

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

October 6 – November 1, 2011

(SB 191 Rulemaking)

October 10, 2011

Dear Colorado State Board of Education,

My name is David Clayton. I had intended to give oral testimony at the Board meeting last Wednesday, but due to a prior commitment I had to leave the meeting early. This letter is a summary of my prepared remarks which I would like to include in the record of public comments.

I am a parent and small business owner here in Denver who has been active in public education over the past few years. I served as the chairman of the collaborative school committee at Montclair Elementary, my daughter's school, and have testified several times for policies including securing the innovation status for Montclair, DPS's implementation of mutual consent hiring, and for SB 191.

I spoke out in support of SB 191 because I believe strongly in the power of effective teaching. I became passionate about this issue thirteen years ago, when I became a mentor to a fifth grader, through the Denver Kids program. To protect his privacy I will call him Sam. He came from a very difficult background, but Sam constantly strove to succeed in spite of it all. I knew that the way out of that life was for him to get a good education any way he could.

I was his mentor all the way through his high school years, and we are still in touch to this day. Over the years, I attended his parent teacher conferences and sat through many of his classes. Unfortunately, Sam attended some of Denver's less successful schools. Some of his teachers were extraordinary. Those educators lifted the kids up to real, engaged learning. Some of his teachers needed help and training to grow. Others were terribly ineffective. I found it painful to watch him and his peers struggle to learn under the latter. Each year they seemed to fall further behind. I cannot tell you how strongly I feel about the injustice done -- especially to our disadvantaged kids.

When I testified for the educator effectiveness bill a year and a half ago, I envisioned a rigorous, statewide system that would show differentiation in the evaluations of educators, a system wherein we could compare the effectiveness of teachers *and* principals across the state, a system where we could make sure that all kids—kids like my daughter, kids like Sam—have access to high quality instruction.

So how will we ensure quality instruction for all kids if every district is doing its own evaluation system? Consistent statewide standards are the key.

As a business person, I usually believe that local control is better than state control and state control is better than federal control. However, there are exceptions. In the area of standards, for example, a business needs predictability. Standards allow me to know one set of rules and to compete on a level playing field. All Colorado school districts need to meet or exceed the basic state standards - which I hope are high.

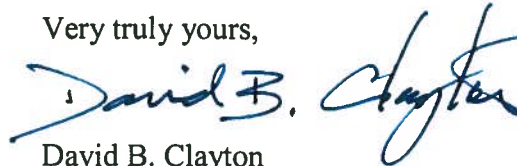
If districts are not required to meet the same high standard, then the door is left open for a hodgepodge of standards that can water down SB 191. That is not the direction we need to pursue. If districts can opt out, it is my common sense that tells me that special interests will have an inordinate amount of influence in diluting the impact of SB 191 at the local level.

I am a parent in Denver Public Schools, and I am proud of the strides my district is making. I support Denver having higher standards than the state, but I do not support Denver opting out to achieve that goal. The state standards should be the base upon which Denver can build.

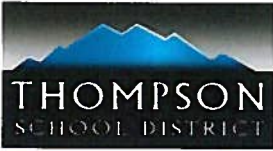
The work you are doing right now is critical for the teachers, principals, and most importantly -- the students of Colorado. I hope that as you deliberate on this issue, each of you will always keep in mind that at the end of the day, it is the students that come first.

I thank you for your kind attention.

Very truly yours,

A handwritten signature in black ink that reads "David B. Clayton". The signature is written in a cursive style with a large, stylized "D" and "C".

David B. Clayton
1900 Grant Street, Suite 650
Denver, Colorado 80203



October 18, 2011

State Board of Education Members
Colorado Department of Education
201 East Colfax
Denver, CO 80203

Dear State Board Members,

First of all, we want to express our appreciation for the groundbreaking work done by the Governor's Council over the last year and for the thoughtfulness and responsiveness of CDE during the rulemaking process. We strongly believe in the importance of high-quality systems of growth, support and evaluation for principals and teachers in all districts throughout the state, and we support both the establishment of minimum state standards and the role of CDE in helping develop and make available quality tools and exemplars. We believe that to be successful, our systems and practices must put the professional growth of our educators at the center. Likewise, we must allow for flexibility, growth and development of those systems and practices over time as we learn more and as our practices produce data and results.

