

**Written Comments Submitted to the
State Board Office
June 8 – July 26, 2011
(SB 191 Rulemaking)**

Jennifer Reilly

2806.5 Bookcliff Avenue
Grand Junction, CO 81501

(970)623-6369
jenn0616@hotmail.com

State Council on Educator Effectiveness Members & Colorado State Board of Education Members:

I am writing to you as a parent, a teacher, and a student of human behavior. I have had an excellent opportunity this past year to take coursework in applied behavior analysis. This study of behavior has allowed me to really analyze the school system for which I work and for which I entrust the education of my children and to reflect on all of my educational experiences.

My main concern with the Draft Rules of S.B. 191 is that the 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.

Academic success and teacher effectiveness are behaviors that we can analyze to determine a systematic way to meet desired goals. I have created and attached a sample form, *Staff Fidelity with Best Practice Instructional Techniques and Behavior Management Strategies*, which looks closely at some research-based best practices that most researchers, administrators, teachers, and parents would agree are priorities. A beneficial component of this type of assessment is that it provides precise measurements. I will also attach an evaluation form from our school district to this email for comparison. Teachers and administrators are currently provided with a 56-page book that includes rubrics as a guide to completing the assessment form. While rubrics are beneficial, they do not provide a precise measurement.

I created the attached example form to provide ideas on a different way to assess teacher performance. I created it rather quickly and it may not be inclusive. It does take into effect three major predictors of achievement: on-task time, level of success, and content coverage as well as important behavior strategies. I follow the form with a *Solution Flow Chart* to guide teachers and administrators on how to correct problem areas (again, not all-inclusive at this point in time). Because the form is so simple and straightforward teachers could conduct video self-assessments and adjust their teaching before an administrator does his/her evaluation.

While I do lead a full and productive life, this issue is of utmost importance to me and I would be willing to volunteer a couple of hours a week to support your efforts. Please let me know if you want assistance finding research articles on the topic, collecting data on current evaluation systems and their effectiveness, conducting your own research (or just baseline data for now), or any other way I can support your efforts in making sure we know what effective teacher behavior looks like and ways to help all teachers who want to be effective to actually be effective.

Sincerely,

Jennifer Reilly

cc: Colorado Education Association

Directions for Data Collection on Staff Fidelity with Best Practice Instructional Techniques and Behavior Management Strategies

Observation Information

Complete the box at the top of the page. Keep track of not only the duration of your observation, but also what portion of that observation time the students are actively engaged in learning.

Explicit Instruction

Has it been made clear to the students what the learning objective for the lesson is?

Does this learning objective align with state standards? You can look this up either during or after your observation.

Praise : Reprimand Ratio

Take a count both for the class as a whole and for 2 randomly picked students (try picking students on opposite sides of the room).

Student Success

Pick 3 random students to follow (2 can be students you are using for praise : reprimand ratio).

Teacher Goal

The *Solutions Flow Chart* is available to help you select a goal.

Staff Fidelity with Best Practice Instructional Techniques and Behavior Management Strategies

Name of Staff/ Position:		Observer/Position:	
Grade:		Observation #:	Date:
Duration:		Engaged Times:	<i>Total:</i>

Explicit Instruction

Is the learning target clear?	Yes	No*	Which?
Does learning target correlate with a state standard?	Yes	No*	

Praise : Reprimand Ratio

Goal: 5 : 1.

Class Count	Praise:	Reprimand:	<i>Ratio:</i>
Student 1	Praise:	Reprimand:	<i>Ratio:</i>
Student 2	Praise:	Reprimand:	<i>Ratio:</i>

Does praise match student effort in intensity? Yes No*

Are there any students uninterested in or avoiding praise? Yes* No

Student Success

	Demonstrated understanding during lesson. Goal: 80% for each student.	Demonstrated understanding during independent work. Goal: 90% for each student.
Student 1	How?: Correct: Incorrect: <i>Percent:</i>	How?: Correct: Incorrect: <i>Percent:</i>
Student 2	How?: Correct: Incorrect: <i>Percent:</i>	How?: Correct: Incorrect: <i>Percent:</i>
Student 3	How?: Correct: Incorrect: <i>Percent:</i>	How?: Correct: Incorrect: <i>Percent:</i>

Does teacher call on volunteers exclusively? Yes* No

Student Behavior

Are any students exhibiting behavior that is interfering with their or other students' learning? Yes* No

