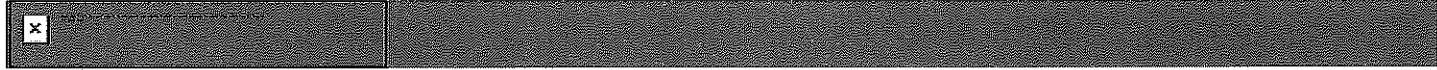


From: [REDACTED]noreply+baa4589d97f8ef47@formstack.com>
Sent: Thursday, February 18, 2016 9:31 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/18/16 9:31 AM

Name (optional):: Kristine Daniels

Company/Organization (if applicable) (optional):: Acushnet Teachers Association

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Education

Please list the Agency or Agencies affiliated with this regulation:: DESE

Describe the regulatory issue or observation:: Using District Determined Measures to evaluate teachers is opposed by recently passed federal "Every Student Succeeds Act". It is unfair and illogical to rate teachers based on student test scores given the many variables that teachers have no control over that may affect a student's performance.

As a veteran teacher, I have sat on my district's RTTT Group, Teacher Evaluation Working Group, and DDM Working Group over the last five years. I have seen the teacher evaluation model and DDM plan unfold without an adequate pilot and without every part of the plan in place as it moved forward, constantly changing throughout as a result of poor or no planning.

This practice creates unhealthy competition among colleagues and a lack of sharing practices as teachers feel pressure to have their students perform well or better than others'. Schools that are rewarded for good test scores or are put under receivership for poor scores makes little sense given the one thing tests have consistently proven is that students in lower income demographics don't do as well as their wealthier peers. This practice discourages teachers from working in schools with the most challenging students.

Whether through district developed testing or standardized testing, the overuse of testing has also negatively impacted students has cost Massachusetts taxpayers millions of dollars. Many hours of valuable learning

time each year is taken away from the students for time on testing. Even the newly restructured MCAS 2.0 test was slyly redesigned to be longer test sessions over fewer days, so it looks to the public as if there is less testing when there is clearly not. Our time away from students has not decreased at all and MCAS is only one of two measures teachers have to administer to meet the regulation.

Additionally, the constant revision of the standardized state tests (often used for DDMs) throughout the years make measures questionably reliable. The test results are also given to teachers and districts after the tested students have graduated to the next level, and then are used as a baseline to measure a totally different group of students, and the cycle continues. It is essentially useless in helping the actual students being tested, and teachers and districts can't possibly know if the changes in scores were because of the different students or due to changes to instruction or curriculum.

Suggestions for improvements to the regulation::

Abolish DDMs and/or any test score ties to teacher evaluations.

Teachers should not be penalized or rewarded financially or professionally for test score results.

The number and length of state and district standardized tests for all levels should be reduced.

DESE and school districts should use state standardized test data only to determine and improve needed services or professional development to support student learning.

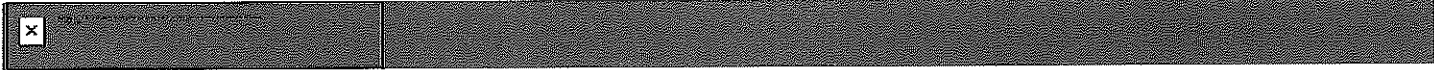
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From: noreply@formstack.com
Sent: Thursday, February 18, 2016 3:29 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/18/16 3:28 PM

Name (optional)::

Company/Organization (if applicable) (optional):: Chicopee Public Schools

Address (optional):: [REDACTED]

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes:: Education

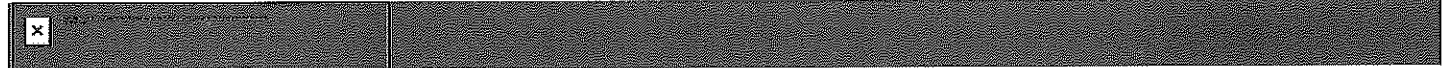
Please list the Agency or Agencies affiliated with this regulation:: MTA
CEA

Describe the regulatory issue or observation:: District Determined Measures

Suggestions for improvements to the regulation:: Using District Determined Measures to measure a teacher's impact on student growth is problematic. There are so many variables; how could there be any validity to this? Why are teachers constantly being scrutinized with unfair measures? Education is no longer a desired field.

