

Statutory and Regulatory Reliefs Required  
by the Somerville STEAM Academy Innovation Plan

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One of the most unusual aspects of [the Innovation School legislation](#) is the affordance it provides for the approval of provisions which may conflict with existing statutes or regulations, *viz.* “*An Innovation School shall operate in accordance with the law regulating other public schools, **except as the law conflicts with this section or any innovation plans created thereunder,***” placing the capacity directly in the Commissioner’s hands to approve such provisions via [603 CMR 48.03](#). Per [DESE’s guidance on the process](#), this document captures, “*the provisions contained in the innovation plan that may conflict with state law [...] legal citation for each state law or regulation that poses a conflict [...] and a detailed explanation for why approval is necessary to advance the mission or educational programs of the innovation school.*”

This document is the result of hundreds of hours of conversation with DESE, the SSA’s Innovation Plan Committee, and a wide variety of legal and educational experts. We began this process many months ago with a document enumerating hundreds of specific legal citations. That document was the result of combing through all the public laws and regulations which applied to public schools. Because of how unwieldy that document was, We were encouraged by DESE to focus on a far more minimal set. To arrive at this set involved combining and culling many of our initial requests and substantially *decreasing* the granularity of our analysis—originally, we’d articulated conflicts at a line-by-line level—as we discovered various alternative provisions or were instructed to do so by DESE.

This document is organized into sections covering fundamental conflicts around procurement and financial management, educator evaluation, and educator licensure. Within each section, we cover relevant aspects of the SSA’s design as currently drafted, how that design’s requirements conflict with existing laws or regulations, and what alternative processes and efforts we will install to accomplish the original purpose of those statutes and regulations.

“Death by a thousand cuts” has been frequently cited as a primary obstacle to innovation—by innovative school leaders, by superintendents, and by DESE staff. But a consistent, high-level theme in the challenge of both articulating these conflicts and advocating for them has been that the nature of death by a thousand cuts is that any one cut doesn’t seem so bad—looking at any one regulation that doesn’t exactly fit leaves you feeling that it’s no big deal. Which is often the message we’ve gotten, “Why can’t you just fit it into the existing system?” Needless to say, this is not only antithetical to the basis of innovation, but more pragmatically, the sum total of thousands of processes and design decisions that are a poor match for your design stifle that design and any further iteration required—*especially* under the conditions of uncertainty and ambiguity of opening a new school.

## Procurement & Financial Management

The flows of time, money, and information are the first places many organizational issues arise and, as organizations mature, the source of many of the constraints which govern an organization's operation. It should come as no surprise that if you were to change how people learn or what they learn or with whom they learn or the basic structure of the organization which supports their learning that that would show up in the financial processes of the organization. The STEAM Academy changes *all* of those aspects. Students are working on different projects at different times, whose supplies have been ordered from different vendors under the direction of different mentors, having been approved by different staff.

In short, most aspects of the STEAM Academy's Innovation Plan dramatically change who spends money on what under what conditions. This is necessary to create the open-ended, autonomous environment that's key to the SSA's individualized and project-based approach. Even in traditional settings, procurement has become a somewhat infamous process, despite the importance of its central function (promoting transparency and good stewardship of public funds). Comparing the core functions of the SSA's procurement process to both the nominal requirements and functional realities of procurement statutes like 30B, three themes emerge as central conflicts:

1. *Our community-driven approach to developing programs and infrastructure* will often put us in a position blurring the lines between public and private partnerships, economic development and adult education, community organizing and social services. The blurring of these lines traditionally incurs a great deal of complexity and coalition building which would suffocate our efforts to build community infrastructure—both physical and programmatic.
2. A key component to our design is *the ability to fluidly bring in community partners in a variety of [paid] functions* to tutor, mentor, help design curricula, *etc.* Many of the partners with whom we'd like to work (and/or the context in which we'd like to work with them) are too small to reasonably incur the overhead of 30B compliance.
3. And finally, many of the partnerships and projects we expect to undertake—both small and large—require *ongoing, open-ended collaborations and design processes* which are very poorly matched to the traditional 30B/contracting process, which presumes fairly complete knowledge of the work to be contracted at the outset.

These are not abstract concerns; they emerge from very concrete, firsthand experiences we've had while working in greater Boston. We've seen the way that these pressures create drag within an organization and regularly kill whole projects. Leaders of innovative schools like High Tech High have consistently emphasized the value of the ability to operate free of traditional procurement constraints. In alternative schools subject to 30B—like Horace Mann charters—we've consistently heard horror stories about the burdens incurred. Even Somerville's own Finance Director and staff in the Inspector General's office have explicitly encouraged us to seek relief from 30B. Collectively, our past work and ongoing research tells us that—given how differently we want to operate the SSA—financial and procurement autonomy is essential to the viability of the SSA's model.

Core to that model is the capacity to directly involve community partners at many scales in supporting students' work and development. On the scale of individual projects, this might look like anything from securing lab space at local companies to bringing in experts to serve as part of a project's panel during exhibition. On the scale of programs at the SSA, this might mean co-designing a workshop or professional development seminar with the SSA. On the scale of students' development over multiple years, this will take the form of mentorship, training, and post-secondary transitional support over multiple years. These connections to community resources serve central roles not just academically, but in our design of wraparound support services, as well.

