by April 15th.

- B) The Evaluator determines a rating on each standard and an overall rating based on the Evaluator's professional judgment, an examination of evidence against the Performance Standards and evidence of the attainment of the Educator Plan goals.
- C) The professional judgment of the primary evaluator shall determine the overall summative rating that the Educator receives.
- D) For an Educator whose overall performance rating is exemplary or proficient and whose impact on student learning is low, the evaluator's supervisor shall discuss and review the rating with the evaluator and the supervisor shall confirm or revise the Educator's rating. In cases where the superintendent serves as the primary evaluator, the superintendent's decision on the rating shall not be subject to review.
- E) The summative evaluation rating must be based on evidence from multiple categories of evidence and included in the evaluation. Growth scores from standardized tests shall not be the sole basis for a summative evaluation rating.
- F) To be rated proficient overall, the Educator shall, at a minimum, have been rated proficient on the Curriculum, Planning and Assessment and the Teaching All Students Standards of Effective Teaching Practice or the Instructional Leadership Standard of Effective Administrative Leadership Practice, whichever is applicable to the Educator.
- G) Before March 15, the Educator will provide to the Evaluator evidence of family outreach and engagement (Standard III), fulfillment of professional responsibility and growth (Standard IV), and progress on attaining professional practice and student learning goals. The Educator may also provide to the evaluator additional evidence of the Educator's performance on Performance Standards I and II.
- H) The Summative Evaluation report should recognize areas of strength as well as identify recommendations for professional growth.
- I) The Evaluator shall deliver a signed copy of the Summative Evaluation report to the Educator face-to-face, by email, through a district-supported web-based software portal, or to the Educator's home no later than April 15th.
- J) The Evaluator shall meet with the Educator rated needs improvement or unsatisfactory to discuss the summative evaluation. The meeting shall occur by May 1st.
- K) The Evaluator may meet with the Educator rated proficient or exemplary to discuss the summative evaluation, if either the Educator or the Evaluator requests such a meeting. The meeting shall occur by May 1.
- L) Upon mutual agreement, the Educator and the Evaluator may develop the Self-Directed Growth Plan for the following two years during the meeting on the Summative Evaluation report.
- M) The Educator shall sign the final Summative Evaluation report within 5 days. The signature indicates that the Educator received the Summative Evaluation report and does not indicate agreement or disagreement with its contents.
- N) The Educator shall have the right to respond in writing within 30 calendar days to the summative evaluation which shall become part of the final Summative Evaluation report.

- O) A copy of the signed final Summative Evaluation report shall be filed in the Educator's personnel file.

16) **Educator Plans – General**

- A) Educator Plans shall be designed to provide Educators with feedback for improvement, professional growth, and leadership; and to ensure Educator effectiveness and overall system accountability. The Plan must be aligned to the standards and indicators and be consistent with district and school goals.
- B) The Educator Plan shall include, but is not limited to:
 - i) At least one goal related to improvement of practice tied to one or more Performance Standards;
 - ii) At least one goal for the improvement the learning, growth and achievement of the students under the Educator's responsibility;
 - iii) An outline of actions the Educator must take to attain the goals and benchmarks to assess progress. Actions must include specified professional development and learning activities that the Educator will participate in as a means of obtaining the goals, as well as other support that may be suggested by the Evaluator or provided by the school or district. Examples may include but are not limited to coursework, self-study, action research, curriculum development, study groups with peers, and implementing new programs.
- C) It is the Educator's responsibility to industriously pursue the goals in the Plan and participate in any trainings and professional development provided through the state, district, or other providers in accordance with the Educator Plan.

17) **Educator Plans: Developing Educator Plan**

- A) The Developing Educator Plan is for all Educators without PTS, and, at the discretion of the Evaluator, Educators with PTS in new assignments.
- B) The Educator shall be evaluated at least annually.

18) **Educator Plans: Self-Directed Growth Plan**

- A) A Two-year Self-Directed Growth Plan is for those Educators with PTS who have an overall rating of proficient or exemplary, and after 2013-2014 whose impact on student learning is moderate or high. A formative evaluation report is completed at the end of year 1 and a summative evaluation report at the end of year 2.
- B) A One-year Self-Directed Growth Plan is for those Educators with PTS who have an overall rating of proficient or exemplary, and after 2013-2014 whose impact on student learning is low. In this case, the Evaluator and Educator shall analyze the discrepancy

between the summative evaluation rating and the rating for impact on student learning to seek to determine the cause(s) of the discrepancy.