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From: noreply@formstack.com
Sent: Friday, February 19, 2016 8:07 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/19/16 8:06 AM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes:: Education

Please list the Agency or Agencies affiliated with this regulation:: DESE

Describe the regulatory issue or observation:: DDMs are contrived and ineffective. Creating "redundant" spreadsheets of data are a complete waste of valuable time and are only done to comply with the regulations.

Suggestions for improvements to the regulation:: Eliminate them.

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From: noreply@formstack.com
Sent: Friday, February 19, 2016 2:36 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/19/16 2:36 PM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes:: Education

Please list the Agency or Agencies affiliated with this regulation::

Describe the regulatory issue or observation:: Student Impact Ratings (SIR's) and District-Determined Measures (DDM's)

Suggestions for improvements to the regulation:: If you really want to get a clear and meaningful picture of what teachers DO or NEED TO DO, then try the following:

- 1.) elect educators as representatives on any board or committee,
- 2.) if administrators, so out of touch with education because it is not their profession, feel the need to have evaluation systems, then have our elected educators determine what we should be evaluated in. For example, WE GIVE YEAR 1-3 TEACHERS SPECIFIC GOALS to meet in the areas they are responsible for/assigned to. Same with year 4-6 teachers and so on. However, these goals have to be functional and appropriate for what they teach as well as representative to the realities of a classroom and age of students.
- 3.) Maybe a portfolio system of evaluation would be a better approach. One of the biggest disappointments I experienced this year at a parent/ teacher conference was being told by my daughter's 3rd grade teacher that she just had to get through the math text to cover what she need before the PARCC test int he Spring. THE ACADEMIC YEAR IS NOT EVEN OVER AND THE TEACHING HAS STOPPED FOR TESTING!! Then what.....teaching resumes

again after testing when there is actually time to slow down and learn, absorb and experience the curriculum?? That is nonsensical! I went to the teacher because my daughter was taught 3 units of fractions in 2 weeks and this extreme pacing was confusing her comprehension of the material! We need an evaluation system that demonstrates teachers are using a REAL-LIFE APPLICATION approach when teaching the curriculum. We need to find BEST PRACTICES AND SHARE THEM!!

Don't forget...we teach our children so they have skills to live in the world, not to say we are a #1 nation in test taking. Our children should be using area and perimeter to build gardens around school property, not drawing a rectangle on paper....there is no connection to when they are suppose to use the math strategy! I want my daughter to know when to apply skills that have been taught in the classroom.....but she isn't being taught any.... and that should be against the law.

4.) Lastly, I have had 3 friends pull their children out of charter schools because as time went on, it was not all they thought it was going to be. Yes, they liked the uniforms and small class size, but with all the money wasted on charter schools, we could have the same initiatives in public schools. Stop trying to fix a problem you are not experienced to fix...call in the professionals! Isn't that why the state mandates they earn a masters degree?

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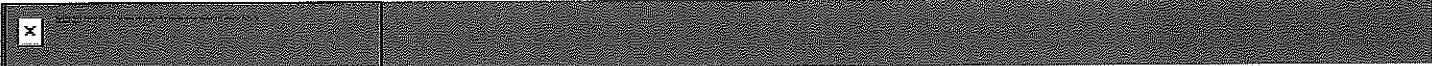
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From: noreply@formstack.com
Sent: Saturday, February 20, 2016 8:20 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/20/16 8:20 AM

Name (optional)::

Company/Organization (if applicable) (optional):: Needham High School

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes:: Building Codes/Accessibility Standards

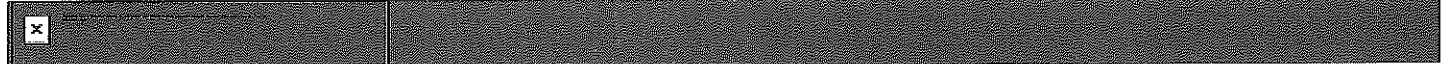
Please list the Agency or Agencies affiliated with this regulation:: Department of Education

Describe the regulatory issue or observation:: Requiring DDMs in the classroom

Suggestions for improvements to the regulation:: The DDM's do not accomplish what they were intended to do. Instead, they are a waste of time, losing valuable class time for additional testing. This is another initiative with good intentions, but consequences that actually hinder learning in the classroom.