We've worked carefully to change the cost structure of the SSA's operation to make this shift possible. But 30B is designed and written with a focus on basic commodities (*e.g.* desks) and services (*e.g.* construction) in ways poorly matched to the SSA's use cases. This mismatch creates two, primary issues: 1) substantial delay—a serious issue in an individualized settings where one staff member will be managing concerns for many students distinct paths—and 2) severely limiting the pool of potential partners (*i.e.* vendors). Given 30B's structure, most of this mismatch only comes into play when considering contracts for supplies or services in excess of \$35,000. At first blush, that sounds like a rare occasion. But consider that \$35,000 would be just barely *insufficient* to pay for the following *in our first year* (when we will be at our smallest):

1. *...the yearly personal computing budget for our school for each new cohort* — which would be fine if we were just ordering computers. But we're working with the Apple Store on Boylston Street to put together a day's worth of activities, modifying the instructional workshops they offer around technologies like iMovie, supporting a custom experience for students to build the rapport research has demonstrated is necessary for the success of one-on-one programs.
2. *...five hours a week of work from a small design firm who might be mentoring students* — which would be fine if we were simply contracting for design work, but we'll need to take into account mentors' past relationships with students, their professional overlap with student goals, and their rapport with different students. None of these elements belong in a contract.
3. *...fifteen weekly minutes of attention from a medical or social work professional for each student in a cohort* — which would be fine if it was a simple check-up, but not only will the uses be different (for some families these services will be supporting second opinions on IEPs, for others it will be an emergency response to a domestic violence situation, *etc.*), but we anticipate negotiating one-off relationships with preferred offices or insurance companies which neither belong in a contract nor will be surfaced through an RFP process.
4. *...half a mile of co-op and internship/transportation via services like Door2Door or Uber* — which would be fine if we were purchasing the services up front, but in our conversations around these on-demand services (*e.g.* including possible, discounted partnerships with Door2Door and Uber), the structure which will work for them is often a retainer setup with dual disbursement/payout structure.
5. *...a year's worth of large quad-core Amazon Web Service cloud computing instances for two cohorts*— which would be fine if our cloud computing requirements would be static throughout the year or if Amazon even accepted purchase orders and would respond to an RFP from a client at our scale (they won't).

The point isn't to solve each of these problems individually, the point is that there are dozens (if not hundreds) of problems like these, and that as the scale of the SSA increases (keep in mind, in the long term we hope to grow down into a K-14 organization—600 students—but even at just 8-14th, we're looking at a likely enrollment of ~220 students), the frequency and severity of these conflicts will only increase. This is especially true because there are many likely collaborations which will be identified opportunistically—*i.e.* in working with a partner, an obvious, follow-up collaboration will emerge. The whole frame of the 30B process presumes that the need is recognized internally, described, and bid out in some way. We've been on the receiving end of how wasteful this is. You begin working with a partner, together you identify an opportunity to do some good work, and then a month or two goes by as the have to reconstruct the need and scope of the project on their own and bid it out.

Regardless of the number and texture of potential conflicts, there are two, simple themes behind what would make these conflicts untenable for the SSA: untenable delay, and a severe limitation of potential partners.

## Delay

Delay is a significant issue because of the SSA’s individualized model—if we were merely talking about an extra delay on top of the purchase of a bunch of desks or computers or textbooks, that could be planned around at a building level. But when three staff will be managing many, individual project- and student needs at a cohort level, even a “reasonable,” one-week delay for purchasing decisions or mentorship setups makes the projects and collaborations core to the SSA implausible because there will be multiple such decisions each year to be made on a cohort-by-cohort basis. This delay is created by multiple aspects of 30B:

- The requirement of a competitive sealed bidding procedure involves significant scheduling and logistics issues which will create inevitable delay, *e.g.* “*The procurement officer shall open bids publicly either (1) at a meeting [...] in the presence of a quorum, and the names of all bidders and the amounts of their bids shall be entered in the minutes, or (2) in the presence of one or more witnesses, and the procurement officer and said witnesses shall sign a statement*” — even simply arranging a meeting with two, working candidate mentors during school hours is problematic, nevermind the fact that we’d be asking them to draw up full RFPs. Not to mention the logistical burden imposed by antiquated requirements around opening bids, “*The chief procurement officer shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals.*”
- Any contract requires at least a three week delay because, “*The governmental body shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The governmental body shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals.*”
- But that delay is only once the contract is articulated. Before the contract is articulated, because we’re prohibited from sharing proposals among those interested in working with us (“*the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors*”), we would be forced to go through something like an RFI process or multiweek informal discussion all in the service of drafting an appropriate contract. When you’re buying desks, this isn’t a problem. When you’re effectively co-designing a seminar, you’re forced to either do this or jump up a level and put out a contract for the design process, then a contract for the implementation. We’ve seen this happen—and had it happen to us—repeatedly with the City of Boston, Somerville, and elsewhere.
- Even after this preparation, there are requirements in 30B’s treatment of contracts which mean the contracts themselves—even if we get to that point—are poorly matched to the type of work the SSA will be partnering to accomplish. Multiyear contracts around mentorships don’t have natural unit prices (whereas 30B requires, “*the bidder or offeror shall give a unit price for each supply or service*”), and we’ll need to be able to agilely change contracts to accommodate the growth in project scope or ongoing relationship with students, making constraints which trigger re-bidding of the contract (*i.e.* “*(1) the unit prices remain the same or less;*” and “*(2) the procurement officer has specified in writing that an increase is necessary*” and “*the increase in the total contract price does not exceed 25 per cent*”) simply don’t make sense.
- And this time burden doesn’t even stop after the contracts are submitted. In a domain where the choice of vendor for many projects will involve subtle social and emotional considerations—or even simple experiential considerations like a mentor’s history with a given student—we’ll need to “[...] *specify in writing: (1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for the rating; (2) a composite rating for each proposal, and the reasons for the rating; and (3) revisions, if any, to each proposed plan for providing the required supplies or services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal*” The same concerns that have led us to design the SSA

around significantly more qualitative approaches to assessment that aren't reducible to rubrics make this both a poor method of evaluation and more importantly, a significant administrative burden for participating staff and administrators.

