May 18, 2015

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

RE: 18 DE Reg. 817 [DOE Proposed Teacher 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 teacher performance. The proposed regulation was published as 18 DE Reg. 817 in the May 1, 2015 issue of the Register of Regulations.

As background, the DPAS II system has been the focus of considerable attention in recent years. On the one hand, the assessment is viewed as weak in discriminating between effective and ineffective teachers. In the latest assessment, zero percent of teachers were rated “ineffective” and only one percent were rated “needs improvement”. See attached August 21, 2014 News Journal article. Despite the ostensibly generous ratings, only 47% of teachers characterized the evaluation system as “fair and equitable”. In contrast to the overwhelmingly positive teacher rating results, the students they teach are performing poorly on national tests. Approximately three quarters of graduating students do not score high enough on SATs to be considered ready for college. See attached October 7, 2014 article. See also attached October 2, 2014 News Journal article noting that 53% of Delaware high school graduates entering Delaware colleges are required to take remedial, non-credit courses. Finally, some educators are touting an alternate evaluation system focusing on the “Teaching Excellence Framework”. See attached September 7, 2014 and May 6, 2015 News Journal articles.

SCPD has the following observation on the proposed DPAS II revisions.

First, Section 2.0, definition of “Student Achievement”, recites that certain student test results will not be considered in a teacher’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”.

Second, §2.0 contains a definition of “Interim Assessment”. The term does not appear in the body of the regulation. The DOE may wish to consider deletion.

Third, §8.1 requires development of an “Improvement Plan” for any teacher with a “Needs Improvement” or “Ineffective” rating on either the summative evaluation or any of its appraisal components. SCPD endorses this provision. However, the regulations do not describe the plan or its potential components. For example, it could be helpful to clarify that it may include more frequent observations than the minimum contemplated by §6.1. Moreover, although the plan should not be based on a “rigid” or “brittle” template, it may be helpful to include a list of common supports or interventions as “prompts” for consideration in developing the plan. Alternatively, this could be accomplished at the sub-regulatory level. The comparable specialist appraisal regulation includes more specifics about the “Improvement Plan”. See 14 DE Admin Code 107A.8.3.

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

Sincerely,

Daniene Mc Mullin-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
Virtually no Del. teachers receive poor evaluations

Even with test score tie-in, marks see little variation

By Matthew Albright The News Journal

Zero percent of Delaware teachers were rated ineffective and only one percent were rated "needs improvement" during the last school year, leaving more than half of teachers to be rated effective and almost half to be rated highly effective.

The new evaluation system stirred controversy when the state announced it would be factoring in standardized test scores. Some educators argued test scores don't necessarily measure good teaching and don't account for outside factors like parent involvement. And they worried their evaluations, and job situations, could suffer for circumstances beyond their control.

But in both years when test scores were considered, 59 percent of teachers received passing grades.

Terri Hodges, president of the state PTA, said her organization strongly supports teachers and knows they aren't the only factor that determines student success. But she said the fact that virtually no teachers received low ratings "is a big surprise."

"I think this means we need to take a hard look at this evaluation system," Hodges said. "We support a fair evaluation system, but we can't say that 59 percent of teachers are effective when we look at the number of students we're seeing reaching proficiency or how we stack up to other states."

State leaders say the system, called the Delaware Performance Appraisal System - II, is improving, and any looking at the data more closely will give teachers and schools valuable information about ways teachers can improve.

"At the same time, it's clear that there should be more variation in the final ratings to know when teachers are excelling and when additional support is needed," said Christopher Rutkowski, chief of the teacher and leader effectiveness unit at the Department of Education.

The lack of almost any bad ratings upsets some who are trying to improve schools, arguing it places
Continued from Page A1

no pressure on teachers to step up their game. "Everybody needs to be held accountable," said New Castle County Councilman James E. Street, a long-time critic of how schools serve urban students in Wilmington. "If you're going to leave any of those out, we're going to continue to miss the mark. And this does not hold teachers accountable."

Before a school board can fire a teacher based on evaluations, the teacher must have a two-year record of unsatisfactory or three years of ineffective or three years of ineffective and non-improvement. "Accountability is part of the evaluation process, but the day-to-day implementation is about supporting educators, not penalizing them," Rumkowski said. "The purpose of DPI's DPI III and the reason we have made improvements to the system is to help our schools provide the best possible classroom instruction to our children."

President Benner, president of the Delaware State Teacher's Association, said her organization applauds high marks for teachers. "We think this is a terrific achievement, especially in light of the constant change that educators have experienced over the past few years," Enner said, pointing to things like a growing number of students in poverty and sweeping new state standards to meet new academic standards.

When asked if results that showed no teachers rated ineffective could be accurate, Jenner said the data was the best available. "Certainly, those are teachers who need to improve instruction," Jenner said. "This approach will help us identify those who need assistance. They need the appropriate professional development and training to be successful." This was the second year in which many teachers received high marks included in the controversial Component V. Each student receives a growth goal based on their previous test history and few similar students scored, and a teacher is judged based on how many students meet those goals. While Component V is only one of five parts in the overall evaluation, a teacher can't get better than a "needs improvement" if they are rated unsatisfactory on Component V.

