

**Responses to Comments on Draft Rules Concerning the Evaluation of Specialized Service Professionals  
Comments Received as of October 15, 2013**

	<b>Comment/Question</b>	<b>CDE Response</b>
1	<p>Proposed rule 4.03 requires school districts and BOCES to use a “single, common statewide SSP performance scoring framework” developed by the department “to assign both novice and experienced SSPs to one of the four Performance Evaluation Ratings.” It is not appropriate for a central requirement of the evaluation process to be mandated outside of formal rulemaking process. The rules are sufficiently prescriptive about the evaluation criteria and weighting to fulfill the requirements of the Act and the rules.</p> <p>Proposed rule 4.03 also conflicts with the approach taken concerning the scoring frameworks for teachers and principals, which allows districts and BOCES to follow the department’s scoring framework or develop their own.</p> <p>This mandate conflicts with school districts’ and BOCES’ obligations and the role of a district’s or BOCES’ licensed personnel performance evaluation council under the Act.</p>	<p>CDE agrees that the draft rules should be revised to be consistent with the approach taken concerning the scoring frameworks for teachers and principals. See proposed revisions to section 4.03 in updated draft rules.</p>
2	<p>Proposed rule 4.04(A)(6) lists performance measures that may be included in the SSP evaluation. While we continue to have concerns about peer feedback and parent or guardian feedback being considered as performance measures in the SSP evaluation, we appreciate the wording that allows this to be optional for school districts and BOCES.</p>	<p>No change requested.</p>
3	<p>Proposed rules 4.04(A)(10), (11), (12), and (13) prescribe how the SSP shall be informed of his or her evaluator and the steps to take during the evaluation process. We object to these provisions because they are already dictated by the Act and are therefore unnecessary.</p> <p>We especially object to proposed rule 4.04(A)(13), as it requires the supervisor(s) for each SSP, prior to and throughout the evaluation process,</p>	<p>This language emphasizes elements of an evaluation system that the State Council for Educator Effectiveness prioritized.</p> <p>Although statute already outlines the requirements for evaluation standards and criteria to be clearly communicated and discussed by the person being evaluated</p>

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	<p>“to engage in professional dialogue with the SSP focused on his/her professional practice and growth for the course of the year.” This language, as well as the language in proposed rules 4.04(A)(10-12), create additional ambiguity that will only lead to conflict and litigation.</p> <p>The Act requires evaluators to engage in a collaborative process focused on the growth of the licensed staff member, including the requirement that any evaluation system “ensure that the standards and criteria are available in writing to all licensed personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.” C.R.S. 22-9-106(1)(e)(II); <i>see also</i>, C.R.S. 22-9-106(1) (minimum requirements of any licensed personnel evaluation system, including specification of the “frequency and duration of evaluations”); C.R.S. 22-9-106(3) (required elements of the written evaluation report, including specification of “strengths and weaknesses” and the identification of “data sources” used in the evaluation).</p> <p>Proposed rules 4.04(A)(10-13) also conflict with the approach taken regarding the evaluations of teachers and principals. Consistent with the Act, the rules concerning the evaluations of teachers and principals do not dictate the evaluation process itself. <i>See</i>, 1 CCR 301-87, rules 2.00 and 3.00.</p> <p>For these reasons, we respectfully request that proposed rules 4.04(A)(10), (11), (12) and (13) be deleted in their entirety.</p>	<p>and the evaluator prior to and during the course of the evaluation, these sections of the rules contribute to a comprehensive and transparent system for evaluating Specialized Service Professionals. Because an individual SSP may interact with multiple schools and potential evaluators, it is especially important that these professionals know who is responsible for evaluating their work, which tools will be used for that evaluation, the standards against which they will be measured, and the consequences of particular evaluation ratings. This approach is consistent with the approach taken regarding the evaluation of teachers and principals. See sections 5.03(D) and (E) of the rules for the administration of the evaluation of teachers and principals, outlining these same requirements for teachers and principals.</p> <p>The department agrees that the requirement for evaluators to engage in professional dialogue with the SSP focused on his/her professional practice and growth for the course of the year “throughout the evaluation process” may be ambiguous. The department suggests adding clarifying language that would outline a minimum requirement that these communications must just occur “multiple times” throughout the evaluation process.</p>
4	<p>For purposes of consistency in language and approach and to encompass school districts and well as BOCES, we respectfully request that the titles of proposed Rule 4.04 and proposed rule 4.07 be revised to refer to “Local Systems” instead of “Local School Board Policies and Procedures.”</p>	<p>The department agrees that the suggested titles for the subsections are appropriate.</p>