## Limiting our partner pool

For the most part, there are not pre-existing markets or channels for many of the partners we're aiming to work with. Whether employees at local companies or small, local artist studios, this will be the first time many of our partners will have worked with an educational institution, much less an institution doing things as different as the SSA. This means that it is essential that we make collaborating with the SSA as simple and unburdensome as possible for our potential partners. Every, incremental logistical friction *will* lose the SSA mentors and partners.

In the context of procurement, this is problematic because 30B is drafted for (and has, in turn, reinforced) the isolation of channels and providers which already target large organizations and/or governmental bodies from other, potential partners. Meaning that while there are plenty of large companies offering copier paper which know what the Central Register is and will take the time to go through an IFB/RFP process, there are plenty of partners with whom the SSA will need to work who won't. For some, that's because they have better things to do—if we want to solicit cloud computing services from Google or contribute to an employee philanthropy program at Vecna or rent space from Biogen Idec but say that they need to respond to an RFP/IFB and show up for the bid opening, we'd miss out entirely on many partnerships. For others, that will be because they're too small to afford or too inexperienced to be comfortable with that type of logistical overhead. *e.g.* a two person interactive design firm or an artists' collective with whom we'd like to partner on a project or a mentorship will not only be unfamiliar and uncomfortable with that process, but will often be in a situation where they simply cannot afford the uncertainty and delay of recurring IFB/RFP processes for payment on the timescale of the contract (especially if we've to break down the contract as we begin to pilot a collaboration).

## What We'll Do Instead

Of course, it is not the *spirit* of 30B which conflicts with our model, merely its implementation. 30B's intent is to ensure good stewardship of public funds. This happens on two sides: making sure the process of purchasing is transparent and well-reviewed, and making sure that the choice of purchase is in the public interest (*e.g.* that it's affordable, high quality, *etc.*). For the SSA, the concerns are the same, the operational realities of our design simply require a different financial controls environment.

To ensure appropriate transparency and governance controls, we will be taking a number of measures to construct analogous infrastructure. More information is available in our Innovation Plan, but broadly:

- We will be implementing an adapted version of the state's [Recommended Fiscal Policies and Procedures](#). This will be a living, online document that is revised and approved in public, subject to audit by DESE, the School Committee, and any third-party organizations we bring in for support auditing and refining our policies and controls.
- We will make the entirety of our ledger available online, publicly inspectable and annotated, *a la* [Mint](#), *via* infrastructure like [OpenGov](#).
- We will be setting up our own procurement office and generate thrice-yearly reports for the School Committee and District's review in collaboration with a procurement specialist. Each report will be accompanied by third-party audits three times yearly of the school's records.

- All of this will be overseen by a procurement specialist whom we hire to work alongside the Board of Trustees (who will have ultimate, governance responsibility) and Somerville Central Office’s existing Finance Department.
- Operationally, In addition to these transparency and auditing efforts, we will institute our own analogous measures for prior review which address the issues of delay (and partially, adverse selection). Spending less than \$5,000 will require no prior approval (a la *30B’s sound business practices*), \$5,000–10,000 requires approval from two staff in the SSA (e.g. consensus within a teaching team), and \$10,000 or more requires approval from two people from the Board of Trustees or the SSA’s administration. Importantly, this spending will be reviewed weekly by members of the administration and/or Board of Trustees for concerns and inconsistencies for the purposes of flagging and stop payments.

Taken together, these form the basis of our oversight system. A partnership between our procurement specialist and a separate Finances Advisory Board (distinct from the Board of Trustees, tasked with modeling, improving, and documenting the SSA’s unique approach to its financial model and the long-term financial success of its students) will regularly review our policies and work with staff, administration, and third-party auditors to identify pain points and vulnerabilities in the system which need to be addressed.

## Summary

This design is not an abstract exercise. The best practices we’re proposing are taken directly from the world of foundation management, charter school operations, and traditional financial controls. The problems that we are anticipating are not theoretical, they are driven by our *actual experiences* at sprout & co. trying to do much smaller scale versions of the work the SSA’s design relies upon. Except at sprout, we were attempting to do that work from *far* more flexible positions—we weren’t immersed in running a school full time, our schedules let us meet with all the necessary parties at the drop of a hat, *etc.*

Even if each particular concern has a bureaucratic or legal solution, even if there were a set of conversations we could have or useful clarifications from the Inspector General’s office, the point is that *this will not happen* while running the SSA and inevitably, we will have missed essential scenarios or concerns. There simply won’t be the time and attention, and our needs will pose a too-quickly-moving target.

*Given this, we’re seeking DESE’s approval of the financial and procurement policies designed to render agile and accountable the SSA spending as laid out in our approved Innovation Plan (modulo the modifications presented herein) insofar as they may conflict with the existing regulations around procurement and finance (e.g. Chapter 30B Sections 4–6A, 7, 10–14, 16–17, 19)*

## Staffing & Licensure

The intent of efforts to regulate and license the teaching profession is laudable and straightforward: provide a framework for developing and ensuring high quality staff while providing some of the basic vocabulary for evaluation and promotion. This is a fundamental need in any organization. And if we could control only a single variable in our attempt to create the SSA, it would be *the people in the room*. Research demonstrates time and time again that staffing choices and organizational culture are far and away the largest levers we have to affect student outcomes. These levers are only *more* essential in innovative designs like the SSA's, where many variables are necessarily left un- or underspecified, meaning there won't be as many processes and systems in place to limit the downsides of poorly matched staffing decisions.

The SSA's redefinition of staff positions and restructuring of the traditional classroom experience means our ideal staff sit at the center of an unusually niche Venn diagram of backgrounds, interests, and aptitudes. We need staff with deep (often technical and artistic) domain expertise. We need staff who are simultaneously interested in their domain and the prospect of exploring that domain through epistemological research questions driving the SSA's focus on learnability. We need staff who will *primarily* be working as a team, rapidly context-switching between instruction and management and emotional support and... We need staff who will not only be comfortable with but excited by a startup, skunkworks-style environment, embracing open-ended re-framings of traditional roles encapsulated by our trio of staff positions (curriculum developer, project manager, and social worker).

