

**Written Comments Submitted to the
State Board Office**

October 5, 2011

(SB 191 Rulemaking)

Burdsall, Elizabeth

Subject: FW: Comment on Rules

October 5, 2011

Office of the Colorado State Board of Education
201 East Colfax Avenue
Denver, CO 80203

On behalf of the members of the Northern Colorado Superintendents' Council, please accept our sincere appreciation for this opportunity to provide the department with feedback on the August revisions of the Annotated Draft SB 191 Rules.

Superintendents from our region believe the latest draft demonstrates CDE's willingness to listen to the field and desire to look for opportunities to make this law effective. Many of us have supported this bill from the onset and believe it can improve student achievement in our schools. In an effort to stay involved in the process, we offer the following comments for your consideration.

- ☞ **Model, not mandate.** Northern Colorado Superintendents support changes to 6.01(B) creating the option that, "Each School District and BOCES may adopt the State Model System or develop its own distinctive personnel evaluation system that satisfies the requirements in section 5.01 of these rules." Many superintendents in our region envision using the state system and appreciate the support this would provide in districts that lack the extra administrative personnel to continuously develop new procedures and tools. However, superintendents in our region also value innovation and appreciate the opportunity to go above and beyond to address local needs and district missions.
- ☞ **Support.** Superintendents understand the balance between providing good supports for teachers to create building-wide expectations and avoid turnover with the reality of allocating scarce resources to probationary teachers who are not demonstrating the minimum qualities expected of teachers in the district. Throughout section 3.03(D) there are numerous references to providing support. The rules should clarify the differences in the district's obligation to provide support for probationary and non-probationary teachers rather than lumping them together. As with every profession, there are some bad hires. The effective teachers in the district do not deserve having limited resources tied up with trying to "fix" probationary teachers who are clearly not meeting the standards. Attaching limited resources to fixing probationary teachers could adversely impact effective teachers. Superintendents appreciate the current process for removing probationary teachers without excessive entanglements and do not want to lose ground on the ability to make a change with probationary teachers with the adoption of these rules.
- ☞ **Single Scores.** Section 3.03(A) dictates that the Department shall develop a method for putting the quality standards for professional practices into one score. We believe the language should be changed to, "the Department shall develop a model personal evaluation framework districts may use to aggregate evidence collected..." Additional language should be added that Districts may develop their own methods for aggregating professional practices scores. No district should be forced to retain a teacher who does not demonstrate a commitment to and respect for diversity in the school community and in the world [3.02(B)(3)] or who do not demonstrate high ethical standards [3.02(E)(4)] regardless of how the points average out. The same is true for principals. A district should be able to remove a principal who has poor conflict management and resolution skills [2.02(E)(2)] or who is a poor communicator [2.02(E)(4)] if this is a particular strength needed for the job or a district priority. Districts need the flexibility to weight standards to the expectations of the school and community. Superintendents and their local boards are the best judge for determining which teachers are best for their students, not a formula that can hide deficits in the average.
- ☞ **Evaluation Timing.** While we agree that the rule is fair requiring teachers will receive a written evaluation report two weeks prior to the last class day of the school year [5.01(G)(2)], this poses particular problems when one of the measures must be

results from the Colorado Growth Model [5.01(F)(7)(d)]. Do these rules suggest that teachers will always be evaluated with one-year-old data given the current CSAP/TCAP data release schedule? Again, a distinction between probationary and non-probationary teachers is necessary. Given that multiple measures will have multiple timelines, it is important that each district retains the flexibility to determine which set of data be included in an evaluation and at which time. It is important to districts that we are able to create a workable evaluation timeline that does not result in a rush of final evaluations in the last weeks of school, defeating the purpose of a meaningful evaluation process called for in the rules [5.01(A)].

- ✍ **BOCES Issues.** There are BOCES that operate schools and it certainly makes sense for teachers in BOCES operated schools to fall under these rules. However, the current rules seem to include other professionals such as occupational therapists, speech therapists, and psychologists. We do not believe that was the intent of the legislation and we recognize that at-will employees like these listed, should not be included in the rules. Additional clarification of job types needs to be included in the definition of a teacher.

- ✍ **Unfunded Mandate.** We are aware that the rules are designed to reflect the law, and that an evaluation for each teacher, every year is mandatory based on the statute. However, we would like our State Board of Education to publicly recognize that there are resource issues in our state, and that while we fully support the intent of the law, it requires additional resources, including additional time for all involved in the process of the evaluations. Resources are required to realize the improvements in evaluations expected by this law.

