



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

MEMORANDUM

DATE: March 28, 2014

TO: Delaware House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: S.B. 168 [Educator Evaluation System Waiver]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 168 which provides the option for Local Education Agencies (LEAs) to develop alternative educator evaluation systems for all educators, including novice teachers and specialists, pursuant to the requirement in this section. As background, Delaware law establishes the Delaware Performance Appraisal System II (DPAS II) which applies to administrators, teachers, and specialists. See Title 14 Del.C. §§1270-1275. Assessments are completed annually and results are compiled in reports published on the Department of Education's website. Numerous articles have been published critical of the DPAS II. See attachments.

The attached November 7, 2013 News Journal editorial decried the obvious "disconnect" between glowing educator assessments and poor overall student performance:

Overwhelmingly, Delaware teachers "aced" the test designed to rate their instructional effectiveness - only 1 percent of teachers scored "ineffective." ...However, their daily audience - the state's students - are not witnessing the same success, and the unfortunate proof is in their critical standardized test scores.

The vast majority of educators confirm that the current system "needs improvement". See attached News Journal article, "An education rule that defies plain old common sense" (February 21, 2014).

Current Delaware law is unclear on whether the DCAS II system applies to all public schools, including charter schools. Compare Title 14 Del.C. §1270(a) [referring to "public schools"] with 14 Del.C. §§1270(d)(e)(f)(g), 1272, 1273, and 1274 [referring only to local districts]. The DOE regulations ostensibly apply the DCAS II to all public schools. See 14 DE Admin Code

106A, §2.0 (definition of “board”) and 4.0; 14 DE Admin Code 107A, §2.0 (definition of “board”) and 4.0; and 14 DE Admin Code 108A, §2.0 (definition of “board”) and 4.0.

S.B. 161 amends only 14 Del.C. §1270(f). This subsection currently allows local school districts to apply for a waiver authorizing abandonment of the DCAS II evaluation system based on adoption of a “local” evaluation system. The legislation would expand the waiver option to clarify that Vo-tech districts and charter schools could also apply for such a waiver. The legislation also deletes a requirement that schools obtaining a waiver must still evaluate initial licensees pursuant to the DCAS II system.

SCPD opposes the legislation which expands the authority to solicit an “opt out” of the DCAS II to all charter schools and Vo-tech districts. This could result in dozens of separate appraisal systems for educators. One of the main benefits of the current DCAS II is the ability to compare data statewide based on a uniform system. This benefit is lost if schools can “opt out” of the DCAS II through a waiver process resulting in a “hodgepodge” of evaluation systems. Moreover, if schools are allowed to “opt out” of the DCAS, the balance of statutory requirements would no longer apply. For example, the statutory requirement (§1272) of an improvement plan for educators with an “unsatisfactory” DCAS II rating would be inapplicable. DOE guidelines for professional development (§1272) would also be inapplicable.

Existing law authorizes local school districts to create local educator assessment systems as a supplement to the DCAS II. See Title 14 Del.C. §§1270(d)(e). Thus, local districts who feel that the DCAS II is deficient can employ additional assessments of educators. Use of such supplemental assessments does not exempt the district from participation in the DCAS II. It would make sense to expand this authorization to charter schools and Vo-tech districts so these entities could also adopt secondary evaluation techniques in their discretion. This has the advantage of allowing for experimentation with other methodologies and approaches.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position observations on the proposed legislation.

cc: Delaware State Senate  
Mr. Brian Hartman, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

sb 161 educator evaluation system waiver 3-28-14

# An education rule that defies plain old common sense

In late December, two very thoughtful opinion pieces appeared in Delaware newspapers concerning our current system for measuring educator effectiveness. We, as elected officials, believe it is important to take note not only of who authored these articles but of what they said in them.

## DELAWARE VOICE

REP. JOHN KOWALKO & REP. KIM WILLIAMS

On Dec. 18, the Delaware State News published a letter to the editor from G. Scott Reihm, Executive Director of the Delaware Association of School Administrators, titled "Teachers need support, not criticism." In this letter, Mr. Reihm and his membership publicly questioned the purpose of teacher evaluations — teacher improvement or to make difficult decisions about teacher employment? Their confusion stemmed from comments made by Christopher Ruskowski, chief officer of the Teacher Leader Effectiveness Unit at the Delaware Department of Education. When asked about the

fact that a recent DOE report indicated that 99 percent of teachers evaluated in the 2012-13 school year were rated "effective" or "highly effective," Mr. Ruskowski commented that "there seems to be a problem of either will or skill that's happening at our schools in which principals are not willing to look at the data in front of them and make some really difficult decisions." More telling than Mr. Ruskowski's response is another fact revealed in a survey released by DOE in June of 2013: 96 percent of administrators, 87 percent of specialists, and 86 percent of teachers felt the current system needs improvement.