The decision to include test scores in the teacher's evaluation, and the standard test only accounts for 40 percent of the overall evaluation, was controversial among educators and administrators. When teachers and administrators set their growth goals, they are seen by both as ambitious and necessary to improve instruction. Only six percent of educators were rated ineffective in those cases. Only one percent were rated ineffective in the job-specific evaluations.

Another reason Component V did not cause many teachers to earn low ratings is because administrators are still over-selecting candidates and leaders instead of observing them. This is the second year in which Component V accounted for 40 percent of the overall evaluation. If two or fewer students meet growth targets, they are considered satisfactory. If enough meet growth goals, they are considered effective. If not, they are considered ineffective.

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Only about a quarter of Delaware students who graduated last year scored high enough on the SAT college entrance exam to be considered ready for college, virtually the same as last year.

The report issued this morning from the College Board, which administers the test, suggests the state has a long way to go before its students are ready for college after high school. That's important, it says, because the specialized jobs of the future will require more workers with degrees.

Some 27.7 percent of Delaware students from both private and public schools made an overall score of 1550, which is considered the benchmark for college readiness. A student who makes that score has a 65 percent chance of earning a grade point average of B- or better in their first year at a four-year college.

The class of 2014's average composite score was a 1497. A perfect score is a 2400.

"This shows why we have to continue the hard work of implementing the Common Core [State Standards]," said Michael Watson, the state's chief academic officer.

Watson said the state's years-long effort to transition to the new standards, which set more ambitious academic expectations for students, is being "actualized" this year. So higher expectations in the classroom will hopefully mean moving the bar on college readiness.

Though the percentage of students has remained largely the same, a growing population and better test participation means the number of students scoring proficient has actually grown by 5.7 percent over the past two years, Watson said.

The report shows that minority students are still far less likely to score college-ready, another persistent problem. Only 7.7 percent of the state's black students and only 12.7 percent of Hispanic students met the benchmark.

Nationally, 42.6 percent of students met the benchmark — also about the same as last year's — but that number is not comparable to Delaware's.

Delaware administers the SAT test to every student in class, which means its scores are more representative of the entire student population than most. Only Idaho and Washington D.C. do that, though Maine pays for its students to take the test during one of the regular administrations.

Most states have much lower participation rates — nationally, only 47.5 percent of high school grads took the exam. Scores are generally better when the participation rate is lower because more of the students included are prepared for and interested in college, the report said.

Watson pointed to several individual schools that have seen big gains on the SAT recently. Dickinson High School has seen its average total score leap by 101 points over the past two years, while Cape Henlopen High has increased its score by 27.

The SAT is undergoing a major redesign that will first be administered in the spring of 2016. College Board officials say the new test will better reflect what students learn in high school.

Watson said that's good news for Delaware students because the new test will more closely match what students are learning.

"We're very excited about the new SAT," he said.

The College Board has also said it is working with Khan Academy, a website that provides online lessons, to provide free test prep. That's an effort to reduce the gap between low-income students and affluent kids whose parents can pay for them to have test tutors and other preparation.

Contact Matthew Albrigts at malbrigts@delawareonline.com or at (302) 324-2428 or on Twitter @TNJmalbrigts. http://www.delawareonline.com/story/news/education/2014/10/07/sat-report-says-kids-college-ready/16... 5/13/2015
More work to be done to avoid college remediation

On Tuesday, the Delaware Department of Education released data on the college readiness of our Delaware graduates, and the results are disappointing.

The data showed that more than half—53 percent—of Delaware’s high school graduates that matriculated to Delaware colleges in 2012 needed to take remedial courses. Remedial courses are those that are not credit-bearing, yet still students still bear the burden of paying for them before they can advance in their college classes. The numbers are even more dismal for our highest-need students who required remediation:

• 69 percent of low-income

• 87 percent of special education

• 76 percent of English Language Learners

• 73 percent of African-Americans

• 70 percent of Hispanic/Latinos

These numbers are of great concern, as we know that individuals with more education benefit both personally and improve economic outcomes broadly. The unemployment rate for individuals with a high school diploma or less is nearly double the unemployment rates of a bachelor’s degree. And those with a bachelor’s degree earn roughly twice as much as those with a high school degree.

Research also tells us that students who begin their college career in remedial courses are less likely to persist through college to earn a bachelor’s degree. And, remedial courses cost students hundreds of thousands if not over a million dollars in Delaware each year; some of which is borne by state scholarship funds. So, we as taxpayers are paying twice for education that should have happened once in high school.

The good news is, we can do something about it. The Delaware Department of Education is working with higher education and K-12 schools and districts to ensure alignment; increase standards; ensure more college-ready students are applying and going to college; and offer more college-level courses in high school.

But to truly tackle this problem, we must all come together to support our students in the face of these disappointing results. The world outside our schools is changing, and we have an opportunity to support our schools in meeting 21st-century demands:

• The business community can do more to support students in their career pathways and in obtaining exposure to college and career opportunities. Public-private partnerships like SPArRC, which connects high school students with local business to explore opportunities for internships and future careers, are steps in the right direction.