Comments _____

Teacher Goal _____

**see Solution Flow Chart*

Staff Fidelity with Best Practice Instructional Techniques and Behavior Management Strategies

Name of Staff/ Position:	Example	Observer/Position:	Ms. Honey, Principal	
Grade:	3	Observation #:	1	Date: 9/6
Duration:	9:30 – 10:00	Engaged Times:	9:32 – 9:48, 9:50 – 10:00 <i>Total: 26 minutes</i>	

Explicit Instruction

Is the learning target clear?	<input checked="" type="radio"/> Yes	No*	Which?
Does learning target correlate with a state standard?	<input checked="" type="radio"/> Yes	No*	Math 2a

Praise : Reprimand Ratio

Goal: 5 : 1.

Class Count	Praise: <i>////////////////////</i> <input checked="" type="radio"/> 18	Reprimand: <i>///</i> <input checked="" type="radio"/> 3	Ratio: 6:1
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Student 1	Praise: <i>///</i>	Reprimand:	Ratio: 3:0
Student 2	Praise: <i>////</i>	Reprimand: <i>/</i>	Ratio: 4:1

Does praise match student effort in intensity? Yes No*

Are there any students uninterested in or avoiding praise? Yes* No

Student Success

	Demonstrated understanding during lesson. Goal: 80% for each student.	Demonstrated understanding during independent work. Goal: 90% for each student.
Student 1	How?: fraction manipulatives Correct: 3 Incorrect: 1 <i>Percent: 75%</i>	How?: Worksheet Correct: 8 Incorrect: 2 <i>Percent: 80%</i>
Student 2	How?: fraction manipulatives Correct: 4 Incorrect: 0 <i>Percent: 100%</i>	How?: Worksheet Correct: 10 Incorrect: 0 <i>Percent: 100%</i>
Student 3	How?: fraction manipulatives Correct: 4 Incorrect: 0 <i>Percent: 100%</i>	How?: Worksheet Correct: 10 Incorrect: 0 <i>Percent: 100%</i>

Does teacher call on volunteers exclusively? Yes* No

Student Behavior

Are any students exhibiting behavior that is interfering with their or other students' learning? Yes* No

Comments Nice start to the year, your enthusiasm is contagious.

Teacher Goal Have a small group practice/prompting session for students at lower rates of accuracy while other students start independent work.

**see Solution Flow Chart*

Solution Flow Chart

What to do if:

Low Student Engaged Time

- More preparation may be needed to start lessons quicker. Make sure all materials are ready in advance.
- Room arrangement may need adjusted to minimize distractions and ease transitions.
- Ensure that classroom rules are clear, have been taught, and are enforced.
- Begin lessons by gaining student attention and interest.

Learning Targets are Unclear or Don't Align with State Standards

- Ensure that students know their instructional goal.
- Spend time aligning state standards to curriculum and lesson plans.

Praise : Reprimand Ratio Below 5:1

- Focus on what students are doing correctly, acknowledge effort. Lower ratios risk negative teacher interactions becoming means for gaining attention.

Praise Intensity Does Not Match Student Effort

- Adjust praise to match student effort. Too great of praise for little effort could result in diminished student efforts and minimal praise for great effort may not be reinforcing enough for students to continue putting forth that level of energy.

Students Not Reinforced by Praise

- Praise is reinforcing for most students. Students not reinforced by praise need another reinforcer for the effort they put forth in class. Try pairing other reinforcing items with praise so praise may become a conditioned reinforcer. Consider a token system.

Demonstrated Knowledge During Instruction Below 80%

- Do a quick task analysis of skill. Check to see that students have the prerequisite skills for task.
- Provide more opportunities for prompted practice such as unison responses. Consider a signal for everyone to respond together either vocally, written, using prompts, using cards, hand signals, touching right answer, etc.

Demonstrated Understanding During Independent Work Below 90%

- Provide more opportunities for prompted practice during Instruction (see above).
- Determine where skill deficit is and re-teach independently or in small group.
- Modify work. Lower rates of success decrease student motivation.

Teacher Only Calls on Volunteers

- This provides an inaccurate view of student understanding. Volunteers are likely to know the answer, but what about the other students. All students should demonstrate a high level of understanding. Volunteers are appropriate for sharing personal examples and questions beyond achievement goal. Consider selecting students by pulling names from a cup and increasing opportunities for unison responses.