This stands in stark contrast to assumptions behind positions in many educational settings: a single teacher is responsible for math performance, teachers work largely alone, there is relatively little uncertainty about the class agenda day-to-day, no one is directly responsible for the metacognitive or managerial skills of students, there is not an expectation of ongoing research and development, the list goes on and on.

This is *not* a critique of traditional educational settings; there are many other processes, procedures, and protocols in place in these environments which aim to fulfill these responsibilities. But a substantial part of the SSA's restructuring involves the consolidation of these responsibilities, which in turn makes licensure a different, more complicated question.

Given these issues, it should come as no surprise that the staffing autonomy described by the SSA's Innovation Plan requires revamping traditional notions of preparation and licensure. In particular, there are five, primary design elements in SSA staffing positions which make traditional licensure pipelines an unworkable fit:

1. *Intrinsic interdisciplinarity* — The programs and projects at the SSA are not broken down by subject or topic. They are designed around intrinsically interdisciplinary themes, investigating questions which cut across domains, asking students and staff to reckon with the complexity of working to solve real, messy problems. This means that a licensure process organized around specific disciplines, like math, physics, or ELA, is organized in a way fundamentally at odds with the SSA's design.
2. *Team-centrism* — The SSA's student body will be organized into cohorts of around three dozen students, each led by a teaching team of three staff with different roles in ensuring the success and growth of their students. When it comes to hiring, this tight-knit teaching community will make it hard to homogenize required qualifications for individual teachers, because we will need to balance technical skills, pedagogical approaches, social intuitions, and other qualities across a team and throughout the school community as a whole.
3. *Non-disciplinary, metacognitive areas of responsibility* — Instead of organization around disciplines, the SSA staff's responsibilities are articulated as managerial, metacognitive points of responsibility: project management, curriculum development, and social work. These skills—especially the form they will need to take at the SSA, which is quite different from their namesake positions—are not the centerpiece of any teacher licensure or training program we know of.

4. *Unusually technical, technically unusual* — Not only will staff be unusually technical, that technical background will not be deployed in a silo, that depth will be expected to continuously inform the design of curricula and choice of projects among staff. This epistemological approach to the uses of technology is dramatically different than the role technology is taught at serving through most education programs.
5. *Management and connection over instructional provision* — The SSA’s divergent, student-driven, and project-based approach will inevitably send students learning far outside the domain expertise of their teachers. For this reason, our teachers must be comfortable quickly developing fluencies in new domains, learning the lay of the land to help connect students with outside experts and practitioners, helping them find relevant resources to explore topics new to both student and teacher. This is a specific skillset that is not part of the traditional licensure pathway.

These five design elements—when forced into the strictures of traditional licensure—create primary categories conflicts for the SSA:

1. *Limiting our talent pool* — Many of the traits and behaviors listed above are, at best, orthogonal to those required by teachers in a traditional classroom settings—where bringing in outsiders, learning new technologies, exploring disciplinary topics foreign to the teacher, and team teaching are often only occasional occurrences.
2. *Wasting staff time* — Because of this orthogonality, implementing traditional licensure pathways, especially with its focus on the development of deep, specific domain expertise and traditional classroom management and instructional skills, will at the very *best* waste SSA staff time.
3. *Misdirecting staff* — At worst, the training they receive will need to be unlearned and walked back, drawing their attention to concerns and conditions which they will not encounter at the SSA and muddying their professional development, *especially* for new teachers.

Consider a concrete example. We run a program currently which we call “Signs of Life.” We’re developing an expanded version of it for the structured seminars at the SSA. In it, participants explore what it means for something to ‘be alive’ from many points of view. Some of the activities focus on designing and building something which is alive in some way—basic robots that respond to feedback or software employing evolutionary computation. Some involve examining real living things on nature walks. Some involve philosophical discussions touching on animal rights and the nature of consciousness. Some involve political discussions about abortion and end-of-life rights. Some involve literary explorations with books like *Frankenstein* and other science fiction exploring this theme. What should a staff member designing and running “Signs of Life” be licensed in? Literally any answer misses the point, *especially* once you begin considering the fact that the nature of our programs is that different students take different paths through the curricula, meaning for some “Signs of Life” participants it may be a primarily ‘biological’ experience, for others primarily ‘mathematics’, for others primarily ‘literary.’

## What We’ll Do Instead

Of course, these issues with the existing licensure regime do not obviate the need to thoroughly vet candidates or ensure their strength in many areas of traditional, educator excellence (*e.g.* classroom management or developmental psychology). But the SSA’s context requires a different approach. Because we will be less able to rely on credentials and licensure, we’re working with Harvard’s Graduate School of Education, MIT’s Teacher Education Program, Tuft’s Department of Education, and UMass Boston’s College of Education and Human Development to put together the necessary professional development, access to coursework, and advisory boards overseeing the design and development of our own staff on-boarding and professional development programs.

This will all begin with our year-round enrollment outreach process. In addition to serving as enrollment outreach and a test bed for curricula, the outreach process will provide a hands-on testbed for potential staff. Most of the money we've raised for the planning and implementation year is going toward paying candidates to design and run workshops with us. This is meant to address the fidelity issues with a simple résumé screen or three-hour interview. We have extensive experience working with teachers and volunteers and assessing (and developing) their capacity to work in contexts like those which the SSA will provide.