19) **Educator Plans: Directed Growth Plan**

- A) A Directed Growth Plan is for those Educators with PTS whose overall rating is needs improvement.
- B) The goals in the Plan must address areas identified as needing improvement as determined by the Evaluator.
- C) The Evaluator shall complete a summative evaluation for the Educator at the end of the period determined by the Plan, but at least annually, and in no case later than April 15th.
- D) For an Educator on a Directed Growth Plan whose overall performance rating is at least proficient, the Evaluator will place the Educator on a Self-Directed Growth Plan for the next Evaluation Cycle.
- E) For an Educator on a Directed Growth Plan whose overall performance rating is not at least proficient, the Evaluator will rate the Educator as unsatisfactory and will place the Educator on an Improvement Plan for the next Evaluation Cycle.

20) **Educator Plans: Improvement Plan**

- A) An Improvement Plan is for those Educators with PTS whose overall rating is unsatisfactory.
- B) The parties agree that in order to provide students with the best instruction, it may be necessary from time to time to place an Educator whose practice has been rated as unsatisfactory on an Improvement Plan of no fewer than 45 school days and no more than one school year. In the case of an Educator receiving a rating of unsatisfactory near the close of one school year, the Improvement Plan may include activities that occur during the summer before the next school year begins.
- C) The Evaluator must complete a summative evaluation for the Educator at the end of the period determined by the Evaluator for the Plan.
- D) An Educator on an Improvement Plan shall be assigned a Contributing/Supervising Evaluator (see definitions). The /Contributing/Supervising Evaluator is responsible for providing the Educator with guidance and assistance in accessing the resources and professional development outlined in the Improvement Plan. The primary evaluator may be the Contributing/Supervising Evaluator.
- E) The Improvement Plan shall define the problem(s) of practice identified through the observations and evaluation and detail the improvement goals to be met, the activities the Educator must take to improve and the assistance to be provided to the Educator by the district.
- F) The Improvement Plan process shall include:

- i) Within ten school days of notification to the Educator that the Educator is being placed on an Improvement Plan, the Evaluator shall schedule a meeting with the Educator to discuss the Improvement Plan. The Evaluator will develop the Improvement Plan, which will include the provision of specific assistance to the Educator.
 - ii) The Educator may request that a representative of the LSAA attend the meeting(s).
 - iii) If the Educator consents, the LSAA will be informed that an Educator has been placed on an Improvement Plan.
- G) The Improvement Plan shall:
 - i) Define the improvement goals directly related to the performance standard(s) and/or student learning outcomes that must be improved;
 - ii) Describe the activities and work products the Educator must complete as a means of improving performance;
 - iii) Describe the assistance that the district will make available to the Educator;
 - iv) Articulate the measurable outcomes that will be accepted as evidence of improvement;
 - v) Detail the timeline for completion of each component of the Plan, including at a minimum a mid-cycle formative assessment report of the relevant standard(s) and indicator(s);
 - vi) Identify the individuals assigned to assist the Educator which must include minimally the Contributing/Supervising Evaluator and may include a peer mentor; and,
 - vii) Include the signatures of the Educator and Contributing/Supervising Evaluator.
- H) A copy of the signed Plan shall be provided within five (5) school days. The Educator's signature indicates that the Educator received the Improvement Plan and does not indicate agreement or disagreement with its contents.
- I) Decision on the Educator's status at the conclusion of the Improvement Plan.
 - i) All determinations below must be made no later than April 15. One of three decisions must be made at the conclusion of the Improvement Plan:
 - (a) If the Evaluator determines that the Educator has improved his/her practice to the level of proficiency, the Educator will be placed on a Self-Directed Growth Plan.
 - (b) In those cases where the Educator was placed on an Improvement Plan as a result of his/her summative rating at the end of his/her Directed Growth Plan, if the Evaluator determines that the Educator is making substantial progress toward proficiency, the Evaluator shall place the Educator on a Directed Growth Plan.

- (c) In those cases where the Educator was placed on an Improvement Plan as a result of his/her Summative rating at the end of his/her Directed Growth Plan, if the Evaluator determines that the Educator is not making substantial progress toward proficiency, the Evaluator shall recommend to the superintendent that the Educator be dismissed.
- (d) If the Evaluator determines that the Educator's practice remains at the level of unsatisfactory, the Evaluator shall recommend to the superintendent that the Educator be dismissed.