- ✍ **Concerns Not Included In These Rules.** There are multiple concerns that have not been addressed in the current set of draft rules. What is the definition of a hiring cycle? We believe that a district should be able to determine the hiring cycles that work best with the needs of each individual district. What is the appeals process? We believe that any appeal should be conducted in accordance with local Board Policy and should not involve any outside entities. This law is intended to have greater accountability focused on student achievement, not a more complicated bureaucracy that makes removing ineffective educators more complicated than what we have today. What options do districts and individuals have to accept or waive current educators' ratings when changing districts (portability)? We suggest that language be adopted which gives districts the greatest amount of flexibility in utilizing portability in hiring practices.

The Northern Colorado Superintendent's Council appreciates the work of the Effectiveness Council and CDE Staff who have been charged with taking on this important project. We thank the State Board of Education for making time available for comment and encouraging people to weigh in on the draft rules. There is no doubt that this legislation has the potential to shift accountability in public education in ways we have never seen before. While there are still many uncertainties, and some disagreements about details within the rules, we support the direction of SB191 and look forward to the benefits to students across the state.

Respectfully Submitted,

Northern Colorado Superintendents' Council

Kendra Anderson, Lone Star
Ron Cabrera, Thompson
Rose Cronk, Woodland
Marty Foster, Weld Re-5
Joe Kimmel, Prairie
Glenn McClain, Weld RE-7
Bryce Monasmith, Akron
Mark Payler, Ft. Lupton
Bret Robinson, Pawnee
Betty Summers, Sterling
Greg Wagers, Ft. Morgan

Jo Barbie, Weld Re-1
Linda Chapman, Estes Park
Ben Dutton, Plateau
Darcy Garretson, Haxtun
Ranelle Lang, Greeley
Bret Miles, Holyoke Re-1J
Rick Mondt, Briggsdale
Bob Petterson, Weldon Valley
Rob Sanders, Merino
Susie Townsend, Weld RE-3j
Mike Warren, Otis

Marty Bassett, Wray
Jim Copeland, Fleming
Shawn Ehnes, Julesburg
Sharon Green, Platte Valley
Dale McCall, CBA
Randy Miller, Eaton
Steve Neel, Wiggins
Rob Ring, Ault
Tim Sanger, NEBOCES
Karen Trusler, Windsor RE-
Randy Zila, CBOCES

Oct. 5, 2011

Dear Members of the State Board of Education:

As a member of the Colorado House Education Committee I wish to offer a preliminary response to the draft rules issued by the Colorado Department of Education (CDE) on August 24, 2011, and currently being considered by the State Board of Education ("State Board").

As required by SB10-191, the State Council on Educator Effectiveness represented a wide variety of stakeholder groups, including teachers; school and district administrators; school board members; parents/guardians; students; and members of the business community. While we all may not have supported the legislation, I support the recommendations of the SCEE—having common statewide requirements, as a necessary floor to ensure a level of quality and fairness for all educators and students statewide. The Council's recommendations reflect a consensus of all members of the Council regarding the best way to ensure the development of evaluations at the local level that meet the standard laid out in statute passed by the General Assembly: fair, transparent, timely, rigorous and valid.

The SCEE as a whole met for over 25 full-day meetings during which time the members engaged in deep and deliberate conversations about the complex issues involved in designing and implementing a fair, rigorous, valid evaluation system for educators. Individual members of the SCEE as well as Council staff attended and participated in over a dozen regional and national conferences dedicated to the topic of educator evaluation and measuring student growth. All Council members were provided with other information, including readings and summaries of CDE staff visits to half a dozen districts in Colorado that are already doing work around educator evaluation. Council members also had the benefit of consultation and conversation with national and state experts on the issues entailed in creating and implementing evaluations for teachers and principals that will allow high-stakes decisions around employment and status to be made in the fairest manner possible.

This inclusive, thoughtful, professional approach is exactly what we hoped for with the passage of Senate Bill 10-191. I look forward to seeing the rules you promulgate when the General Assembly convenes in January. I hope they will respect the recommendations of the SCEE, which are thoroughly rooted in research and expertise and represent the best approach to putting Colorado at the forefront in establishing a highly effective statewide evaluation system.

Respectfully,

State Rep. Judy Solano

Rep. Judy Solano
Rep. Melie Hamner

STATE REP. TOM MASSEY
HOUSE EDUCATION CHAIR

Tom Massey

*State Representative Sue Schafer
House District 24
Jefferson County
200 East Colfax Avenue
Denver, CO 80203
303-866-5522*

Oct. 3, 2011

Dear Members of the State Board of Education,

As a member of the Colorado House Education Committee I wish to offer a preliminary response to the draft rules issued by the Colorado Department of Education (CDE) on August 24, 2011, and currently being considered by the State Board of Education.

As required by SB10-191, the State Council on Educator Effectiveness (SCEE) represented a wide variety of stakeholder groups, including teachers; school and district administrators; school board members; parents/guardians; students; and members of the business community. While some legislators may not have supported the legislation, we do all support the recommendations of the SCEE—having common statewide requirements, as a necessary floor to ensure a level of quality and fairness for all educators and students statewide. The Council's recommendations reflect a consensus of all members of the Council regarding the best way to ensure the development of evaluations at the local level that meet the standard laid out in statute passed by the General Assembly: fair, transparent, timely, rigorous and valid.