Of course in addition to this, our hiring process will include many traditional components (application materials, multiple interviews) which will inform our eventual decision. However, one of the more unusual components of the decision-making process is that unlike settings where teachers work largely alone, the SSA's cohort model is an intensely team-based model. This means we will also support meetings between potential candidates and will be taking their complementarity (or lack thereof) into account in hiring. To ensure the quality of this process (and to help us reflect on the necessary questions, activities, and dimensions of performance for staff), our advisors at the various partner institutions working with us will be looped into the hiring and assessment process.

But this only takes us to the hire—603 CMR 7 goes further, articulating a variety of provisions enumerating various categories of seniority and staff development (for purposes of evaluation, promotion, and compliance). The unique, SSA positions for each cohort (curriculum developer, project manager, and social worker) each have unusual ongoing professional development priorities which aren't well-supported by traditional licensure language and programming. We'll continue to work with Harvard, MIT, Tufts, and UMB in developing (and relying on their advice and oversight) as we work with other organizations with more narrowly targeted background (*e.g.* clinical social work programs through local hospitals and universities).

This intensive vetting and development process is only made possible (especially under such novel conditions) by the fact that we have rate-limited our growth to guarantee that we will never be looking to hire more than three fresh staff each year due to growth. But we know that it is necessary to bring in as many experts to be a part of designing, advising, and overseeing this multifaceted process as necessary—which is why, in addition to the processes outlined here, we will be working to thoroughly document this staffing process for the purposes of annual reporting to our Board of Trustees, the Somerville School Committee, and DESE.

## Summary

Leaders at innovative, project-based schools like High Tech High have repeatedly complained about the disconnect between licensure and their needs. High Tech High even went so far as to develop *their own graduate school of education* because of this. And these innovative, project-based schools retain disciplinary lines: *i.e.* they are developing “project-based biology classes.” Existing waivers and alternatives are meant to provide for a school's ongoing operation *while it converges on* a traditional licensure setup. Not only does our curricula befuddle this effort, but the *primary* focus of the skills called for in our staff design and setup are totally missed by teacher licensure, which even in traditional contexts has an unfortunately weak correlation to student performance and outcomes.

Taken together with confirmation from staff at DESE's Educator Licensure Office that there aren't existing affordances for such a mismatch, we are left in a position where we must justify an ongoing, organizational cost of hundreds of man-hours a year devoted to something which is not only orthogonal to the purposes and needs of the SSA's design, but which will actively discourage qualified candidates from pursuing positions.

*Given this, we're seeking DESE's approval of the staffing policies (for instructional, administrative, and non-instructional staff) designed to surface, identify, and retain the best candidates for the SSA's unique roles, regardless of licensure background or status (present or future), as laid out in our approved Innovation Plan (modulo the modifications presented herein) insofar as they may conflict with the existing regulations around staffing and licensure (e.g. 603 CMR 7)*

## Evaluation

Ultimately, staff evaluation is meant to improve student performance. The intent is to do this by providing positive and negative feedback, which acts as the basis for:

1. incentives and disincentives to encourage measures which will improve student performance (*e.g.* performance reviews and stipends)
2. structures and processes to enact these measures to improve staff capacity to support student performance (*e.g.* personal goal-setting and professional development)

Framed like this, it is clear that if either your definitions of student performance change (*i.e.* “what”) or the structure and relationship among the staff roles promoting that performance change (*i.e.* “how”), your evaluation system is very likely to require overhaul. In the SSA we are doing both of these. Not only are our definitions and prioritizations of the elements of student success dramatically expanded and individualized, but the fundamental staff structure and role definitions are transformed.

This requires an overhaul of our evaluation practices but does not pose a problem for governance and accountability. The SSA’s Innovation Plan articulates a number of traditional metrics which define its accountability to the Somerville School Committee and DESE (*e.g.* graduation rate, MCAS scores, *etc.*) Our Innovation Plan also articulates complete staffing and evaluation autonomy, and if we miss the goals we set for the SSA, the School Committee can and should step in to limit our autonomies in ways which can be expected to address whatever the root performance issues are.

The SSA’s staff positions are not only deeply different, but also much more diverse in their expectations from those in traditional school settings. Project management, parent relationship management, coaching and mentoring, ongoing epistemological research, curriculum development... In particular, unlike many school settings, student performance in a given domain (*e.g.* mathematics) will be a deeply shared responsibility, and the domains targeted and the methods of support are not explicitly broken out by time or intervention. This intercalated, collaborative setup is intrinsic to the SSA’s design, and is required to make the SSA’s expansive personalization of students’ experiences possible.

These differences mean that existing evaluation structures cannot work within the SSA’s design. Moreover, attempts to retrofit such setups will create an onerous burden to no benefit. Taken together, this means that to assess our staff’s success, the SSA will design its own teacher evaluation system.

The SSA’s agile, iterative approach, combined with a team-based staffing model, implemented with staff with non-traditional backgrounds, focusing on whole-child, individualized assessment breaks so many of the assumptions behind regulations like 603 CMR 35 as to make compliance unworkable. To expand on these design elements:

1. *the SSA’s agile, iterative approach* — In the tradition of lean management and agile software practices, the SSA prioritizes intelligent, responsive, and flexible structures where the entire organization is responsible for quality. This means that evaluation is an iterative, ongoing process which is never ‘summed up’ (this is also driven by a variety of other design elements: the school’s own year-round schedule and the absence of grade-level promotions, *etc.*).
2. *team-based staffing model* — In most academic settings, a single staff member is responsible for a given piece of content. In the SSA, the areas of responsibility and management are metacognitive and content agnostic—curriculum development, project management, and social work. This means that accountability with respect to student performance is completely intercalated and shared by the team.