These are eye-popping numbers, especially since the end result of the system was to produce "effective" or "highly effective" ratings. Why would educators want to change a system that tells them they are doing well? This seems to defy both logic and common sense.

For the answer to this question, you need only turn to the opinion piece which appeared in The News Journal on Dec.

20, written by Mr. Reihm and Frederika Jenner, President of the Delaware State Education Association. Mr. Reihm and Ms. Jenner stated that their respective organizations "support an educator evaluation system that includes the concepts of professional growth, continuous improvement, and quality assurance." They noted that such a system "should hold educators and administrators accountable for student growth, but only within areas that they control." They assert that the system "must embody principles of fairness, reliability, transparency, and common sense."

It is hard to imagine how anyone who values education could quarrel with these statements.

They then let us in on a dirty little secret, one not shared by Mr. Ruskowski, which was that "the State has implemented a system and developed measures which do not let administrators and teachers clearly know what is required of them. The system does not provide a complete picture of teacher performance. It uses tests that are

not valid and reliable measures of teacher effectiveness, but rather snapshots of student performance on the day they are given." Perhaps this is why DOE wants to change a system that produces positive results.

Finally, on the heels of these two articles, came an opinion piece in the Jan. 21 edition of The News Journal titled "Children are more than just numbers on some chart," by Dr. Mervin Daugherty, Superintendent of the Red Clay Consolidated School District and President of the Delaware School Chief Officers Association. Dr. Daugherty called for an end to "nonsensical criticism from those who have never stepped foot into one of our buildings, walked into a classroom or volunteered to work with students after school." He noted it was time to work together and to continue our attempt to overcome the challenges students face and to work toward every child.

As elected officials, we don't take these comments lightly, especially when they

come, the challenges students face and to work toward every child.

come from three well-respected and dedicated individuals — Dr. Daugherty, Ms. Jenner and Mr. Reihm. Instead, we pay attention to what they said and what it implores us to do. We must take the time to look into their concerns, see if they are valid and, if so, fix them. We need to insure that the system serves its intended purpose — to responsibly evaluate educators, hold them accountable for what they can directly influence and, most importantly, provide all our students with the skills and knowledge they need to be successful in life.

We call on the administration, the Department of Education and our colleagues in the General Assembly to join us in this effort. We stand ready to take whatever steps are necessary to ensure we get it done right. Our students and educators deserve no less.

State Rep. John Kowalko represents the 25th House District and Rep. Kim Williams represents the 19th House District. This statement was also signed by Sen. Bryan Townsend, Rep. Ed Ostenski and Rep. Paul Baumbach, Rep. Charles Potter and Rep. Stephanie Bolden.

# OPINION

The NewsJournal

Susan D. Leath,  
President and Publisher  
David F. Ledford,  
Executive Editor  
John Sweeney,  
Editorial Page Editor

## QUOTE OF THE DAY

*"When Kamala suddenly gets powers that give her the opportunity to be just like her idol, Captain Marvel, it challenges the very core of her conservative values."* MARVEL COMICS, description of its new superhero, a 16-year-old Muslim teenager

THURSDAY, NOV. 7, 2013

A11

## OUR VIEW

# Solving the disconnect at schools

Once it's been established that a staff of teachers has shown credible progress in doing their job, then it seems obvious their students benefited as well. However, that's no certain reality considering the results of the revised educator evaluation, the

## TEACHERS, STUDENTS

Delaware Performance Assessment System (DPAS-II). Overwhelmingly, Delaware teachers "aced" the test designed to rate their instructional effectiveness — only 1 percent of teachers scored "ineffective." Some 51 percent were rated "highly effective" and 48 percent were rated "satisfactory." However, their daily audience — the state's students — are not witnessing the same success, and the unfortu-

nate proof is in their critical standardized test scores.

So what gives? The answer involves multiple factors. Among them, external classroom forces that interfere with the learning process — a reality that even the best of instructors can't compete with when it comes to producing students capable of academic rigor. For example, the data on high-poverty children's outcomes is sourced by harrowing realities at home that affect the classroom — among them disaffected parents.

Emotional and development delays defined as "special needs" students require medication that might interfere with a student's ability to grasp core subject matter because

he becomes too sleepy or has difficulty focusing. Add to that poor diets and a lack of vital at-home resources, such as computers, to boost his competitiveness with other classmates.

