

**Responses to Written Comments on Draft SB 191 Rules  
Received October 6 – November 1, 2011**

	<b>Comment/Question</b>	<b>CDE Response</b>
1	<p>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 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.</p> <p>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 come to on a level playing field. All Colorado school districts need to meet or exceed the basis state standards—which I hope are high.</p> <p>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.</p>	<p>The department agrees. The current draft rules establish minimum requirements for every local evaluation system, including that every local evaluation system be based on the state quality standards for teachers and principals or on standards that “meet or exceed” the state quality standards. Districts that adopt their own quality standards must crosswalk these to the state quality standards to show how they meet or exceed the state quality standards and must report teacher and principal performance data according to the state quality standards. See sections 2.02 and 3.02.</p>
2	<p>Express minimal state requirements to develop an evaluation model. This will permit districts to enact systems that meet the statutory requirement that evaluation systems reflect the characteristics of the district and allow for innovation in order to exceed the expectations of the state.</p>	<p>Section 5.01 of the current draft rules establish minimal state requirements for local evaluation systems, while allowing districts flexibility to develop systems that meet the unique characteristics of their district.</p>

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3	Permit flexibility to meet or exceed the state’s model system.	The current draft rules allow districts to either adopt the state model system or develop their own distinctive evaluation system that meets minimum requirements outlined in statute and rule. See sect. 6.01 (B).
4	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.	The current draft rules allow districts that are not using the state model system to develop their own process for aggregating evaluation measures into a single evaluation rating. The draft rules require that districts meet the minimum requirements of ensuring that 50% of teacher and principal evaluations are based on student growth measures and that each of the state quality standards has a measurable influence on final evaluation ratings. See sections 2.03 (B) and 3.03 (B).
5	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 2.03(A), 2.03(B), 3.03(A), and 3.03(B).	The department recommends the following additional language in section 6.05:  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 AND INFORMATION GATHERED FROM THE IMPLEMENTATION OF THE STATE MODEL SYSTEM AND OTHER LOCAL SYSTEMS, shall determine whether to affirm or revise the rules in order to reflect what has been learned. <del>through implementation of the statewide system to evaluate the effectiveness of licensed personnel.</del>
6	Do not require the use of TELL survey results since these were never intended for evaluation purposes.	The current draft rules do not require use of the TELL survey results for evaluation purposes. Section 5.01(l)(3)(b) of the draft rules states that principal professional performance plans should include goals that address school climate and working conditions, which should be developed using a climate and working conditions survey (an <i>example</i> of which is the TELL survey).
7	Change the specificity respecting literacy and mathematics in 3.02(A)(2), elements b and c (pages 1—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	State Board members have requested specificity in this area.

	Comment/Question	CDE Response
	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.	
8	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.	Statute requires the State Board to promulgate rules "concerning the planning, development, implementation, and <b>assessment of a system</b> to evaluate the effectiveness of licensed personnel." (See section 22-9-104(2)(c), C.R.S.) The department recommends that local school districts provide performance data on the quality standards to allow for assessment of the performance evaluation system.
9	It is possible that the bill may place too much responsibility on LEAs 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.	The State Model System will be available for use in every district and the department will provide implementation support, including initial and ongoing training for evaluators on the use of the State Model System.
10	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.	The department will take these recommendations into consideration as it develops the next statewide assessments.
11	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 CDE in developing this tool.	In addition to the State Model System that is currently being developed to address general education teachers, the department will work on evaluation tools that are specifically focused on other licensed personnel.

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12	<p>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.”</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>The department recommends that this change be made.</p>

Comment/Question	CDE Response
<p>three consecutive years of effective ratings, not after one year of partial effectiveness and two years of effectiveness.</p> <p>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.</p> <p>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.</p> <p>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.</p>	

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13	<p>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.</p> <p>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</p>	See row 12, above.
14	<p>Several recommendations have been made for amending the draft outline of assurances for local personnel evaluation systems that would be submitted by each district annually, beginning in July 2013. The recommendation is that the revised document be voted upon by the State Board as part of the rulemaking process for S.B. 10-191.</p>	The department suggests that these recommendations be considered as the assurances document is revised, but that the assurances document not be finalized until after the first year of the pilot is complete.