Student Behavior is Interfering with Learning

- What is student behavior telling us? The function is likely either to obtain something or to escape/avoid something. Students are showing us what they need. Ask yourself the following questions:
 - Is the student getting enough positive reinforcement (acknowledgement, praise)?
If no, what is frequency of behavior, increase praise to that frequency or greater (can work on gradually decreasing later).
 - Does the student have the prerequisite skills to complete the task?
If no, analyze task to determine what student needs more instructional support in.
 - Does the student need to be taught a replacement behavior?
Can the student be taught an adaptive behavior to replace a maladaptive behavior?

Mesa County Valley School District 51
Track I - Probationary Status Teacher Evaluation
End of Year Summative

Teacher Name: **First/Last** School: **School** Probationary: P1 P2 P3

Assignment: **Assignment** Date: **Click here to enter a date.**

Area(s) of strengths:
Click here to enter text.

Area(s) of recommended focus: (components with an asterisk will be evaluated again next year) Any concerns must be verified and documented through the evaluator's direct observation of the teacher in professional setting.
Click here to enter text.

Other Comments:
Click here to enter text.

Data used for this evaluation:

Classroom Observations

Date _____ Minutes _____

Click here to enter text.

Click here to enter text.

Click here to enter text.

Click here to enter text.

Other Professional Settings

Date _____

Click here to enter text.

Click here to enter text.

Click here to enter text.

Click here to enter text.

Conference(s) with Teachers

Date _____

Click here to enter text.

Click here to enter text.

Click here to enter text.

Click here to enter text.

Other Data Sources

Date _____

Click here to enter text.

Click here to enter text.

Click here to enter text.

Click here to enter text.

Other

Click here to enter text.

ADMINISTRATOR'S INITIAL IF RECOMMENDATION FOR NON-RENEWAL ____
TEACHER'S INITIAL IF RECOMMENDED FOR NON-RENEWAL ____

Teacher's Signature: _____ Date: _____

(Signature does not necessarily imply agreement with the contents, only that they are recorded with the teacher's full knowledge.)

Evaluator's Signature: _____ Title: _____ Date: _____

Reviewer's Signature: _____ Title: _____ Date: _____

Copies: Teacher, Principal, Executive Director of Instruction, Executive Director of Human Resources

Burdsall, Elizabeth

Subject: FW: comments on draft rules

From: Melanie Donaldson

Sent: Thursday, June 23, 2011 4:29 PM

To: Colorado State Board of Education Relations

Subject: FW: comments on draft rules

Colorado State Board of Education

RE: Annotated Draft SB 191 Rules (June 8, 2011)

We are a group of educators from Southwest Colorado who have gathered to study SB 191.

We would like to submit the following comments/questions on the draft rules:

- 1) We noticed a change from “knowledge” to “mastery”; how would “mastery” be measured for elementary teachers who teach multiple content areas? (Annotated Draft SB 191 Rules p. 8, 3.02 (A))
- 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?
- 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. (5.01 (F) (7) (b))

Thank you for your time and consideration of these matters.

Study Group members:

Loraine Archuleta

Nancy Dickerson Shaw

Melanie Donaldson

Bernadette Espinoza

Caitlin Munroe

Jeri Price

Fred Schroeder

Karlan Sheeran

Burdsall, Elizabeth

Subject: FW: Comment on Rules

From: Ben DeGrow

Sent: Friday, July 08, 2011 1:34 PM

To: Colorado State Board of Education Relations

Subject: Comment on Rules

1. 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 (3.02(A) – with correction of the typo “rand”) and Quality Standard III, Element c (3.02(C)(3)) are appreciated.
2. 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.
3. 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 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.

Thank you for your consideration,

Ben DeGrow

Sr. Education Policy Analyst

Independence Institute

13952 Denver West Parkway, Suite 400

Golden, CO 80401

Ph: 303/279-6536, x113

Fax: 303/279-4176

ben@i2i.org

<http://education.i2i.org>

MEMORANDUM

TO: State Board of Education
FROM: Kenneth DeLay, Executive Director
Jane Urschel, Deputy Executive Director
DATE: July 25, 2011
RE: **Rules to Implement Senate Bill 191**

Much of the debate around Senate Bill 191 has gotten bogged down on questions of control. Can or should CDE control local districts by requiring them to use the state's model or "opt out" of the state's system? Do principles of local control trump any effort by the state to require consistency across districts? CASB contends the answer to both questions is "no."