As you consider adopting rules to implement SB-191, Denver Area School Superintendents' Council (DASSC) members, who administer school districts with over 70% of the students in the state, offer the following supportive remarks.

We appreciate the rule changes that were made in August permitting district opportunities to enact evaluation systems that meet SB-191 statutory requirements outlined in C.R.S. Section 3 22-9-104(d):

The state board shall...assure that systems are professionally sound 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 this article.

It is vital for successful implementation that the State Board members adopt rules that:

1. Express minimal state requirements to develop an evaluation model. This will permit districts to enact systems that meet the statutory requirement that reflect the characteristics of the district and allow for innovation in order to exceed the expectations of the state.
2. Permit flexibility to meet or exceed the state's model.
3. Allow districts to construct decision-making logic systems to arrive at the teacher and principal effectiveness rating. To permit districts seeking to work beyond the state model, the state should not impose a mathematical model or formula respecting the relationship between quality standards beyond the expectation that 50% of the teacher and principal evaluation should be based on student achievement results.
4. Provide an open process to consider pilot, Governor's Council and/or promising Colorado district models when considering enacting rule changes contemplated in the current rules in areas like the frameworks, and technical guidelines, such as in Sections 12.03(A), 2.03(B), 3.03 (A), and 3.03 (B).
5. Do not require the use of TELL survey results since these were never intended for evaluation purposes.

6. Change the specificity respecting literacy and mathematics in 3.02(A) 2, elements b and c (pages 10-12) and revert to the corresponding language in the August 28 rules. By defining the extent to which teachers should be able to demonstrate knowledge of literacy and mathematics, the knowledge for an evaluation exceeds what an evaluator would be able to ascertain through direct observation. These expectations belong in teacher licensure and the state's accreditation of teacher programs rather than in evaluation rules.
7. Change the requirement for districts to report on each licensed teacher's and principal's performance on the six quality standards. The statute envisions reporting how many teachers and principals are ineffective, partially effective, effective, and highly effective. Reporting performance on each of the quality standards places an additional expectation and requirement on districts.

As superintendents we appreciate the extraordinary efforts that the department leadership and staff have exerted to allow state wide understanding of this important change. We are grateful for each of the State Board member's willingness to listen and deliberate on these matters to put forward the very best framework to enact the procedures needed for the state to develop the evaluation systems in local districts. As the State Board prepares to approve rules for SB-191, we request that you take these comments into consideration and they be entered into the rule making process.

Sincerely,

John Barry, Superintendent, Aurora Public Schools 28J
Douglass Bissonette, Superintendent, Elizabeth School District C-1
Dr. Rod Blunck, Superintendent, Brighton School District 27J
Tom Boasberg, Superintendent, Denver Public Schools
Dr. Ron Cabrera, Superintendent, Thompson School District R2-J
Dr. Liz Celandia-Fagen, Superintendent, Douglas County School District RE-1
Dr. Sue Chandler, Superintendent, Adams County School District 14
Mary Chesley, Superintendent, Cherry Creek School District 5
Charlotte Cianco, Superintendent, Mapleton School District 1
Michael Clough, Superintendent, Sheridan School District 2
Brian Ewert, Superintendent, Englewood School District 1
Chris Gdowski, Superintendent, Adams 12-Five Star Schools
Tina Goar, Superintendent, Gilpin County RE-1
Dr. Ranelle Lang, Superintendent, Weld County School District 6
Dr. Bruce Messinger, Superintendent, Boulder Valley School District
Dr. Jeff Miller, Superintendent, Clear Creek School District RE-1
Scott Murphy, Superintendent, Littleton Public Schools
Mark Payler, Superintendent, Weld County School District RE-8
Dr. Cindy Stevenson, Superintendent, Jefferson County School District R-1
Dr. Pamela Swanson, Superintendent, Adams County School District 50
Dr. Jim Walpole, Superintendent, Platte Canyon School District 1
Dr. Jerry Wilson, Superintendent, Poudre School District

c: Bruce Caughey, Executive Director, CASE
Dr. Robert Hammond, Commissioner, CDE
Dr. Diana Sirko, Deputy Commissioner, Learning Services and Results, CDE
Dr. Jane Urschel, Deputy Executive Director, CASB



