

**Responses to Written Comments on Draft SB 191 Rules
Received August 25 — September 13, 2011**

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1	<p>Changes have been suggested for amendments to language, such as replacing the word “student” with “child” and “families” in place of “parents.” This language is more inclusive of children who are not yet in school and families of all types. Additionally, the ECLC suggested adding the word “community” along with “district” to encompass early learning settings outside of school district jurisdiction.</p> <p>The ECLC recommends making changes that incorporate measurements of growth and development for preschool-aged children along with the academic and social measures used for older children.</p> <p>Finally, the ECLC is recommending that the use of observational assessment be added to the Standards. When working with very young children observational assessment is critical as is the assessment of developmental growth along with academic learning.</p>	<p>SB 191 and the corresponding rules are applicable only to licensed personnel employed by school districts and BOCES. While the department appreciates what has been recommended and has included several suggested edits in the proposed rules, the department believes that the current version of the rules (dated 9.28.11) adequately incorporate principles of developmentally-appropriate practice. The rules are intended to be flexible enough to permit the use of measures that are appropriate for all students, including the use of observational assessment.</p>
2	<p>We urge State Board to continue its support of the comprehensive statewide evaluation system proposed by the State Council for Educator Effectiveness. Research consistently shows that teacher effectiveness is the single most important school based factor that impacts student learning. However, in several Colorado schools and districts, teacher evaluation has not changed to meet emerging needs to systematically provide data and feedback to improve teacher practice. SB 191 can move our profession forward by outlining the proposed State Framework for Educator Evaluation for Principals (SCEE recommendation #25 – 27) and for teachers (SCEE recommendation #2 – 5). We hope you consider the importance of a statewide evaluation framework that will provide a fair, transparent, timely, rigorous and valid system that best serves the needs of educators, students,</p>	<p>The department believes that the current version of the draft rules (dated 9.28.11) will allow for both local flexibility and statewide consistency and comparability. All districts will conduct evaluations using the same definitions of effectiveness for principals and teachers, using consistent quality standards for evaluating effectiveness, using a combination of statewide and locally selected measures that meet requirements outlined in statute and rule, and using consistent ratings for communicating about the outcomes on evaluations. Data reported to CDE by districts will allow for comparison of data across districts and will allow the department to monitor and support implementation of local evaluation systems. In addition, the pilot period will allow</p>

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	and parents alike.	CDE, districts and local communities to learn about the use of various measures, policies, and practices, and the state board will revisit the requirements outlined in rule to determine whether these requirements should be re-affirmed or amended.
3	<p>In the draft rules 8/24/2011, 5.01 (F) (7) (c) states that Measures of Student Academic Growth shall include State Summative Assessments when available. For secondary schools, it is difficult to envision that availability or practical use. Science availability is obviously limited by frequency (grades 5, 8, 10). Further, secondary schools generally do not have classes that are Reading and Writing specific – rather that instruction is diffused throughout a wide range of courses. Math teachers may be the only secondary teachers that could be appropriately evaluated using TCAP. However, the reality is that in many schools, a variety of different math classes are taught at a single grade level.</p>	<p>Statute requires that educators be evaluated on student academic growth using multiple measures; statewide summative assessments are just one of those multiple measures that must be used. State law also requires that all districts adopt assessments that aligned with the districts standards and curricula that will adequately measure each student’s progress on the standards for the subject areas that are not assessed through the statewide system of assessments (section 22-7-1013, C.R.S.). The department encourages districts to look at what they are already using to assess student achievement and growth and consider how those measures may be incorporated into educator evaluations. The department has also begun to work with groups of educators specializing in various content areas (“content collaboratives”) to develop guidance, options and tools to measure student growth and over time will identify available assessments that can be used to measure student growth.</p>
4	<p>We commend the effort that is evident in EQuiTEE to align the new Colorado standards with the Common Core State Standards, as we believe these new standards push for more rigorous content understandings, higher level thinking, and processes. These standards will inform teaching and learning that must be assessed through multiple measures in flexible and nuanced ways. These measures should include:</p> <p>Student growth on the Transitional Colorado Assessment Program Rubrics created from the state standards measuring grade-level proficiency that can</p>	<p>Statute requires that student academic growth be evaluation using multiple measures and the department believes that the draft rules provide flexibility for districts to use all of the recommended measures, provided they meet the criteria outlined in rule. In addition, the draft rules, in section 6.01 (D), specifically require the department to pilot the use of teacher-school-or district-developed assessments, the development and use of student academic growth objectives, and the development and use of other goal-</p>

