

**Responses to Written Comments on Draft SB 191 Rules
Received June 8, 2011 – July 26, 2011**

	Comment/Question	CDE Response/Recommendation
1	We noticed a change from “knowledge” to “mastery” in the Quality Standard I (Annotated Draft SB 191 Rules, section 3.02 (A)). How would “mastery” be measured for elementary teachers who teach multiple content areas?	Section 3.03 (C) of the rules require districts and BOCES to measure each individual teacher’s performance against the Teacher Quality Standards using rubrics and tools that have been identified or approved by the Department. During the pilot period, the department will develop a model rubric that will address how a teacher demonstrates “mastery” of the content he teaches, including for a teacher that teaches multiple content areas.
2	How will this system of evaluation ensure that teachers at low performing (priority) schools get equal treatment? In other words, what will prevent great teachers at low performing (priority) schools from receiving lower ratings than average teachers in high performing schools?	The draft rules require that 50% of a teacher’s evaluation be based on the academic growth shown by the teacher’s students (using the Colorado Growth Model, where available) and that 50% of the evaluation be based on the teacher’s demonstration of professional practice. Regardless of how well the students in a teacher’s class are performing when they enter the teacher’s class, the teacher will be evaluated based on the academic progress made by those students. The department also supports high expectations for all teachers, in all settings, to demonstrate effective professional practice. The draft rules require that professional practice be measured using observations and at least one of the following measures: (a) student perception measures (e.g. surveys), where appropriate and feasible, (b) peer feedback, (c) feedback from parents or guardians; or (d) review of Teacher lesson plans or student work samples.
3	We have a concern about teachers who work with a finite number of students (ELL) or have limited contact time (i.e. Music, Art, P.E., Computer, Library, etc.) being measured by “collectively-attributed Student Academic Growth” scores (Annotated Draft SB 191 Rules, 5.01 section (F) (7) (b)).	The department recommends keeping the requirement that all teachers be evaluated based on both professional practice and student academic growth, and that a part of how student academic growth is measured includes a measure that is collectively-attributed among multiple teachers. The intent of this requirement is to ensure that teachers have incentives to work collaboratively with other teachers to set team learning goals for meeting the needs of their students.

4	<p>Teacher and Principal Quality Standards are not written in measurable terms. As you develop new state standards on educator effectiveness, I urge you to consider measurable ways to do so based on scientific research.</p>	<p>The department finds that the Quality Standards recommended by the State Council for Educator Effectiveness strike an appropriate balance in allowing for both consistency and flexibility. While some standards seem less measurable than others, sections 2.03 (C) and 3.03 (C) of the rules require districts and BOCES to measure each principal's and teacher's performance against the Quality Standards using rubrics and tools that have been identified or approved by the Department. During the pilot period, the department will develop model rubrics and tools that will assist evaluators in measuring the quality standards.</p>
5	<p>The changes from the May 16 to the June 8 draft of the rules regarding greater specificity surrounding teacher content knowledge represent a significant and commendable upgrade. The improvements to both Quality Standard I (section 3.02(A) of the rules) – with correction of the typo “rand” and Quality Standard III, Element c (section 3.02(C)(3) of the rules) are appreciated.</p>	
6	<p>A concern remains around the level of sanction during the pilot period. Implemented by SB 191, Colorado Revised Statutes 22-9-105.5(10)(a)(IV)(B) & (V)(B) state that beginning in 2013-14 “demonstrated effectiveness or ineffectiveness shall begin to be considered in the acquisition of probationary or nonprobationary status.” However, Rule 6.03(D) in the latest draft notes that “During the Pilot Period, assignment to Performance Evaluation Ratings using the Statewide Scoring Framework shall not contribute to the loss or gain of nonprobationary status for teachers.” It is my understanding that 2013-14 represents the third phase of the Pilot Period. Clarification to Rule 6.03(D) appears necessary to bring the rules into harmony with statute.</p>	<p>The Department recommends the following amendment be made to section 6.03 (D) of the rules:</p> <p>“During the Pilot Period, IN THE 2011-12 AND 2012-13 ACADEMIC SCHOOL YEARS, assignment to Performance Evaluation Ratings using the Statewide Scoring Framework shall not contribute to the loss or gain of nonprobationary status for Teachers. DURING THE PILOT PERIOD, IN THE 2011-12, 2012-13, AND 2013-14 ACADEMIC SCHOOL YEARS, ASSIGNMENT TO THE PERFORMANCE EVALUATION RATINGS USING THE STATEWIDE SCORING FRAMEWORK SHALL NOT CONTRIBUTE TO THE LOSS OF NONPROBATIONARY STATUS FOR TEACHERS. A Teacher whose performance is or is likely to be deemed “ineffective” using the pilot scoring framework shall also receive a summative evaluation using an existing personnel evaluation framework in place in the participating.”</p>
7	<p>Regarding the development of a CDE Resource Bank “that identifies assessments, processes, tools, and policies that a school district or board of cooperative services may use to</p>	<p>The Department does anticipate that it will include tools and policies to assist districts and BOCES in incorporating strategic compensation or performance pay into their evaluation systems.</p>

	develop an evaluation system” in line with the requirements of SB 191 (C.R.S. 22-9-105.5(11)), I would hope that it will include tools developed by districts such as Harrison 2, Eagle County & Douglas County to incorporate strategic compensation or performance pay into their upgraded evaluation systems.	
8	SB 191 does not authorize the State Board to require districts to use a single, model evaluation system or submit an application to develop their own system. Therefore, we reject in its entirety proposed rule 6.01(B) (p. 26), which reflects neither the letter nor the spirit of the evaluation statute. Moreover, this rule will almost certainly stifle innovation with the oppressive hand of over-regulation.	Section 22-9-104 (d), C.R.S., requires the state board to “review school district and [BOCES] processes and procedures for licensed personnel performance evaluation systems to assure that such systems are professionally sound; will result in a fair, adequate, and credible evaluation; and will satisfy quality standards in a manner that is appropriate to the size, demographics and location of the school district or [BOCES], and that is consistent with the purposes of [article 22].” Regardless of whether the state model system is the default, out of which districts must opt out, or is something that districts choose to opt into, all local evaluation systems must meet the requirements outlined in statute and regulation and the state board (and department) will need to gather information about systems that are different from the model system in order to fulfill its monitoring obligation. Based on the understanding that a majority of districts would prefer to adopt the model system, an “opt-out” method will minimize the administrative burden for districts and the state.
9	We reject the following rules requiring districts to comply with “technical guidelines” developed by CDE outside of the transparent and public process specifically contemplated by SB 191: Rules 1.07(p. 2), 2.03(C) (p.7), 3.03(C)(p.11), 5.01(F)(2)(b)(p.14), 5.01(F)(3)(p.15), 5.01(F)(6)(p.18), 5.01(F)(8)(p.19-20). This requirement adds an additional layer of regulation and grants CDE unfettered authority far beyond that contemplated by the Legislature.	The Department recommends amending the rules to remove references to technical guidelines and to include language that ensures districts use measures that the Department has confirmed meet minimum standards of credibility, validity and reliability.