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This inclusive, thoughtful, professional approach is exactly what we hoped for with the passage of Senate Bill 10-191. I look forward to seeing the rules you promulgate when the General Assembly convenes in January. I hope the rules will respect the recommendations of the SCEE. Thank you for your consideration of this most important matter.

Sincerely yours

Sue Schafer
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303-866-5522

*Representative Cherylin Peniston
House District 35
Adams County
200 East Colfax Avenue
Denver, CO 80203
303-866-2843*

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Sincerely yours,

Cherylin Peniston
State Representative
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ASSISTANT MINORITY LEADER

RANKING MEMBER:
State, Veterans, & Military
Affairs Committee
Member:
Education Committee
Legislative Council Committee

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Dear Members of the State Board of Education,

As a member of the Colorado House Education committee for the past seven years, I would like to offer a preliminary response to the draft rules issued by the Colorado Department of Education (CDE) on August 24, 2011, and currently being taken under consideration by the State Board of Education.

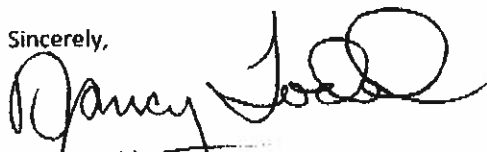
As required by SB10-191, the State Council on Educator Effectiveness (SCEE) represented a wide variety of stakeholder groups, including teachers; school and district administrators; school board members; parents/guardians; students; and members of the business community. While some legislators may not have supported the legislation, we do all support the recommendations of the SCEE – having common statewide requirements, as a necessary floor to ensure a level of quality and fairness for all educators and students statewide. The Council's recommendations reflect a consensus of all members of the Council regarding the best way to ensure the development of evaluations at the local level that meet the standard laid out in statute passed by the General Assembly: fair, transparent, timely, rigorous, and valid.

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This inclusive, thoughtful, professional approach is exactly what we hoped for with the passage of Senate Bill 10-191. I look forward to seeing the rules you promulgate when the General Assembly convenes in January. I hope the rules will respect the recommendations of the SCEE and the incredible dedication of their time and efforts.

Thank you for taking into consideration my opinion and view for implementation of this legislation.

Sincerely,



Nancy Todd

State Representative, House District 41

BOB BACON

State Senator

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Committees
 Senate Education
 Chair
 Capital Development
 Chair
 State Affairs Appropriations
 Member

Senate Chamber
 State of Colorado
 Denver

Dear Members of the State Board of Education:

As Chair of the Colorado Senate Education Committee I wish to offer a preliminary response to the draft rules issued by the Colorado Department of Education (CDE) on August 24, 2011, and currently being considered by the State Board of Education ("State Board").

As required by SB10-191, the State Council on Educator Effectiveness represented a wide variety of stakeholder groups, including teachers; school and district administrators; school board members; parents/guardians; students; and members of the business community. I support the recommendations of the SCEE for having common statewide requirements, as a necessary floor to ensure a level of quality and fairness for all educators and students statewide. The Council's recommendations reflect a consensus of all members of the Council regarding the best way to ensure the development of evaluations at the local level that meet the standard laid out in statute passed by the General Assembly: fair, transparent, timely, rigorous and valid.


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Sincerely,


 Bob Bacon




 Senator Evie Hudak
 Vice Chair, Senate Education Committee



October 6, 2011

Dear State Board Members,

My comments today are based on the Annotated Draft SB 191 Rules including the September revision.

First, I want to express gratitude to the Department and Board for the changes that were made in the August and subsequent September revisions. Many of the changes continue to move toward allowing districts to develop evaluation systems that enact the statutory language of SB191 without requiring that districts adopt a statewide system. The direction the rules appear to be moving is to encourage districts to link their work to expectations in the rules, which may further be clarified as a result of the pilots, rather than by requiring districts to opt out of a state system of principal and licensed educator evaluation. This supports the intent of local control to the extent that it is practicable in a heavily regulated federal and state environment.

In the September revision, new rules were added to clarify the extent to which teachers need to demonstrate knowledge in literacy and mathematics 3.02(A)2 Elements b and c (pages 10-12). While defining the extent to which teachers should be able to demonstrate knowledge of literacy and mathematics provides a high level of specificity, I wonder if this is knowledge that an evaluator will be able to ascertain through direct observation. As I reviewed the language I believe that it may require an outside assessment for an evaluator to be able to determine whether a teacher exhibits this knowledge. With this concern I encourage the department and the State Board to consider placing these expectations in licensure rather than in evaluation. I understand that the Common Core Standards address many of these expectations and that accomplished and proficient teachers' instruction will display these characteristics. I encourage a reconsideration of the inclusion of this highly specific language.

