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MEMORANDUM

DATE: April 4, 2014

TO: The Honorable Members of the Delaware General Assembly

FROM: Terri Hancharick, Chairperson
GACEC

RE: **Senate Bill No. 161 (Educator Evaluation System Waiver)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 161 on Educator Evaluation System Waivers. Council **opposes** this legislation which will expand authority to solicit an "opt out" of the DCAS II to all charter schools and Vo-tech districts.

Delaware law established 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 website. Numerous articles have been published critical of the DPAS II.

The November 7, 2013 News Journal editorial denounced 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 majority of educators confirm that the current system "needs improvement". See attached News Journal article, Rep. John Kowalko and Rep. Kim Williams, "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 supposedly 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.

Senate Bill No. 161 amends only 14 Del.C. §1270(f). This subsection currently allows local school districts to apply for a waiver authorizing relinquishment 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. Council would like to share two observations in conjunction with our lack of support for this legislation.

First, expanding the authority to solicit an “opt out” of the DCAS II to all charter schools and Vo-tech districts 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 jumbled mix of evaluation systems. Furthermore, 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.

Second, 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). Local districts who feel that the DCAS II is deficient have the ability to implement 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 time and consideration of our position. Please feel free to contact me or Wendy Strauss should you have questions or concerns.

Attachment