21) Timelines (Dates in italics are provided as guidance)

Activity:	Completed By:
Superintendent, principal or designee meets with evaluators and Educators to explain evaluation process	September 15
Data Summits and Early Release Day	September-October
Evaluator meets with first-year Educators to assist in self-assessment and goal setting process Educator submits self-assessment and proposed goals	October 15
Evaluator meets with Educators in teams or individually to establish Educator Plans (Educator Plan may be established at Summative Evaluation Report meeting in prior school year)	October 31
Evaluator completes Educator Plans	November 10
Evaluator should complete first observation of each Educator	November 15
Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards, if desired)	December 15
Evaluator should complete mid-cycle Formative Assessment Reports for Educators on one-year Educator Plans	January 15
Evaluator holds Formative Assessment Meetings if requested by either Evaluator or Educator	February 15
Educator submits evidence on parent outreach, professional growth, progress on goals (and other standards, if desired)	March 15
Evaluator completes Summative Evaluation Report	April 15
Evaluator meets with Educators whose overall Summative Evaluation ratings are Needs Improvement or Unsatisfactory	April 15
Evaluator meets with Educators whose ratings are proficient or exemplary at request of Evaluator or Educator	May 1
Educator signs Summative Evaluation Report and adds response, if any within 5 school days of receipt	May 1

A) Educators with PTS on Two Year Plans

Activity:	Completed By:
Evaluator completes unannounced observation(s)	Any time during the 2-year evaluation cycle
Evaluator completes Formative Evaluation Report	April 15 of Year 1
Evaluator conducts Formative Evaluation Meeting, if any	May 1 of Year 1
Evaluator completes Summative Evaluation Report	April 15 of Year 2
Evaluator conducts Summative Evaluation Meeting, if any	May 1 of Year 2
Evaluator and Educator sign Summative Evaluation Report	May 1 of Year 2

B) Educators on Plans of Less than One Year

- i) The timeline for Educators on Plans of less than one year will be established in the Educator Plan.

22) Career Advancement

- A) In order to attain Professional Status, the Educator should achieve ratings of proficient or exemplary on each Performance Standard and overall. A principal considering making an employment decision that would lead to PTS for any Educator who has not been rated proficient or exemplary on each performance standard and overall on the most recent evaluation shall confer with the Superintendent by April 15. The principal's decision is subject to review and approval by the superintendent.
- B) In order to qualify to apply for a teacher leader position, the Educator must have had a Summative Evaluation performance rating of proficient or exemplary for at least the previous two years.

23) Using Forms

The Evaluators and Educators will use the performance rubrics, forms, and documents referenced in Appendices A-E. Upon receipt of recommendations of improvements and/or adjustments from the JCEE, the parties agree to bargain annually with respect to this matter.

24) Rating Impact on Student Learning Growth

ESE will provide model contract language and guidance on rating Educator impact on student learning growth based on state and district-determined measures of student learning. Upon

receiving this model contract language and guidance, the parties agree to bargain with respect to this matter.

25) Using Student feedback in Educator Evaluation

ESE will provide model contract language, direction and guidance on using student feedback in Educator Evaluation by June 30, 2013. Upon receiving this model contract language, direction and guidance, the parties agree to bargain with respect to this matter.

26) Using Staff feedback in Educator Evaluation

ESE will provide model contract language, direction and guidance on using staff feedback in Educator Evaluation by June 30, 2013. Upon receiving this model contract language, direction and guidance, the parties agree to bargain with respect to this matter.

27) Transition from Existing Evaluation System

- A) The parties may agree that 50% or more of Educators in the district will be evaluated under the new procedures at the outset of this Agreement, and 50% or fewer will be evaluated under the former evaluation procedures for the first year of implementation of the new procedures in this Agreement.
- B) The parties shall agree on a process for identifying the Educator Plan that each Educator will be placed on during the Educator's first year being evaluated under the new procedures, providing that Educators who have received ratings of unsatisfactory or its equivalent in the prior year will be placed on Directed Growth or Improvement Plans with the full knowledge and approval of the Superintendent.
- C) The parties agree that to address the workload issue of Evaluators, during the first evaluation cycle under this Agreement in every school or department, fifty (50) percent of Educators who have been rated as Satisfactory under the prior evaluation system shall be on a 1-year Self-directed Growth Plan and the second fifty (50) percent shall be on a 2-year Plan.
- D) The existing evaluation system will remain in effect until the provisions set forth in this Article are implemented. The relevant timeframe for adopting and implementing new systems is set forth in 603 CMR 35.11(1).

28) General Provisions

- A) Prior to any planned observation, the evaluator shall consult with the Educator about the practicality of scheduling such observation.