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From: noreply@formstack.com
Sent: Wednesday, February 24, 2016 4:17 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/24/16 4:16 PM

Name (optional)::

**Company/Organization
(if applicable)
(optional)::**

Address (optional)::

**Primary Phone
(optional)::**

Email (optional)::

CMR Number (If known): : 46.00

General Regulatory Themes:: Education

Please list the Agency or Agencies affiliated with this regulation::
Department of Elementary and Secondary Education
Department of Public Health
Department of Mental Health

Describe the regulatory issue or observation::

What follows are concerns regarding new regulations, standards, and definitions proposed by the DESE and other state agencies for physical restraints, physical escorts, and time outs. These concerns were read at the public comment forum at the DESE in Malden on November 10, 2014.

The current regulations for time out are slightly different from what had been proposed, but even current regulations demonstrate a deep misunderstanding of the level of mental health issues present in the schools. The current time limitation is arbitrary and betrays an ignorance of the true amount of time and work school staff need to assist a deeply troubled child during the school day. Gaining permission from the principal to extend the time out, combined with new and onerous reporting requirements to the DESE, does not mitigate the problems created.

Although the phrase "...reasonably believes he or she will be prevented, from leaving..." has been stricken and does not appear in the new regulations, all other concerns aired below remain today.

Thank you for taking the time to read the statement below. I will include my suggestions in the comment box below on the "A Clearer Code..." form.

The title "Proposed Amendments to Physical Restraint Regulations 603 CMR 46.00" is misleading. The present and proposed language in 603 CMR 46.00 governs not just the use of physical restraints. The language goes well beyond this narrow consideration. The language of the regulations, as well as the stated Scope (46.01), is too broad and does not consider the vast difference in behavioral manifestations among students pre-k to 12th grade. The language of the regulations appears to operate from the erroneous assumption that no good, no positive, no therapeutic outcome results from restraint, or involuntary time outs. On the contrary, research and my 18 years of professional experience working with emotional/behavioral disordered children of all ages and ability levels leads to the conclusion that properly vetted, trained, and supervised staff can use these techniques, the proposed language seeks to eliminate, for great and positive effect.

Allow me to address the trouble with the present and proposed regulations, and illustrate my position with personal experiences.

In regards to the stated Purpose of 603 CMR 46.01, it is stated in paragraph 3 subsection (a): "To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm....."

After an initial reading of this regulation, it appears to be a reasonable standard until one reads the proposed definition of a physical restraint, a restraint and a physical escort (46.02). In addition, when one becomes acquainted with examples of real world situations where this standard has frequently resulted in a dangerous and frighteningly out of control school environment, they will further question the wisdom of such regulations as stated and proposed.

For the sake of time I have truncated the definitions but have taken care not to present them out of context: "Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement..... physical restraint does not include: providing brief physical contact, without force.....or a physical escort." But a physical escort is being defined as the following: "Physical escort shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location. Touching or holding a student without the use of force for the purpose of directing the student." And lastly a restraint is defined as: ".....limitation on a student's physical movement using force against the student's resistance."

This sounds wonderful in theory, but would be disastrous in real world situations. To illustrate what I mean by "disastrous" take for instance the following real world example:

A student at an elementary school consistently runs away from staff, to include running out of the school building towards a heavily traveled street, and refuses to re-enter the school building. Staff has put multiple supports in place to re-mediate this problem, but in the interim, they still face the dangerous situations that arise when this student runs off.