Given these circumstances, such schools qualify for the federal government's Title I program that provides free breakfast and lunches that comply with standard healthy dietary recommendations. Others use parent engagement experts to navigate them through the maze of testing dates and provide free after-school instructional help.

But there's another factor and it's tied to mandatory fiscal statewide cuts that single out classroom paraprofessionals as nonessential employees. Chat with teachers in over-

crowded classrooms, or with large margins of high-need students. For them, these workers become a lifeline to assuring that a variety of students' needs, based on different levels of competency, are addressed. Paraprofessionals scheduled to lose their jobs in the Brandywine School District last spring were mainly early reading interventionists — they are the ones who keep students on track for literacy targets and computer lab facilitators, and administer the state's standardized tests.

Many outsiders consider them just classroom helpers, but reality supports the value of "paras" in making a difference in a failing student's consistent progress and that school's higher standardized tests results.

EDUCATION

# Teacher evals disputed

## State says principals need to be tougher

By Matthew Albright

The News Journal

Only 1 percent of Delaware teachers were rated ineffective during the first full year of the state's evaluation system, according to new Department of Education figures.

State officials say that shows school leaders aren't making the tough evaluations needed to give honest feedback and weed out low-performing teachers.

"Going forward, we need to ensure that school leaders implement the system well, so that our overall results re-

fect the reality of what's happening in our classrooms," said Secretary of Education Mark Murphy. "When only one in five of our students is graduating high school ready for their next step, we still have a long way to go."

Principals, who make most of the evaluations, say they were hesitant to give teachers low ratings based on a big, brand-new system many still were learning and some don't think is fair.

Though there's disagreement on how best to go about it, teacher evaluations are regarded widely as an important part of improving schools.



Mark Murphy

Many teachers are keenly interested in their scores, because good evaluations can qualify them for bonuses and career advancement, while bad ones can put them under scrutiny and even put their jobs in jeopardy.

The new five-part DPAS II evaluation system rolled out for the first time statewide last year. Teachers can be rated "exceeds expectations," "satisfactory" or "unsatisfactory."

Overall, more than half of teachers

See TEACHER, Page B3

# Teacher: Evaluation system's debut rocky

Continued from Page B1

were marked "exceeds expectations," and just under half were marked "satisfactory." That left only 1 percent who were "unsatisfactory."

The data show almost no teachers received low marks on the first four parts of the evaluation, which judge professional responsibilities and rely on things like classroom observations.

But more teachers are struggling on a fifth component, which sets goals for each individual student to grow their test scores and judges teachers based on how many students meet those goals. Delaware's federal Race to the Top program requires teacher evaluations to include student growth.

When the state set goals for math and reading teachers whose students take the DCAS test, for example, a total of 17 percent of teachers earned unsatisfactory ratings, though most of them were within a range that allowed their bosses some leeway to upgrade them.

Component five is easily the most controversial part of the new system because it ties teachers' performance to student test scores. Critics argue many factors outside teachers' control can affect those scores, so that connection is unfair.

The figures also show principals and other school leaders overwhelmingly used flexibility the system allows them to give teachers the benefit of the doubt.

"I think people were very cautious throughout the state on this evaluation," said Merv Daugherty, superintendent of the Red Clay school district and head of the school chiefs association. "This is the first year this was implemented, and there were a lot of technical points that had to be worked out. We were building the plane while we were in the air."



Merv  
Daugherty



Frederika  
Jenner

For example: If a teacher faces a "split decision," earning an unsatisfactory on one part of the evaluation and a satisfactory on another, principals referee the overall grade.

When that happened, principals chose to pick the higher label 87 percent of the time.

"We want to avoid tying our principals' hands and making these decisions at the state level," Murphy said. "But we are expecting our school leaders to make the tough decisions to make sure our teachers are performing at their highest potential."

Many school leaders say they tended to give their teachers the benefit of the doubt because they were skittish about making potentially career-altering decisions based on a complicated new system they were still working to master.

Frederika Jenner, president of the Delaware State Education Association, said her group received many reports of technical glitches that complicated the evaluations.

"Last year's rollout was really challenging in a lot of ways," Jenner said. "You would expect there to be challenges of something that size, but it would probably be described as rocky at best."

Jenner said the state needs to be sure principals and teachers are getting more and better training on how to set good goals, how to do more accurate and thorough observations and how to navigate the evaluation system, among other training.

"This report indicates to me that you better show your teachers how to improve their practice," she said. "Otherwise, this doesn't work."