- B) Whenever practical, supervisory conferences shall be scheduled during normal school hours. Supervisory conferences held outside of the normal school hours shall be scheduled at a mutually agreed time and location.
- C) Only Educators who are licensed may serve as primary evaluators of Educators.
- D) Evaluators shall not make negative comments about the Educator's performance, or comments of a negative evaluative nature, in the presence of students, parents or other staff, except in the unusual circumstance where the Evaluator concludes that s/he must immediately and directly intervene. Nothing in this paragraph is intended to limit an Educator's ability to investigate a complaint, or secure assistance to support an Educator.
- E) The superintendent shall insure that Evaluators have training in supervision and evaluation, including the regulations and standards and indicators of effective teaching practice promulgated by ESE (35.03), and the evaluation Standards and Procedures established in this Agreement.
- F) Should there be a serious disagreement between the Educator and the Evaluator regarding an overall summative performance rating of unsatisfactory, the Educator may meet with the Evaluator's supervisor to discuss the disagreement. Should the Educator request such a meeting, the Evaluator's supervisor must meet with the Educator. The Evaluator may attend any such meeting at the discretion of the superintendent.
- G) The parties agree to establish a joint labor-management evaluation team which shall review the evaluation processes and procedures annually through the first three years of implementation and recommend adjustments to the parties.
- H) Violations of this article are subject to the grievance and arbitration procedures as articulated in Article III. The arbitrator shall determine whether there was compliance with the evaluation process. When the evaluation process results in the termination or non-renewal of an Educator, the existing grievance and arbitration process will be followed.

29) Responsibility for Evaluation

- A) The school committee is responsible for ensuring that adequate resources are available to evaluate all Educators and Administrators at least annually in a professional growth cycle to assist Educators and Administrators to improve their performance.
- B) The superintendent, by means of a comprehensive evaluation, shall cause the performance of all Educators and administrators within the school district to be evaluated pursuant to 603 CMR 35.00 and the Standards and Indicators of Effective Teaching Practice and the Standards and Indicators of Effective Administrative Leadership adopted by the Board of Education and any consistent, supplemental performance standards as the school committee may require
- C) The superintendent is responsible for ensuring that all evaluators have training in the principles of supervision and evaluation and have, or have available to them, expertise in the subject matter and/or areas to be evaluated.

30) Establishment of the Joint Committee on Administrator Evaluation

The parties agree to immediately establish a permanent Joint Committee on Administrator Evaluation (**JCAE**) charged with overseeing the progress and implementation of the Educator Evaluation Process in the Lowell Public Schools. The committee shall:

- A) The Joint Committee on Administrator Evaluation shall be composed of 5 Administrators as selected by the LSAA and 5 designees as selected by the Superintendent.
- B) Develop and advise on training for evaluators and Educators relating to the implementation of the system.
- C) Advise the superintendent on focused elements for each standard for teachers and Administrators as based on the district's five year plan to create a fully-aligned approach to goal and plan development.
- D) Gather and use data to assess overall system effectiveness and fairness and suggest additions and/or changes as needed. Any recommendations for improvements and/or adjustments will be regularly presented to the LSAA President and Superintendent respectively, and the parties by mutual consent may engage in bargaining to incorporate the recommendations into the system, with all changes subject to ratification by the LSAA Membership and School Committee.
- E) Provide guidance on issues and disputes that arise from the new system.

31) General Principles

- A) Evaluators shall ensure that whenever an aspect of an Educator's performance is not meeting professional standards that information will be given in writing to the Educator involved as soon as possible to provide an opportunity to resolve such concerns before they appear in an evaluation report.
- B) The professional standards shall be measurable. The parties agree to adopt the rubrics developed by the DESE, as attached as Appendices A2 and A3. However, the parties also agree that developing professional expertise requires focusing on the aligned goals of the district, the school, the team, and the Educator, rather than compliance with a breadth of descriptors.
- C) The professional standards shall reflect and allow for significant difference in assignment and responsibilities. These differences shall be described in evaluation reports.
- D) The evaluation process shall be free of racial, sexual, religious and other discrimination and biases as defined in state and federal laws.

32) Personnel Records and Files

- A) A "Personnel Record" is any record kept by the employer that identifies an Educator, to the extent that the record is or has been used, or may affect or be used relative to that Educator's

- qualifications for employment, promotion, transfer, compensation, evaluation, or disciplinary action.
- B) There shall be only one (1) official file for each Educator maintained by the Personnel Office, which shall contain data relevant to the work performance of the Educator. Other files may be maintained subject to the provisions of Section 5.0 and relevant laws, however, all personnel action can only be based on the data which has been placed in the official file maintained by the Personnel Office.
 - C) All evaluators should review their own files relative to Educators at least once per school year and forward to the Personnel Office and the Educator those documents which are to be inserted in the Educator's personnel file.
 - D) Upon written request, the Educator shall be furnished with one free copy per school year of any or all material in his/her file, thereafter, additional copies will cost 50 cents per page.
 - E) Materials in an Educator's file shall be available only to the Educator, or his/her designated representative, the Superintendent, or his/her designee.