In previous written comments DASSC superintendents expressed concern over the language used in the performance evaluation ratings for principal and teachers in Rules 2.03 and 3.03 respectively. The preference is for terms that conform to developmental characteristics as opposed to effectiveness. Consequently, it was encouraging to see that the Colorado Model Educator Evaluation System for Principal and Assistant Principals included a rubric with terms: Not Evident, Emerging, Proficient, Accomplished and Exemplary. In the rules that the State board adopts in November, I encourage the change to define evaluation ratings using terms that express characteristics of professional growth.

Finally, the enactment of SB 191, the promulgation of rules, and the implementation of new systems across the state is occurring without any consideration of new resources. Instead, districts are being asked to utilize the levels of resources available in 2008 with further reductions predicted for next fiscal year. In our district we refer to *reciprocal accountability* meaning that when we require accountability

we need to consider the support required to meet the new level of expectation. Due to changes in law and rules, districts are being required to develop new evaluation systems that will require more evaluations are conducted, perhaps as many as twice the number as before. More training must be provided for evaluators to assure high levels of consistency amongst evaluators. Our district is conducting training that requires up to 65 hours of training with skilled facilitators to assure reliability on the use of an instrument designed to provide feedback for teachers. Training and time for evaluation are increased costs districts are being asked to provide. Additionally, a different form of evaluation is being added to the evaluation system: linking performance to results. Assessments need to be developed that will show growth characteristics, when in most instances, performance to standards was considered sufficient for most classroom assessments and non-standardized tests. The State Council for Education Effectiveness Report and Recommendations indicated that Poudre School District will need to expend \$1.8Million to enact the legislation each year and the costs for on-going expenses would likely be similar. In all its deliberations, I ask that State Board to consider the additional costs to districts for developing and implementing evaluation systems as outlined by SB 191.

As the State Board prepares to approve rules for SB191 I ask that you take these comments into consideration and they be entered into the rule making process.

Sincerely,



Jerry Wilson, PhD

Poudre School District Superintendent



October 5, 2011

Board of the Colorado State Board of Education
Office of the Colorado State Board of Education
201 East Colfax Avenue
Denver, Colorado 80203

Dear Colorado State Board of Education:

As members of the business community who testified in support of SB-191 (Johnson/Scanlan), we have been actively monitoring the progress of the implementation of this law and rule promulgation for the new educator evaluation system. We provided written feedback to you this spring when the State Council for Educator Effectiveness first submitted its recommendations to you. As this is our final chance to provide input on the rules before you vote in November, we are now submitting our comments on the rules as proposed.

We know the rules have gone through several iterations, and we appreciate the hard work of the Department in responding to the concerns of a variety of stakeholders. We testified for SB 191 and have consistently engaged in its implementation because we believe that the teachers and principals of Colorado deserve an evaluation system that will be rigorous and fair and will improve student outcomes. The system must be strong and set a high bar for those districts that wish to meet or exceed it with their own systems.

We are in support of many of the rules as currently drafted. In the spring, we advocated for strengthening of the teacher and principal standards to include specific, measurable language. We are pleased to see the changes to the standards in the current draft of rules. However, we are concerned that not all districts will follow these standards, as they are allowed to use standards that are "substantially similar." For this system to be successful, districts must be required to meet a high bar set by the state and be given the opportunity to reach higher than that bar based on local demographics.

We also supported a strong accountability system that involved compliance monitoring of school districts and Boards of Cooperative Educational Services (BOCES) in our previous comments to the Board. The current rules indicate that this accountability will come in the form of assurances that districts are either using the State Model System or meeting the requirements of the rules. For the latter case, we implore you to create assurances that are rigorous and comprehensive. Districts that wish to implement their own distinctive evaluation systems must prove to the state, and to all stakeholders, that they are meeting the requirements set forth in statute and state rule. In short, districts must meet each individual requirement that is being satisfied with the State Model System.

It is of the highest importance in our community that Colorado's schools graduate students who are prepared for college and the workplace. Our economy depends on the productiveness of our citizens. We encourage you, in this final stage of rulemaking, to strengthen what you have by requiring statewide teacher and principal definitions and standards and by implementing a rigorous accountability structure for districts that chose to create their own systems. As always, we stand ready to support you.

Sincerely,

A handwritten signature in black ink that reads 'Kelly J. Brough'.

Kelly J. Brough
President and CEO
Denver Metro Chamber
of Commerce

A handwritten signature in black ink that reads 'Dan Ritchie'.

Dan Ritchie
Chairman and CEO
Denver Center for
the Performing Arts and Science

A handwritten signature in black ink that reads 'George Sparks'.

George Sparks
President and CEO
Denver Museum of Nature