3. *whole-child, individualized assessment* — Ultimately, the point of staff evaluation is to improve student performance. But at the SSA, “student performance” is not a monolithic idea. While of course the SSA is responsible for a variety of traditional goals like MCAS performance and graduation rates, those are not the linchpins of our definition of success. At the core of that is a threefold focus on 1) our mission of transforming students into independent investigators, 2) the Individualized Learning Plans developed with each student, highlighting what success means to them on multiple time scales (ranging from project to career), and 3) our alumni’s long term outcomes. This shift substantially changes the rubric, schedule, and nature of staff evaluation.
4. *staff with non-traditional backgrounds and role definitions* — Because of the SSA’s unique curricular focus and unusual design, we have very unusual staffing requirements which mean we may also be hiring and maintaining staff with non-traditional backgrounds and licensure status. This not only means that much of the language of educator evaluation regulations which assume licensure does not and cannot match our design, but that even if they could match, the assumptions of the dimensions of performance for staff and their homogeneous application breaks down, as well.

These design elements generate two, basic categories of conflict:

1. *Wasting time* — coordinating with and satisfying existing requirements and systems will be time- and cost-prohibitive, fatally distracting from the design and setup of a new school model
2. *Disrupting and distorting cultural emphases and professional priorities* — Current regulations presume many things about the way school operates, the role of individual staff, and the importance of various aspects of student experience. Many of these—ranging from the notion that staff are mostly working alone to the age- or subject-based articulation of assessment goals—are fundamentally at odds with the SSA’s design. Thus, even if we were able to avoid the cost and distraction of (1), we would be constantly fighting the messaging and structure of the evaluation system. Especially in defining a new, professional culture (and even more especially with novice staff), this is an unworkable demand.

## Wasting time

The aspects of the current evaluation system which waste time are driven primarily by four factors:

1. *Definitional mismatch* — Whole swaths of the current educator evaluation regulations are framed in language which because of other reliefs we’re seeking, simply do not apply. This means that we need the room to design and deploy analogous processes. *e.g.* Administrators are defined as, “*any person employed in a school district in a position requiring a certificate or license as described in 603 CMR 7.09(1) through (5) [...]*” and notions of “Experienced Educator” are predicated upon traditional definitions of Professional Teacher Status. Accommodating this would require going through motions that—for reasons outlined elsewhere in this document—don’t make sense for the SSA.
2. *Compromising curricular autonomy* — Worse still, there are significant conflicts with the curricular autonomies articulated in our Innovation Plan, *e.g.* 603 CMR 35 requires “*classroom assessments that are aligned with the Massachusetts Curriculum Frameworks,*” and the default definition of District-defined measures requires, “*measures of student learning, growth, and achievement related to the Massachusetts Curriculum Frameworks [...] that are comparable across grade or subject level district-wide.*” Both of these couple our curricular and evaluation design to the rest of the District and/or traditional frameworks. Our curricular autonomies conflict directly with that for a variety of reasons, *e.g.* the SSA is not age-segregated, covers the Common Core in an individualized capacity through programs that are not articulated along traditional subject lines, and focuses on many metacognitive goals not captured in traditional frameworks. The list goes on and on, and patching over these issues

would require enormous amounts of time (*e.g.* mapping individual student projects to grade-level district defined measures to render a project comparable district-wide) at best; at worst, they'd also compromise the quality of our curricula by rendering it incoherent.

3. *Investing undue time formalizing feedback better made narrative* — Current evaluation regulations require “*Evidence compiled and presented by the educator*” to be processed and ranked and rated in aggregate, informing individual evaluators’ ranking and rating of staff, “*Each educator shall receive one of four ratings on each Performance Standard and overall [...] Based on a review of trends and patterns of state and district measures of student learning gains, the evaluator will assign the rating on growth in student performance consistent with Department guidelines.*” This structure not only represents a significant departure from many basic elements of the SSA (breaking up a team’s effect into individual ratings, homogenizing rankings along many dimensions of performance within an individual staff member, *etc.*), but would also require implausible time investment because of how many different, individualized observational contexts would be required to capture the SSA’s performance standards for staff.
4. *Undue District coupling* — Current regulations require the District to report a variety of metrics (*e.g.* “*report to the Department a district-wide set of student performance measures for each grade and subject [...] provide the Department with individual educator evaluation data for each educator*”) which, if the District is asked to report for the SSA, will cascade into a variety of requirements coupling the SSA’s assessment, curricula, and evaluation structure and schedule to the District’s. Given the dramatic differences of the SSA’s design, that coupling would be untenable.

## Disrupting culture

Even more serious than the wasting of time is the disruption of culture and the mis-messaging of staff— What gets measured gets managed [and optimized]. Tensions between the measurement systems regulations would have us set up and the design of the SSA are not simply logistical, but cultural and professional obstacles as well. Seven themes run through the issues current evaluation structures create:

1. *Prevents multiple points of view* — A basic assumption of 603CMR35 is that there is a single evaluator for each staff member, and that the evaluation process is a separate, distinct procedure. This is not true at the SSA—different teams will have different numbers and types of sources of feedback, and that feedback will not be part of a separate evaluation process, but an ongoing reflection process among the teams involved. Patching over this would require someone take an inordinate amount of time communicating, aggregating, and summarizing feedback among many individuals. *e.g.* in addition to being a weirdly disruptive standard, the regulation’s requirement that evaluators “[*make*] frequent unannounced visits to classrooms and gives targeted and constructive feedback to teachers,” becomes time-prohibitive when dealing with a model as individualized and multi-faceted as the SSA’s. Any given ten minutes (or sixty minutes) of a classroom experience is not guaranteed to offer a reasonable cross-section of staff and student experiences at the SSA, requiring an inordinate number of unannounced visits.
2. *Prevents finely grained feedback along distinct dimensions of performance* — Current regulations promote a single, monolithic score for a staff member (ranging from the genres of growth plan to the stages of performance rating). This makes some sense when a staff member is responsible for a finite set of subjects and a single activity (instructional provision). At the SSA, not only are staff organized as deeply intercalated teams, but their efficacy is defined by students’ (and their own) individualized Learning Plans, which will often be driven by phenomena that are, at best, assessable qualitatively and deeply specific to the cohort with whom staff are placed. But, *e.g.*, current regulations require that evaluation be “[*able to be*] classified or estimated, in relation to a scale, rubric, or standards,” and attempts to homogenize the standards of practice, *viz.* “*Standards and Indicators shall mean [...] 603*