Colorado Special Education Advisory Committee (CSEAC)

Colorado Special Education Advisory Committee
Colorado Department of Education
Exceptional Student Services Unit
1560 Broadway, Suite 1175
Denver, CO 80202
Ph: 303.866.6694
Fax: 303.866.6767
<http://www.cde.state.co.us/cdesped/CSEAC.asp>

October 18, 2011

Debora Scheffel, Ph.D.
Colorado State Board of Education
201 East Colfax Avenue
Denver, CO 80203

Dear Dr. Scheffel:

Thank you for considering the input of the Colorado Special Education Advisory Committee (CSEAC) regarding SB 191.

After the revision to the language on page 3, in 1.19, CSEAC supports the Draft 3 Rules.

When reviewing this bill, we had some concerns we would like to share. First, it is possible that the bill may place too much responsibility on LEA's to make decisions and to develop their own evaluation systems. The State may need to be more direct in this endeavor because of the difficulty and expense that is associated with creating evaluation systems. Although the State will provide examples and guidance, there may be few districts in Colorado that have the expertise on staff to create a valid and reliable evaluation system of this magnitude.

Second, CSEAC can envision a time when the fiscal purse strings are loosened enough to replace the CSAP. A test which is diagnostic and prescriptive that also measures grade level achievement would help teachers and students alike. A test of this nature would help teachers identify what skills and content should be targeted for each child. Grade level equivalencies would also give parents a better idea of how their child is doing.

Last, we would encourage the State Board of Education to develop a teacher evaluation tool designed for Special Education teachers. The CSEAC would value the opportunity to work with the CDE in developing this tool.

Thank you for thoughtful consideration of children with special needs and how their progress and growth will be measured in SB 191.

Best Regards,

Bob Ward, Co-Chair CSEAC
Greg Sullivan, Co-Chair CSEAC

CSEAC Legislative Committee Members: Pat Chamberlain, Nancy Lemmond, Debra Paul, Corey Pierce, Jane Russell-Miller

Cc: Dr. Ed Steinberg
Assistant Commissioner
Colorado Dept. of Education

Burdsall, Elizabeth

Subject: FW: 191 Rules draft, Section 3.03 (D) (2) (b)

From: Mike Johnston [mailto:mike@mikejohnston.org]

Sent: Tuesday, November 01, 2011 11:14 AM

To: Colorado State Board of Education Relations

Subject: 191 Rules draft, Section 3.03 (D) (2) (b)

To the State Board of Education:

I would like to make the Board aware of several concerns I have regarding Section 3.03 (D) (2) (b) of the current rules, the provision that states that “Beginning with evaluations conducted during the 2013-2014 school year, for a teacher in his or her first year of service, a rating of partially effective shall be considered the first of three consecutive years of effective performance needed to earn non-probationary status.”

SB 191 was written with few basic beliefs. The first is that we should set a universally high bar for what good teaching looks like and that we should help give educators clear and consistent feedback on how they compare to that high bar.

The second is that the privileges and protections that come with great teaching should be clearly linked to proven and consistent histories of great performance.

These two beliefs combined to build a system with one common standard for effectiveness, regardless of the teacher’s years of experience. Teachers should be clear on what the standard is, how to aim for it, and should get consistent feedback on whether they are on track to reach it. The current rules suggest that first-year educators may meet one lower bar for effectiveness, while every other educator should meet a different, more rigorous bar for effectiveness. This does not accurately reflect the philosophy behind SB 191. This allows first-year teachers to believe they are on the path to success rather than focusing on giving them helpful feedback on what they can do to eventually meet a rigorous bar.

In addition, allowing partially effective first-year teachers to be deemed effective directly violates the language of the statute, which plainly states that teachers are eligible for tenure after three consecutive years of effective ratings, not after one year of partial effectiveness and two years of effectiveness.

Finally, the ultimate goal of a tenure system should be to select and reward the best teachers for our students. In the drafting of 191, we recognized that it will take some educators longer than others to reach the highest level of effectiveness, which is one reason we rejected the artificial and arbitrary “up or out” requirement mandating that teachers either earn tenure by their third year or face termination. We know that teachers develop at different rates and this system allows flexibility for them to earn job protections on their own timeline without lowering our expectations for kids.