Contact Matthew Albright at [malbright@delawareonline.com](mailto:malbright@delawareonline.com) or at (302) 324-2428. Follow him on Twitter @TNU\_malbright.

## YOUR OPINION



Tell us what you think at  
[delawareonline.com](http://delawareonline.com)

**How should teachers be evaluated?**

YESTERDAY'S POLL RESULTS, B1

**SURVEYING TEACHERS**

# Rating marks 'erosion'

## Changes urged in state evaluation process

By **Matthew Albright**  
The News Journal

Growing numbers of Delaware teachers are dissatisfied with the state assessment used to judge their performance, results from a statewide survey show.

"There is an erosion in the confidence teachers have," said Delaware Education Association President Frederika Jenner.

Christopher Ruskowski, head of

teacher and leader effectiveness for the Department of Education, says state officials are listening and working to allay teachers' concerns.

"We ask our teachers and leaders every day to embrace feedback and look at data, so that's exactly what we're going to do ourselves," Ruskowski said. "We believe in empowering teachers, and that's why we do this survey."

Each year the department commissions a survey to gather teachers' opin-



Frederika Jenner

ions on the assessment called the Delaware Performance Appraisal System II.

DPAS comprises five components used to evaluate a teacher's performance. It was implemented statewide in 2008 after pilot programs.

Based on DPAS results, a teacher can earn a "highly effective," "effective" or "ineffective" rating,

See SURVEY, Page B2

**EMERGING PREDATOR**

# Survey: Teachers say some parts aren't so fine

Continued from Page B1

which can affect pay and job security, among other things.

DOE will present the findings of the latest survey to the State Board of Education on Thursday during a meeting that will be open to public comment.

Respondents gave the system an average grade of "C," the lowest rating since the assessment began.

Three quarters of the surveyed teachers did not think the system should continue in its current form. More than 80 percent of administrators thought the same thing.

Jenner said several things have caused the survey results to sag. First are technical glitches — she said many teachers encountered problems last fall such as computer crashes and information arriving late.

"The rollout of some of these measures in the fall was slow, it was delayed, and it was problematic," she said. "Some people didn't have access to it until the fall."

Jenner said the state might be able to reverse the declining confidence by working out those kinks this school year. "If the roll-out goes better over the next three months, I think that would go a long way," she said.

Ruszkowski said the state has learned from some of the hiccups.

"Unfortunately, the operational side of something this big can be more complicated than the theory behind it," he said. "We're committed to making sure it works for everybody."

Jenner also pointed to a controversial part of the evaluation designed to measure student growth, called "Component Five."

This component uses statistical measures to set

*Respondents gave the system an average grade of "C," the lowest rating since the assessment began.*

a score on end-of-course exams each student is expected to meet. Teachers are judged on the number of students in their class who meet those targets. The past year was the first in which all school personnel were judged under Component Five.

State officials say Component Five is only one of the measures to determine a teacher's performance. But many teachers say they can have success in all categories but the fifth and still get a poor evaluation.

State officials say the statistical measures give teachers realistic targets, and argue teachers should be expected to improve students scores.

But many teachers worry the measures don't account for factors like a student's family situation, disruptive classmates and other things they can't control but which can drag down test scores.

The survey suggests confidence in Component Five among teachers is shrinking: About 41 percent of the respondents thought the measure was "a good indicator of performance," down from 60 percent in the 2009-2010 school year.

"Based on comments during interviews, the general consensus is that the Student Improvement component is high stakes and because of that, it needs to be more fair to teachers, specialists and special education students," a summary of the survey said.

Ruszkowski said the

state has to walk a balance between assessments that teachers believe in and real accountability.

"We built this system around feedback for our teachers," he said. "But there also has to be a place for a summative judgment, where the principal takes a really hard look at what you're doing in the classroom and how your students are growing."

Respondents also complained of problems with communication regarding exactly how they would be judged and with the volume of paperwork required to complete an evaluation, among other concerns.

Majorities of teachers said they didn't think communications from the Department of Education had been clear, valuable and timely.

"From the conversations I've had, the communication regarding the entire evaluation is too infrequent and not clear enough," Jenner said.

"That's complicated by the fact that often the information doesn't come directly to the teacher — it comes from the state to the superintendent to the principal and then finally to the teachers," she said.

The survey shows teachers have higher opinions of how their districts and individual schools are assessing them than the state.

Teachers do seem to be happy with some parts of the assessment process. More than 80 percent say they receive adequate feedback, while solid majorities say they think the component that measures instruction is effective.

Matthew Albright can be reached at 324-2428 or malbright@delawareonline.com.