



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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October 21, 2011

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 15 DE Reg. 417 [DOE Proposed Specialist Appraisal Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its regulation covering appraisal of specialists published as 15 DE Reg. 417 in the October 1, 2011 issue of the Register of Regulations. SCPD has the following observations.

First, the regulation is inconsistent in characterizing a "passing" score/rating in the student improvement component. Section 6.2.1 identifies an "Exceeds" rating as the official acceptable benchmark in contrast to inconsistent references to a "Satisfactory" rating in §§3.2 and 6.2.2.1 and "Unsatisfactory" rating in §§6.2.3.2, 6.2.4.2, 7.2.1, 7.2.2, 7.2.3, and 8.2.1. Section 2.0 includes a definition of "Satisfactory Component Rating" but no definition of an "Exceeds" rating. SCPD suspects the isolated reference to an "Exceeds" rating is an oversight and the word "Satisfactory" should be substituted.

Second, SCPD recommends that DOE consider deletion of the many references to "client" in §5.0. The word "student" is used throughout the regulation and the reference to "client" is ostensibly extraneous. Specialists will not be serving clients apart from students.

Third, DOE establishes 5 appraisal components in §5.0: 1) planning and preparation; 2) professional practice and delivery of services; 3) professional collaboration and consultation; 4) professional responsibilities; and 5) student improvement. Unlike the teacher appraisal regulation, these 5 components are included in the current regulation last revised in May of 2010. Specialists are rated in these 5 contexts resulting in an overall classification of highly effective, effective, needs improvement, and ineffective. See §6.0. The classification system could be characterized as "overly generous" or

“misleading” in some contexts. For example, a specialist scoring a satisfactory rating in only 3 of 5 components inclusive of student improvement (60%) is characterized as “effective”. Reasonable persons might view such a characterization as a distortion of the plain meaning of “effective”. Likewise, a specialist scoring a satisfactory rating in only 1 of 5 components inclusive of student improvement (20%) is euphemistically characterized as “needs improvement”. DOE may wish to revisit the qualifications for “effective” and “needs improvement” to more closely align to the plain meaning of the terms.

Fourth, the current DOE regulation contains a chart defining the criteria for a finding of a “pattern of ineffective practice” (§7.1). This pre-existing chart is “diluted” by a new §7.2 which directs a “disregard” of an unsatisfactory student improvement rating for the 2011-12 school year. The rationale for “disregard” is not provided. Since the student improvement standard has been included in the regulation since at least May of 2010, specialists have been on notice that student improvement would be part of their evaluation. Similarly, §8.2 categorically bars development of an improvement plan for a specialist with an overall “needs improvement” rating if solely based on an unsatisfactory “student improvement” score. SCPD recommends deletion of §§7.2 and 8.2. Alternatively, rather than totally ignoring an unsatisfactory student performance rating, the DOE could at least encourage public schools to affirmatively offer additional training or mentoring to such specialists.

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

Sincerely,



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

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
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