The goal here isn’t to hold first-year teachers to an unfair standard given their experience. Instead, the purpose is to set a rigorous and common understanding for what the highest levels of practice are and to help novice teachers work towards meeting that. Ensuring that everyone must prove three consecutive years of strong performance still allows a partially effective first-year teacher to achieve tenure after four years, while maintaining the high bar Colorado has set for the effectiveness of its educators. In addition, it allows principals the judgment to increase a first-year teacher’s evaluation by increasing their qualitative score, meaning that principals can still nudge a first-year candidate into the effective range even if their growth data isn’t yet satisfactory.

I encourage this Board to consider amending the language of Section 3.03 (D) (2) (b) to match the clear language and intent of the original bill.

Thank you for your time and consideration,
Mike Johnston
State Senator, Senate District 33



November 1, 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 Members of the Colorado State Board of Education,

Colorado Succeeds respectfully requests that the language in section 3.03 (D)(2)(b) of your proposed rules reflect both the spirit and the letter of the law by not allowing ratings of partially effective to count toward non-probationary status for first year teachers.

Our organization supported Senate Bill 10-191 because it set a universally high bar for all teachers, regardless of their level of experience in the classroom, and because it recognized that the protections of tenure should not be based on time, but on performance. Lowering the bar for first year teachers not only violates the statutory requirement to obtain an effective rating for three years as a condition of non-probationary status, it also lowers our standards and expectations for one subset of educators.

Rather than accepting lower performance for beginning teachers, we should build the expectation that tenure protections are earned only upon the consistent demonstration of effectiveness and that, in most cases, this will take beginning teachers more than three years.

Thank you for your thoughtful consideration of this issue.

Sincerely,

C. Tim Taylor
President
Colorado Succeeds

MEMORANDUM

TO: COLORADO STATE BOARD OF EDUCATION

FROM: STAND FOR CHILDREN COLORADO, SENATOR MIKE JOHNSTON, COLORADO EDUCATION ASSOCIATION, DENVER METRO CHAMBER, COLORADO SUCCEEDS, COLORADO CHILDREN'S CAMPAIGN

SUBJECT: DRAFT ASSURANCES, S.B. 10-191

DATE: 11/1/2011

CC: COMMISSIONER ROBERT HAMMOND, DIANA SIRKO, KADY LANOHA

The following groups and individuals submit the attached language as recommendations for the Assurances to be voted upon by the Colorado State Board of Education as part of the rulemaking process for S.B. 10-191. We appreciate your thorough consideration of these recommendations as you prepare the final draft.

Senator Mike Johnston

Stand for Children Colorado

Colorado Education Association

Denver Metro Chamber

Colorado Succeeds

Colorado Children's Campaign

Assurances for SB 191

Draft Outline of Assurances for Local Personnel Evaluation Systems

Beginning in July 2013, CDE will collect an assurance from each school district and BOCES no later than July 1 of each year, indicating that the school district or BOCES is either implementing the state model system or is implementing its own distinctive personnel evaluation system that satisfies the requirements in section 5.01 of the SB 191 rules. These assurances shall be signed by (i) the executive director of the BOCES or superintendent of the School District, and (ii) the chair of the BOCES or local school board. CDE is considering requiring the following assurances and information:

1. Submit information concerning how to access the school district's or BOCES written evaluation system, required by section 22-9-106 (1), C.R.S.
2. **Submit an explanation of how the District's Personnel Evaluation System is aligned with the purposes stated in 5.01(A).**
3. **Submit an explanation of how each Licensed Personnel (defined in section 1.06) in the District is being evaluated according to statewide definitions of Teacher of Record, Contributing Professional, and Principal as defined.**
4. Submit an assurance that the school district or BOCES is using the state's quality standards for principals and teachers, or using locally developed standards that meet or exceed the state quality standards, as required by SB 191 rules, sections 2.02 and 3.02.
 - If using locally developed standards, attach crosswalk of those standards to the state standards. Affirm that the school district or BOCES will report data for each principal and teacher using one of the 4 statewide performance evaluation ratings and according to each state quality standard.
5. Submit an assurance that the school district or BOCES is using the state's framework and decision-making structure for assigning performance evaluation ratings, or using a modified framework and decision-making structure, as required by SB 191 rules, sections 2.03 (A) – (B) and 3.03 (A) – (B).
 - If using locally developed framework and decision-making structure, attach a summary or visual describing that system.
4. Submit an assurance that the school district or BOCES Advisory Personnel Performance Evaluation Council has consulted with the local board or BOCES about the local evaluation system, as required by section 22-9-107, C.R.S. For school districts, submit an assurance that the District Accountability Committee has provided input and recommendations on an advisory basis concerning the development and use of assessment tools used for measuring and evaluating student academic growth, as required by section 22-11-302, C.R.S.

