



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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May 18, 2015

Ms. Tina Shockley, Education Associate  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 18 DE Reg. 828 [DOE Proposed Administrator Evaluation System Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its regulation to revise its standards for the evaluation of administrators. The proposed regulation was published as 18 DE Reg. 828 in the May 1, 2015 issue of the Register of Regulations. SCPD has the following observations.

First, per §1.1, the regulation is effective "beginning with the 2015-16 school year". Section 2.0, definition of "Student Achievement", recites that certain student test results will not be considered in an administrator's performance appraisal which "may be extended by the Department for the 2015-2016 school year." Consistent with the attached March 12, 2015 News Journal article, the DOE Secretary and Governor have solicited federal approval to not count statewide assessment scores to evaluate educators in the 2015-16 school year. If the DOE obtains federal approval prior to publication of a final regulation, it would be preferable to explicitly clarify the exemption in Section 2.0, definition of "Student Achievement".

Second, in §2.0, the DOE may wish to consider a revision to the definition of "credentialed evaluator". The proposed regulation includes the following third sentence:

A superintendent or head of charter school shall be evaluated by member(s) of the Board who shall also have successfully completed the evaluation DPAS II foundational training and credentialing assessment in accordance with 10.0.

Please consider the following:

A. If the sentence is retained, insert “a” before “member(s)”.

B. The amendment would preclude the option of a board using more than one evaluator for a superintendent of a charter school. Some boards might prefer to have a pair or team of evaluators with different expertise (fiscal expert; instructional expert). The amendment would foreclose that option. Restricting charter school board discretion in this context may be imprudent.

Third, there appears to be a “disconnect” between the Goal Setting and Mid-Year Conferences and any Improvement Plan. The DOE could consider amending the definition of “Goal-Setting Conference” by adding the following sentence: “If an Improvement Plan is in effect, the Conference participants should include consideration of Plan content to ensure the alignment of annual goals and supports with the Plan.” The DOE could consider amending the definition of “Mid-Year Conference” by adding the following sentence: “If an Improvement Plan is in effect, the Conference shall include a review of progress towards benchmarks in the Plan.”

Fourth, in §10.2.1, third sentence, and §10.2.3, there are multiple instances of use of plural pronouns with singular antecedents (e.g. administrator (they; their); administrator (their)). The DOE may wish to correct the references.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Mark Murphy, Secretary of Education  
Mr. Chris Kenton, Professional Standards Board  
Dr. Teri Quinn Gray, State Board of Education  
Ms. Mary Ann Mieczkowski, Department of Education  
Ms. Kathleen Geiszler, Esq., Department of Justice  
Ms. Terry Hickey, Esq., Department of Justice  
Ms. Ilona Kirshon, Esq., Department of Justice  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
Governor’s Advisory Council for Exceptional Citizens

18reg828 doe administrator evaluation system 5-18-15

# Delaware may eliminate some school testing

Matthew Albright, The News Journal 11:50 p.m. EDT March 12, 2015



(Photo: Getty Images/Stockphoto)

The state, districts and individual schools will take an inventory of all the different tests students take and attempt to eliminate those that are redundant or ineffective.

Gov. Jack Markell on Thursday re-affirmed his belief that good tests are a vital part of the education system but acknowledged that some parents and teachers have complained that students are spending too much time on them.

"Our educators, our students, and their parents all deserve the benefits of effective assessments that show when students are excelling and when they need extra support," Markell said. "At the same time, tests that don't add meaningfully to the learning process mean less time for students to receive the instruction and support they need."

Secretary of Education Mark Murphy said the state would give districts financial support to review all of the tests students are given. Some tests might be attempting to measure the same standards as the statewide assessment, he said, and others might have outlived their usefulness.

"We want to be proud of every assessment we ask our students to take," Murphy told a group of William Penn High School students. "We want you to know what you learned, what you didn't learn, and what you've got to do next."



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[Parents, teachers push back against Delaware testing](#)

<http://www.delawareonline.com/story/news/education/2015/02/27/parents-teachers-push-back-testing/24146775/?from=global&sessionKey=&autologin=>



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[Delaware teacher unions: no confidence in education leaders](#)

<http://www.delawareonline.com/story/news/local/2015/03/12/delaware-teachers-unions-confidence-education-leaders/70244892/>

Other than tests required by the state or federal governments, Murphy said it would be up to districts to determine which exams they might eliminate.

The Delaware State Education Association, the state's largest education union, endorsed the elimination of redundant tests.

"Too much testing, and the high-stakes often attached to the results, has diminished our students' love of learning and our educators love of teaching," Frederika Jenner, the group's president, said in a statement. "We will support efforts to eliminate redundant, ineffective, and unnecessary tests as long as educators are directly and fully involved in the review of these tests and testing procedures."

State leaders made clear that the [Smarter Balanced Assessment \(/story/news/education/2015/02/27/parents-concerns-surround-tough-new-delaware-testing/24154719/\)](#), the big, tough new statewide test students are taking for the first time this year, will remain in use across Delaware.

Smarter Balanced asks students to have an in-depth knowledge of material, and is structured to go beyond multiple-choice answers and, in some cases, demand written responses. Because the test is more difficult and will take students longer to complete, scores are expected to plunge — fewer than half or only a third of students are projected to score "proficient."

Students are expected to spend seven or eight hours over a few days to complete the exam. State officials point out that because Smarter Balanced is administered only once a year, it will actually take up less time than the previous state test, the Delaware Comprehensive Assessment System.



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[Schools forum brings energy for change](#)

<http://www.delawareonline.com/story/news/education/2015/03/09/schools-forum-brings-energy-change/24680565/>

Citing the stress that Smarter Balanced will put on their kids and schools, a small but vocal group of parents — some of them teachers — have chosen to "opt their students out" of the new exam.

Rep. Earl Jaques, who chairs the House Education Committee, said the state's effort to eliminate tests should hopefully ease parents' and teachers' concerns. But he joined Markell in saying opting out isn't the answer for students.

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is there too much testing? Absolutely," Jacques said. And this shows we're trying to do something about that. But to me, opt-out is admitting failure, and that's not the American way."



Many teachers have also expressed concerns about how the new test will be used in their personnel evaluations. This year's scores on Smarter Balanced will not factor into those evaluations, but many educators have called for an extra year on top of that to transition to a regime for students.

Both Markell and Murphy both said they were "having positive conversations" with federal officials about that possibility.

Contact Matthew Albright at malbright@delawareonline.com, 324-2428 or on Twitter @TNJ\_malbright.

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## Tough new Delaware testing concerns parents

(<http://www.delawareonline.com/story/news/education/2015/02/27/parents-concerns-surround-tough-new-delaware-testing/24154719/>)

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## Scores to plunge on new standardized test

(<http://www.delawareonline.com/story/news/local/2014/11/21/scores-plunge-new-standardized-test/19348591/>)

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