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	<p>be used to gather data through a variety of <i>teacher-created</i> student assessment measures (e.g. performance tasks, student portfolios, constructed responses, multiple choice tests).</p> <p>Evaluation of teacher and student performance over time, so that it is a “process rather than event” (as noted by the State Council of Educator Effectiveness) and therefore considerate of job-embedded professional development for teacher and student growth.</p> <p>Goal Attainment Processes framed by teacher-driven goal setting with an administrator, grade level team, or department with mid-year progress checks.</p> <p>Teacher evaluation by multiple evaluators that include well-trained peers, traditional observations, job-embedded coaching, and teacher directed reflection (similar to the National Board Certification Process) to ensure inter-rater reliability. As recent research makes clear, teachers are very comprehensive, evidence-based, and growth-oriented when it comes to evaluating their colleagues.</p>	<p>setting approaches.</p>
5	<p>For effective implementation of the new standards and assessments, we commend the partnership between state and local education agencies that is being endorsed by state leaders. A scope and sequence should be developed as a key component of the partnership between the state and local education agencies to ensure realistic and effective implementation. Teams of teachers at both the state and local level should develop assessment frameworks that allow some flexibility for individual teachers but sufficient guidance to ease the transition to the new standards and evaluations.</p>	<p>The department agrees and has already begun work to map out a strategy for the identification and development of assessments that may be used in evaluations.</p>
6	<p>We value the new standards. However, there should be more focus on the creation of rubrics that enable teachers to assess the mastery of these standards. Again, the use of various teacher-created assessments will promote teacher involvement and reflection during the evaluation process</p>	<p>The department will take these considerations into account during the pilot phase of implementation, while developing the state model system, including tools and rubrics that will be available on the resource bank.</p>

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	<p>as well as provide more cost-effective measures of data collection. We recommend the development of a searchable database, possibly through SchoolVIEW, that includes sample lessons and assessments from teachers across the state with associated student exemplars or anchor papers. A team of teachers should periodically review these submissions and recommend sharing the most effective assessments and their accompanying exemplars. The database could also house frameworks for rubrics that could be scored and submitted by teacher and collaborative teams to provide additional data for both tested and non-tested subject areas. This type of database encourages the creativity and innovation of professionals while increasing state capacity to measure student growth through portfolios and performance-based assessments. Training on how to use SchoolVIEW in its current form and as a repository will be necessary to ensure effective use of its resources.</p>	
7	<p>We commend the work that is being done and supported by Colorado through the SMARTER Balanced Assessment Consortium. We support in-depth, critical thinking questions in any type of assessment, particularly performance-based assessments. Much can be learned from non-core subjects such as art and music for determining growth and mastery of skills through assessment. If the Transitional Colorado Assessment program can delve into deep, critical thinking questions, we support those efforts. Moreover, we support the use of teacher created student assessment measures (e.g. performance tasks, student portfolios, constructed responses, multiple choice test) partnered with 21st-century skills that are applicable beyond the classroom.</p>	<p>Colorado is participating in both the SMARTER and PARC consortia, as consistent with the implementation of a new evaluation system that includes the attributes that were jointly adopted by the State Board of Education and Colorado Commission of Higher Education in December 2010 (www.cde.state.co.us/cdedocs/ASMTRev/Adopted_Final_Student_Assessment_System_Attributes-Dec_6_2010.pdf). While the TCAP will continue to use constructive response items, it is not expected to be dramatically different than the CSAP. The new assessment system that will be designed to begin in Spring 2014, if fiscally practicable, will be more reflective of the types of items described in the comment.</p> <p>The department supports the use of teacher-created student assessment measures that allow a teacher to use their knowledge of student progress and mastery to inform future instructional activities, and believes that these types of assessments will be crucial to consider in developing a body</p>