5. Submit an assurance that the school district or BOCES has selected measures of professional practice and student academic growth for principals ~~and teachers~~ that meet the requirements outlined in statute and rule

Professional Practice:

- Submit an explanation of the system used for ensuring that every principal has a Principal Professional Performance Plan
- Submit an explanation of the method used to evaluate principals' performance in each of the District's standards.
- Submit any rubrics used in evaluating principals' performance on the District's *principal quality standards*.
- Submit an explanation of the multiple measures used to evaluate principal performance on the each District's *principal quality standards*.
- Submit an explanation of the method used to crosswalk the District's principal evaluations to the Performance Evaluation Ratings for Principals (ineffective, partially effective, effective, and highly effective). After July 2013, the District must demonstrate that the method used evaluates principals in a manner that is consistent with the Definition of Principal Effectiveness and the definitions of Principal Performance Evaluation Ratings.
- The District must demonstrate that the Measures of Principal Professional Practice account for fifty percent of a Principal's overall Performance Evaluation Rating, and measures of Student Academic Growth account for the other fifty percent of a Principal's overall Performance Evaluation Rating. (Section 5.01)
- Submit a description of the process that the school district or BOCES has selected for validating the evaluation methods used, as required by SB 191 rules, section 5.01 (H).

Student Growth:

- The District must demonstrate that the assessments used to measure Student Academic Growth meet minimum standards of credibility, validity, and reliability. (§5.01(F)(7))
- The District must demonstrate that the approach or model selected makes design choices explicit and transparent and has technical documentation sufficient for an outside observer to judge the technical quality of the approach (ie: a value-added system must provide adequate information about the model).
- The District must demonstrate that the model or approach selected to Measures of Academic Student Growth presents results in a manner that can be understood and used by educators to improve student performance.

6. Submit an assurance that the school district or BOCES has selected measures of professional practice and student academic growth for teachers that meet the requirements outlined in statute and rule.

Professional Practice:

- The District must submit an explanation of the method used to evaluate teachers' performance in each of the District's standards.
- The District must submit any rubrics used in evaluating teachers' performance on the District's *teacher quality standards*.
- The District must use multiple measures to evaluate teacher performance on ~~the~~ each of the District's *teacher quality standards*.
- The District must submit an explanation of the method used to crosswalk the District's teacher evaluations to the Performance Evaluation Ratings for Teachers (ineffective, partially effective, effective, and highly effective).
- The District must demonstrate that the method used evaluates teachers in a manner that is consistent with the Definition of Teacher Effectiveness and the definitions of Teacher Performance Evaluation Ratings defined in section 3.03(D).

Student Growth:

- Demonstrate that the assessments used to measure Student Academic Growth meet minimum standards of credibility, validity, and reliability. (5.01(F)(7))
- Demonstrate that the approach or model selected makes design choices explicit and transparent and has technical documentation sufficient for an outside observer to judge the technical quality of the approach (ie: a value-added system must provide adequate information about the model).
- Demonstrate that the model or approach selected to Measures of Academic Student Growth presents results in a manner that can be understood and used by educators to improve student performance.

7. Submit an assurance that the school district or BOCES will submit data requested by CDE for monitoring of local evaluation systems, as required by SB 191 rules, section 6.04. Affirm that the school district or BOCES will collaborate with CDE if data indicates that the school district is unable to implement a local system that meets the objectives of SB 191, **the local district must use the state model evaluation system until such a time that** CDE conducts a more thorough review of the school district's or BOCES' processes and procedures for its local evaluation system **and the district is able to improve its system to meet or exceed the state's system.**