*CMR 35.03 [and] 603 CMR 35.04.*” But at the SSA, individual staff positions are wildly different than traditional schools—they are not primarily instructional, their goals are specific to each cohort, and as a result of those and many other design differences, we need the room to construct our own analogues of standards and indicators in existing regulation. Otherwise, we’d have to go through a time-intensive process to generate largely meaningless assessments whose message would contravene our needs.

3. *Discourages agile and iterative development* — Individual SSA cohorts will be encouraged to develop their own evaluation procedures and protocols and deploy them in an ongoing way, with every student and staff member playing a role. Inspired by models of continuous improvement and agile development from organizations like Toyota and Pivotal Labs, teams and administrators need the room to tweak and experiment with evaluation procedures, especially given the SSA’s design as a lab school. Moreover, as we expect different cohorts to have different emphases, the concrete forms of their evaluative measures will differ. But as written, regulations require that, “*All evaluation systems and changes to evaluation systems shall be subject to the Department’s review to ensure the systems are consistent with the Boards’ Principles of Evaluation.*” Requiring that we run iterations on our evaluation system by DESE is untenable and would fundamentally stifle attempts to place cultural emphasis on iteration. Similarly, there are a variety of scheduling assumptions built into the current regulations which run afoul of basic tenets of continuous improvement—*e.g.* “*Formative Evaluation shall mean an evaluation at the end of year one [...] The plan shall be for one school year in duration.*” Patching over or working through these conflicts would require significant time investment and result in severely mixed messaging to staff.
4. *Discourages team-driven assessment* — Because of the SSA’s heavily team-centric approach, there are many stakeholders who need to be brought into the evaluation and reflection process. This also means, by definition, that assessing individuals’ impact is quite challenging—but current regulations leave no room for this, *e.g.* “*The educator shall receive a summative evaluation [contributing to an improvement plan whose] type and duration of the plan shall be determined by the evaluator.*” And although an evaluator can be, “*any person designated by a superintendent who has responsibility for evaluation,*” at the SSA this pool will change for different staff at different times, depending on students’ goals and ongoing projects.
5. *Discourages multiple dimensions of performance* — In traditional schools, staff are monolithically responsible for a narrow range of subjects. In the SSA, a team of staff’s actions and responsibilities are not only deeply intercalated, but they are not broken down by discipline. This means that there will be many, orthogonal dimensions of performance to consider in any reflective process—ranging from your capacity to generate community partners to your skill as a project documenter to the quality of the tools and curricula you contributed to your group. These won’t be comprehensively articulated, but rather designed for each staff member and each cohort, changing as the needs of the cohort shift. This is in direct conflict not only with the standardization required by the existing regulations and operational details like the Educator Plan taxonomy.
6. *Substantially misdirects staff attention* — One of the most substantial challenges to the SSA’s culture comes from the deeply embedded role that standardized testing plays in the regulations for educator evaluation. The SSA has committed, as an institution, to a variety of metrics (including MCAS performance). But the design of the SSA cannot abide individual staff attempting to align their design and work to the testing regime for many reasons, but the most basic is that we don’t even have courses organized by discipline. The substantial emphasis current regulations—*e.g.* “*Impact on Student Learning shall mean at least the trend in student learning, growth, and achievement and may also include patterns in student learning, growth, and achievement.*” where “*Student Performance Measures as described in 603 CMR 35.07(1)(a)(3-5) shall be the basis for determining an educator’s impact on student learning, growth, and achievement.*”—put on tests would mean that the SSA would be fighting a constant, uphill battle to walk back that messaging, all the while paying a substantial logistical burden in the form of the time taken to generate and assess performance along these lines.

7. *Compromises our curricular and evaluation autonomies* — *e.g.* as defined, “District-determined measures” must be “*comparable across grade or subject level district-wide.*” But given that the autonomies approved in our Innovation Plan diverge not just from District practices, but District goals, this becomes impossible. We don’t have a math class comparable to the District’s Algebra II. We don’t even have grade levels. Attempting to implement something that satisfied this by documenting the necessary mapping between the SSA and the District would be time- and cost-prohibitive, not to mention a total waste. Similarly, the inclusion of performance standards like, “*designs effective and rigorous standards-based units of instruction consisting of well-structured lessons with measurable outcomes*” is problematic because not all of our staff are designing lessons, and even those that are are not doing so through a standards aligned process. Our standards coverage is driven by a deeply individualized, project-advising process, instead. Accommodating these regulations would send the wrong messages to staff, make designing curricula the way the SSA’s Innovation Plan lays out impossible, and waste significant resources, to boot.

## What We’ll Do Instead

As with the other areas where we are seeking relief, it is not the *ends* of the educator evaluation regulations which are problematic, but rather the way the assumptions underlying them are poorly matched to the SSA’s design. These mismatches happen in at least two, broad categories: *what* is evaluated, and *how* it is evaluated.

Specifically, the fact that we evaluate our students with regard to 1) their transition from student to independent investigator (a distinction fleshed out in our Innovation Plan), and 2) their Individual Learning Plans (which are expected to often include metacognitive and non-academic goals) backpropagates to significantly alter the design of our staff evaluation system.