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		of evidence, including multiple measures, for evaluating educator performance.
8	<p>SB 191 does not authorize the State Board to require districts to use a single, model evaluation system unless a district receives permission to develop its own system. Instead, the Licensed Personnel Evaluation Statute, as amended by SB 191, expressly requires that local districts have the flexibility to develop systems that meet their individual needs, so long as those systems measure effectiveness (as defined by the State) using quality standards developed by the State. This concern is addressed by the revisions to draft rules 6.01(B) (p. 29) and 6.04 (p. 32), which replace the “opt-out” requirement with a system of assurances that will allow CDE to effectively monitor implementation without imposing an undue burden on school districts that elect not to use the State model system.</p>	<p>The department continues to support these sections of the draft rules.</p>
9	<p>CASB opposes any rules requiring districts to comply with “technical guidelines” developed by CDE, because such a requirement adds an additional layer of regulation and grants CDE unfettered authority far beyond that contemplated by the Legislature. We are unclear as to if or how this concern is addressed by the current rules, which still direct CDE to develop technical guidelines but remove the language expressly requiring district compliance therewith. (2.03(C) (p. 8), 3.03(C) (p. 12), 5.01(F)(2) (p. 16), 5.01(F)(3) (p. 17), 5.01(F)(6) (p. 20), 5.01(F)(7) (p. 21), 6.01(D) (p. 29)). More clarification is required to ensure consistency with the clearly stated legislative direction that the State must develop “guidelines” that districts “may” follow when designing and implementing their evaluation systems. C.R.S. 22-9-104(1).</p>	<p>The department recommends that language similar to the following be used in sections 2.03(C), 3.03(C), 5.01(F)(2), 5.01(F)(6), and 5.01(F)(7):</p> <p>“THE DEPARTMENT ALSO SHALL PROVIDE TECHNICAL GUIDANCE, BASED ON RESEARCH AND BEST PRACTICES THAT EMERGE FROM THE PILOT OF THE STATE MODEL SYSTEM AND THE IMPLEMENTATION OF OTHER LOCAL SYSTEMS DURING THE PILOT PERIOD THAT SCHOOL DISTRICTS AND BOCES MAY USE IN DEVELOPING THEIR OWN RUBRICS AND TOOLS IF THEY CHOOSE TO DEVELOP THEIR OWN DISTINCTIVE PERSONNEL EVALUATION SYSTEM.”</p>
10	<p>We strongly encourage the State Board to revise the rules to reflect the central value of the pilot period, by explicitly contemplating the opportunity to review data from the pilot and to plan for future rule changes that reflect results from the pilot process.</p> <p>The Council deliberately postponed providing a recommendation about the</p>	<p>The department recommends the following language be added to the draft rules:</p> <p>6.05 EVALUATION AND CONTINUOUS IMPROVEMENT OF THE STATEWIDE SYSTEM TO EVALUATE THE EFFECTIVENESS OF LICENSED PERSONNEL</p>

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	<p>state model system and its use across the state. At this time, the Council proposes that the State Board set some minimum criteria for districts moving ahead, and at the same time create a model system for others to pilot. The Council believes that over time, with learning that occurs from the state model system and individual districts, the state will have more clarity on the minimum requirements that are needed for all districts in order to balance the flexibility needed at the local level, with the consistency needed at the state level. This will allow our state to function in a continuous improvement model, and make changes and adjustments along the way, as we learn about this complicated work.</p>	<p>THE DEPARTMENT SHALL USE INFORMATION OBTAINED THROUGH MONITORING AND REPORTING EFFORTS TO IDENTIFY OPPORTUNITIES FOR IMPROVEMENT. NO LATER THAN JULY 1 OF EACH YEAR, BEGINNING IN 2012, THE STATE BOARD SHALL REVIEW THESE RULES (1 CCR 301-87) AND, USING RECOMMENDATIONS FROM THE STATE COUNCIL, SHALL DETERMINE WHETHER TO AFFIRM OR REVISE THEM IN ORDER TO REFLECT WHAT HAS BEEN LEARNED THROUGH IMPLEMENTATION OF THE STATEWIDE SYSTEM TO EVALUATE THE EFFECTIVENESS OF LICENSED PERSONNEL.</p>
11	<p>The State Board should require use of a common statewide framework to define the minimum components for local evaluation systems in use by school districts and BOCES.</p> <p>Copies of the frameworks proposed by the Council are attached for your reference. However, it is important to note that the Council recommendations contemplated local district discretion in implementing each element of the frameworks but reached consensus that the use of the framework itself and its constituent parts should be used by all districts and BOCES statewide.</p>	<p>Please see recommendation in row 1, above.</p>
12	<p>CDE should “meet districts where they are currently”, and offer a variety of supports that reflect the differing status of their current evaluation systems. Specific supports should include:</p> <ul style="list-style-type: none"> a. A complete model system for use by local districts on a voluntary basis; b. Resources for districts that choose to adapt their local systems; and c. A short and long-term communications plan to ensure that 	<p>The department agrees with this recommendation plans to provide each of the supports described. The department has begun efforts to develop the model system and resource bank, which will continue to be developed during the pilot period and will be completed by July 2013. The resource bank will include all of the tools and resources developed during the pilot, accessible to all districts, including those that are not directly participating in the pilot. The department has also implemented the use of monthly newsletters that will provide updates on key support</p>

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	<p>the field is kept informed about current activities, as well as planned future activities. Transparent, frequent and comprehensive communications can significantly reduce the level of anxiety that is currently absorbing attention and energy that could more productively be channeled.</p>	<p>activities taking place across the state to support the effective implementation of SB 191.</p>