Any reasonable, responsible adult would determine that the staff has, not just the right, but the obligation to physically escort the student back into the building to ensure their safety. In this case, a student who refuses to voluntarily return to the building, the escort performed would require the use of force. Again....any reasonable, responsible adult would label what they witnessed an "escort", but under these regulations it must be documented as a "restraint."

This is very important for the following reason: The result will be artificially inflated numbers of "restraints" reported to DESE. This will lead to unfair and unnecessary investigations of school districts, which in turn will lead to a complete hands-off policy because districts and staff will understandably grow weary of the anxiety that accompanies such situations.

Some may naively and foolishly applaud a hands-off policy. For many of these same people a hands-off policy would include the proposed definition for "time out": "...a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff....During time-out, a student shall not be involuntarily confined and must be continuously observed by a staff member....Time-out shall cease as soon as the student has calmed or when thirty (30) minutes have passed, whichever event is earlier." A violation of this standard means the child would be in seclusion, which is prohibited by DOE regulations. Incidentally, it is proposed the definition for seclusion should contain the following: "... the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes he or she will be prevented, from leaving...." As an aside, I find it very concerning that the regulations allow for a troubled child to exercise the "reasonable" standard, but not the adult staff. Moving on though.....allow me to point out why extreme positions and regulations prejudiced against the necessary, responsible, and judicious use of restraints and involuntary timeouts are not only naive and foolish, but ultimately abusive to the very children we are trying to educate and protect.

A logical result of schools operating under the "least restrictive environment" standard is the inclusion of deeply troubled children in the same buildings and classrooms as other children. The fact of the matter is that such inclusion has resulted in an increase in classroom disruptions. A reasonable argument can be made that these disruptions have increased levels of tension and anxiety in school buildings. BUT.....this can be dealt with effectively by school staff, not only for the typically developing child, but the troubled child as well if staff have the required flexibility to react to, capitalize upon, and change distressing situations into "teachable moments."

Let me state here, what in my experience, is obvious....only the most troubling and unsafe behavior results in a restraint or involuntary time out. With that said, once such a situation occurs and the unsafe portion has passed, the child is now emotional "raw" and "available" to learn better coping strategies on an intellectual, but more importantly, an emotional level.

For young children especially, staff need to teach them on an emotional level. Appealing solely to their intellect and "better nature" does little to instill empathy, and other behavioral skills that will result in an increase in that child's ability to independently interact with other people in a positive and constructive way.

Specialized staff who are well vetted, trained, and supervised in the proper use of restraint, physical escort, and timeout that is involuntary and necessitates the use of force can work wonders for troubled children. Performing this work in a private space where staff know they can contain the child until the distressing, dangerous situation has passed provides staff the calm confidence that comes with knowing one has options available to them.

In the case of a private support room or time out space, the benefits for children come in the forms of elimination of the humiliation that comes with knowing your peers have seen you at your worst, the follow up behavioral coaching that can be performed "in the moment" in order to assist the child with uprooting maladaptive behavior and replacing it with positive, constructive behavior, and allowing classroom staff and children to remain in a calm and settled environment conducive to learning. I have personally lost track of the number of times classrooms have been emptied of all the other children because the

troubled, acting out child has refused to leave and staff have felt prevented from escorting that child because of current regulations, let alone the more restrictive ones being proposed.

Suggestions for improvements to the regulation::

Roll regulations back to pre-January 2016

Instead of regulations that only increase paperwork and provide for prohibitions, establish a quality control department within DESE and other agencies to assist schools and other occupations with the proper vetting, supervision, and training such an important issue requires.

Each quality control department should:

...write regulations that work for school staff.

...write regulations that work for staff in other occupations that also have need for time out, restraints, and escorts.

Be sure to balance the philosophical drive and vote count within each department by including people who hold well founded opposing views, opinions, and experiences.....it is very important not to have a mono culture.

Through multiple media formats, announce widely to those whom regulations would affect what quality control proposes to do.

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