**What?** As part of the SSA’s Innovation Plan, we define a handful of metrics which define the SSA’s responsibilities and success for the School Committee. These are the standards which, if we fail to meet them, allow for the School Committee to intervene in our design by limiting our autonomies.

But, these metrics do not define success for the SSA. This means that they also do not define our evaluation system. Specifically, on the *input* side, staff evaluation focuses on:

- *The ongoing development of core skills* — The SSA’s deeply cross- and interdisciplinary design is essential to its operation. This naturally creates the need for staff to continue to develop core skills that go beyond their teaching. *i.e* if someone’s background is in math, we expect that they are continually learning and delving into math (or computer science, or art, or some domain which expands their capacities).
- *Contribution to their cohort (both academically and otherwise)* — The SSA’s staff structure is unique; roles are not defined in terms of disciplines, but rather the managerial and metacognitive responsibilities staff oversee in their students. This category will capture that—whether via helping students through rough patches or running stellar workshops or being excellent project managers.
- *Contribution to the SSA overall (both academically and otherwise)* — As a learning community, the SSA is more than the sum of its parts. Whether by developing tools for use by the broader SSA community or hosting events that integrate the SSA into Somerville at large or managing enrollment outreach effectively—there will be many ways staff contribute which would not be captured by looking to their direct impact on their cohort.
- *Productivity* — As a lab school which is focused on the staff’s exploration as an engine for seeding projects and curricula, it is essential that staff not simply reflect continually, but continually create

output capturing these lessons and research. They needn't be published as peer-reviewed research *per se*, but whether via blogging or releasing a software library or speaking at a conference, our staff will be evaluated (in part) per their demonstrated capacity for research.

Ultimately, these are only inputs though; the SSA's real purpose lay with its students. While the existing evaluation infrastructure focuses on standards and testing, the differences in our approach and mission mean that our staff evaluation focuses on different aspects as well. Because staff stay with their cohort for years, this lets us look at aggregate trends at small enough scales that quantification is no longer an issue. Specifically, we'll focus on the following themes in aggregate:

- *Student and family satisfaction* — Students and families are our primary constituents. Their satisfaction—with aspects of the SSA of the experience ranging from academic depth and progress to open channels of communication—should be our primary signal.
- *Quality and depth of student projects* — We believe that our ultimate mission—to transform students from passive recipients of information into independent investigators—is only assessable through thick description and analysis of fully realized projects, contextualized by their goals for themselves and those projects. This means that our assessment of quality and depth is driven by a mix of panels of experts and project advisors and ongoing conversations with families and students.
- *Longitudinal student outcomes* — We hope that our emphasis on quality, deep projects will create better outcomes for students, but we are intent on defining success as individually as we define education. We are interested in the stuff of long term outcomes, not stepping stones—observables like starting salary, happiness surveys, health, and so on. This means, for example, that we don't make college admission rates overall a defining characteristic of success, but *for those who decide college is the right next step*, relative admission rates to their first, second, and third choice *will* be.

**How?** Each of these differences require the design of different evaluation processes—combining surveys, postmortems, portfolios, data-driven dashboards, *etc.* At a high level, the SSA's evaluation system will include formative assessment in an ongoing process involving active participation by the SSA principal, the educator's team teachers, students, and families. The evaluation cycle will not be punctuated by summative assessments, unannounced observations, or tiered end-ratings of educators, but will instead be an ongoing process managed on a cohort-by-cohort level, with dimensions of performance customized to individual cohorts' focuses and needs.

Inspired by agile methodologies like [scrum](#), the evaluation process will be ongoing, at multiple time scales and focused on multiple dimensions of performance. Evaluation will happen primarily at the team (*i.e.* advisory) level, fed by data derived from group exhibitions, the aggregate results of surveys, peer review of student and staff work, *etc.* Of course, individuals will receive feedback as well, but that feedback will generally be formative, not summative. Feedback will be informed primarily by a mixture of surveys (of colleagues, students, and families), peer review (*via* direct feedback on lessons, events, and project postmortems, often by advisors or other experts from the community), and staff portfolio development (including venues like blogging and publications) will inform the process. For those conversations regarding an individual's performance, an SSA teacher's ILP will serve as the basis for their assessment and evaluation at the SSA, regardless of their experience or seniority at the school.

## Summary

The SSA's design looks much more like a research group or software development consultancy or artist collective than a traditional school. Both the *what* and *how* of student and staff dimensions of performance change significantly, requiring substantial changes in our evaluation system. This novelty makes necessary

deep, multifaceted assessment and evaluation structures which are closely aligned to the SSA's mission. But these structures must be flexible enough to allow for iteration to ensure we not only do right by students, but involve everyone in an effective and transparent way in a context new to all of us. Sticking with the default educator evaluation system would require wasting inordinate amounts of time not only implementing the evaluation itself (which is a poor match for the SSA), but walking back and insulating the SSA staff from the mismatched messaging and emphases intrinsic to 603 CMR 35.

Instead, we individualize our staff's development just as we individualize assessment and evaluation of students. This is made more complicated by the fact that unlike students, our staff function as a tightly integrated team, which is much of why the assessment and evaluation process is designed as a conversation with the SSA's explicit mission and staff structure placed front and center. At the core of this conversation is the staff's Individualized Learning Plan, which is the linchpin for an ongoing conversation between families, students, staff, and administration. The SSA principal is ultimately responsible for managing and designing this process, as well as rendering it transparent to the SSA's Board of Trustees, the School Committee, and DESE.

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*Given this, we're seeking DESE's approval of the evaluation policies (for instructional, administrative, and non-instructional staff) designed to incentivize, inform, and develop SSA's staff in their unique roles as laid out in our approved Innovation Plan (modulo the modifications presented herein) insofar as they may conflict with the existing regulations around staffing and licensure (e.g. 603 CMR 35)*