



State Council for Educator Effectiveness

February 6, 2012

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

Dear Colorado State Board of Education:

Thank you for the opportunity to provide recommendations regarding the process for teachers to appeal their second consecutive performance rating of ineffective and/or partially ineffective under the new educator evaluation system mandated via SB 10-191. These recommendations are focused on state-level guidelines and overarching system requirements; include broad requirements which apply to every district; and specify more detailed requirements for inclusion in the state model system. This letter contains information on our process for developing these recommendations and highlights important considerations we believe need to be addressed by the State Board of Education (State Board) and the Colorado Department of Education (CDE) in incorporating this appeals process within the broader set of SB 10-191 Rules.

Background

Under SB 10-191, the State Council for Educator Effectiveness (State Council) is required to develop and recommend to the State Board guidelines for adequate implementation of a high-quality educator evaluation system that shall address, among many other components, “a process by which a nonprobationary teacher may appeal his or her second consecutive performance rating of ineffective...” These recommendations were not included in the original May 2011 submittal to the State Board due to lack of clarity in the statute regarding the submittal deadline. Working under the 2013 timeline, as interpreted from the statute, and in coordination with the State Board and CDE, the Council has worked diligently, since Nov 9, 2011, to develop and finalize the attached recommendations for submission to the State Board in advance of the Feb 2012 Board meeting.

In developing these recommendations, the State Council sought to achieve objectives consistent with the goals of our prior recommendations. Specifically, recommendations for an appeals process were developed to:

- Deliver clear and timely decisions to teachers;
- Elevate issues of effectiveness over procedural issues;
- Avoid undue expense to school districts;
- Safeguard that the appeals process is fair to teachers and districts;
- Ensure teachers are being evaluated by trained evaluators;
- Support statewide comparability and local flexibility; and
- Encourage shared leadership and accountability.

Recommendations based on these considerations are attached for your review.

Issues for Consideration

In drafting recommendations for an appeals process for teachers on a compressed timeline, we encountered a number of issues that should be considered in determining an appeals process that exists within the broader educator evaluation system. However, the short timeline did not allow deliberation by the State Council on these issues. These include the following.

- The practices and structures recommended for inclusion in the state model evaluation system are considered promising practices by the State Council, even though some of these practices are too new to have a research base to demonstrate that they are “best practices” (e.g. appeals review panels).
- The State Board should consider requiring districts that elect to use review panels to develop and communicate a procedure to address conflicts of interest.
- The State Council encourages districts that choose the state model system to adopt the system in its entirety in order to ensure the integrity and coherence of the system. However, the State Council also acknowledges the need for local flexibility based on size, location, and other relevant district characteristics. The State Council recognizes that local districts may choose to adopt certain aspects of the state model system and not others.
- In regard to the timeline requirements for when an appeals process must be in place across districts, the State Board should consider setting timelines by which CDE and districts put minimum appeals process requirements in place.
- The State Board should consider ensuring that CDE articulates a timeline for implementation as the phasing-in of the appeals component of the evaluation system is confusing in statute.
- The State Board should consider existing restrictions of the system, such as the inability to complete an annual evaluation that includes TCAP and subsequent statewide assessment results for the most recently completed year to be included in the determination of an educator’s effectiveness rating.

Additionally, the State Council encourages CDE to support the implementation of the new educator evaluation system through the following.

- Define a process for continuous improvement of the appeals process, specifically as a part of the broader continuous improvement of the evaluation system.
- Invite pilot districts to engage in the process of developing and testing procedures for appeals processes.
- Incentivize or require districts to report feedback on their appeals processes.

We respectfully submit these considerations and the attached recommendations for your review.

Sincerely,

The State Council for Educator Effectiveness

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The State Council also recognizes and thanks the members of the 2011-12 State Council appeals work group for their time and contributions.

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