Thus far, the debate has overlooked one critical point: SB 191 substantially amends a long-existing statute on teacher and principal evaluations, while leaving significant portions of that law intact. Fortunately, that statute answers many of the questions currently at issue. When read in its entirety, the legislative directive is clear: state and local districts must work together to design and implement fair, transparent and rigorous evaluation systems. Accordingly, the State Board is charged with promulgating rules that reflect the law and the intent embedded in the Licensed Personnel Evaluation Statute, as amended by SB 191. Therefore, properly framed, the debate is about defining the respective roles of the state and local districts in the partnership established by the Legislature.

With this in mind, we consider the permissible scope of the State Board's rules. We start with a point often overlooked: all parties to this debate agree on several important issues. First, all parties agree the integrated Licensed Personnel Evaluation statute requires every district to adopt the State Board's definition of educator effectiveness and the quality standards used to measure effectiveness. This requirement alone guarantees a consistency and comparability between and among districts that has never previously existed with respect to evaluations

In addition, all parties agree that CDE will play an important role in the design and implementation of local district evaluation systems. CDE will develop and maintain an on-line resource bank that includes several model evaluation systems appropriate for use by districts with varying demographics. This resource bank must also include assessments, in addition to the CSAP, that districts may use to measure effectiveness. CDE will also provide training and professional development to guide districts through their important work.

Finally, all parties recognize that the state is required to develop “guidelines” for use by districts during the design and implementation of their local evaluation systems. Though the statute is clear: districts “may” adopt the state’s guidelines, some parties argue the state should be highly prescriptive with regard to the details of local districts’ plans.

One argument in support of this view is that the history of school district evaluation proves that districts will not develop the rigorous and robust systems contemplated by SB 191. The short answer to this contention is that the Legislature does not share this view. Furthermore, this view ignores the impact of SB 191’s fundamental changes to the evaluation statute. Under the old statute, consequences attached only in the event of unsatisfactory performance and then often only through an expensive dismissal process. SB 191 creates a range of consequences and opportunities that occur well short of an expensive dismissal. Tenure is earned in the first instance, and the right to keep it must be earned again each year of employment. As John Barry, Superintendent of the Aurora School District, testified to the Senate Education Committee, these changes fundamentally alter the way in which evaluators, evaluatees, and school districts will engage in the evaluation process.

Indeed, the stated purpose of SB 191 is to create a framework and an environment in which educator effectiveness is prized and the evaluation becomes a meaningful tool for each individual educator to become more effective. Rather than assuming ineptitude or inertia at the local level, the State Board must allow school boards and educators to react to this new framework in the way expected and anticipated by the Legislature.

In short, the Legislature envisioned the state not as an overlord, but as a cooperative partner. The role for local districts is to develop evaluation systems that are consistent with state rules and that fit unique local circumstances. In the statute, the Legislature clearly mandates the local flexibility required to fulfill this role:

The state board shall promulgate *guidelines* relating to the planning, development, implementation and assessment of a licensed personnel performance evaluation system that *may be followed* by each school district and [BOCES] throughout the state...*Each school district and [BOCES] shall have the flexibility to develop a system of personnel performance evaluation that is specifically designed to meet the individual needs of that school district and BOCES.* C.R.S. § 22-9-104(1). (emphasis added)

It is important to note that local school boards will not act alone when developing new evaluation systems. The Legislature retained the statute’s long-standing requirement for local “1338 Councils,” groups of teachers, administrators, principals, and community members that advise local boards on the development and implementation of their new

systems. C.R.S. § 22-9-107. Through this process, local educators take responsibility for the design and implementation of the evaluation system to which they will be subject. Such meaningful engagement of local educators is critical to accomplishing the systemic change required by SB 191. (See, e.g., Eaker, R., Keating, J. (2008) *A Shift in School Culture: Collective Commitments Focus on Change that Benefits Student Learning*. Ohio: National Staff Development Council).

CASB is currently reviewing the draft rules to determine whether they reflect the state-local partnership required by law and we will submit our formal comments in the coming weeks. However, after our initial review of the rules we are clear on two points. First, 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.

Second, 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.

In conclusion, CASB rejects any effort to make this debate about who’s in control. In fact, as we demonstrate above, in some instances the state is in control, and in others the local districts are in control. More constructively, the conversation should be structured around defining those matters that properly fall within the role of the state and those matters that properly fall within the role of the local district. We look forward to the ongoing discussion about how best to accomplish the Legislature’s intent reflected in the newly revised Licensed Personnel Evaluation Statute and to achieve important change for the benefit of Colorado’s school children.