



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 823 [DOE Proposed Specialist Appraisal Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to revise the DPAS II standards for appraisal of specialist performance. The proposed regulation was published as 18 DE Reg. 823 in the May 1, 2015 issue of the Register of Regulations. SCPD has the following observations.

First, a "specialist" includes a school counselor, media specialist, school psychologist, and school nurse [§2.0, definition of "Specialist"]. Based on the definition, it should also include an occupational, physical, and speech therapist.

Second, §2.0, definition of "Student Achievement", recites that certain student test results will not be considered in a specialist's performance appraisal which "may be extended by the Department for the 2015-16 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".

Third, §2.0 contains a definition of "Interim Assessment". The term is not used in the body of the regulation. Moreover, it only refers to "academic" standards which may have little relevance to the performance of some specialists (e.g. nurse; physical therapist). The DOE may wish to consider deletion of the definition.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations 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

18reg 823 doc-specialist appraisal 5-18-15

Delaware may eliminate some school testing

## 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/](http://www.delawareonline.com/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.

<http://www.delawareonline.com/story/news/education/2015/03/12/delaware-look-number-tests-students-...> 5/11/2015

# Delaware may eliminate some school testing

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."

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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

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