• Community-based organizations can double down on efforts to develop supports inside and outside the classroom to ensure students have the tools and resources they need to be successful in post-secondary opportunities.

• Individuals across the community can get involved by volunteering during Delaware’s College Application month, which begins in October, by visiting www.delawarequestocolllege.org (http://www.delawarequestocolllege.org/).

As a Delaware resident, parent, and president and CEO of a company that has been headquartered in Delaware for 115 years, ensuring we have an educated and highly skilled workforce is critical to the long-term economic success of our state. We can do better, and we need to be part of the solution.

Rodman "Red" Ward III is president and CEO of Corporation Service Co. ,

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http://www.delawareonline.com/story/opinion/contributors/2014/10/02/work-done-avoid-college-remed... 5/13/2015

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An alternative approach to state’s teacher evaluation system

LAMONT W. BROWNE

Data released two weeks ago showing 99 percent of Delaware teachers were rated “effective” or “highly effective” has fueled the need for a better evaluation system. While this is obvious, it misses a major point: teacher evaluation without coaching does not benefit kids.

East Side Charter School — in partnership with Kuumba, Prestige and Thomas Edison — was approved by the Department of Education to use the “Teaching Excellence Framework,” an alternative to the state’s evaluation system. Focusing on teacher development, we set a goal to observe each of our teachers biweekly, followed by a one-on-one coaching session between a coach and the teacher between 18 and 20 times annually.

All observations are unannounced, allowing for a real perspective of the teacher’s effectiveness and growth. We also digitally record every lesson to guide the teacher’s development and promote a better understanding of the teacher’s tendencies, strengths and weaknesses. This puts the onus on the school’s leadership team, as it is our job to design and deliver a plan that improves teacher performance. In essence, our evaluation/coaching model is an individually customized professional development session every other week.

The relationship between teacher and coach has led to strong teacher buy-in and satisfaction with the TEF. A recent survey of East Side teachers produced the following results:

- 88 percent believed the TEF helped them identify their own strengths and weaknesses
- 93 percent felt a common vision for teaching efficiency has been established
- 90 percent of teachers felt the feedback and action steps they received helped improve their instruction
- 96 percent believed the feedback from being observed helped them improve student outcomes
- 93 percent felt they received the support necessary to implement the changes suggested by evaluators
- 93 percent felt the school was committed to improving instructional practices
- 100 percent felt their instructional leader was committed to improving their effectiveness

So, what happens when teachers are held to a high standard and leaders are held accountable to helping each teacher improve? ALL students learn.

From 2011 to 2014, East Side Charter School has grown 30 percentage points in reading on the Delaware Comprehensive Assessment System (DCAS) and 26 points in math. Looking solely at each student’s fall-to-spring growth, East Side far exceeded the state’s average growth in 2014.

Reading — East Side: 63 percent; Delaware: 55 percent
Math — East Side: 73 percent; Delaware: 57 percent

We hope to share our lessons learned and successes with policymakers, district leaders and charter leaders to the benefit of students statewide. We all have the power to transform lives, eradicate the achievement gap and produce motivated young people. It is our job to make it happen.

Lamont W. Browne, Ed. D., is head of school/principal at East Side Charter.
Possible solution to Delaware teacher evaluation issue

Matthew Albright, The News Journal  10:23 p.m. EDT May 6, 2015

The first year teaching is tough for pretty much everybody, but it was especially tough for Kelly Hepburn because she started midway through a school year at Kuumba Academy, a charter school in downtown Wilmington.

Hepburn says she struggled at first, especially with managing a classroom full of rambunctious third-graders.

But this year, School Leader Sally Maldonado raves about how well Hepburn is doing.

"Honestly, it almost makes me tear up sometimes when I go in her classroom and see how much she's improved," Maldonado said.

Ask Hepburn what led to such rapid growth in her skills and she'll point to Samantha Connell, her instructional coach.

This coaching is part of Kuumba's new way of evaluating Hepburn's performance, though she seldom sees it that way.

The school is one of four charter schools that is currently implementing the Teaching Excellence Framework, an evaluation system that hinges on frequent classroom observations and coaching sessions. The other schools are EastSide Charter, where the system was pioneered; Thomas Edison; and Prestige Academy.

More charter schools are considering implementing the system, and it has also drawn interest from some traditional schools and the Delaware State Education Association union.

Kelly Hepburn, third-grade English language arts teacher at Kuumba Academy, asks her students about public service announcements. (Photo: SUCHAT PEDERSON/THE NEWS JOURNAL)

Connell, who was a classroom teacher as recently as last year, spends time in Hepburn's classroom about once a week or so, observing her teaching and measuring it against a written rubric. Once class is finished, the two sit down to discuss ways that Hepburn can improve.

One time, for example, Hepburn remembers Connell telling her that she was not taking full advantage of "turn and talk," when she asks students to turn to a partner and discuss the issue they are learning about.

Rather than using those moments as a way to manage her classroom, Connell said Hepburn should be carefully listening to take stock of how well her...
"I credit the coaching with almost all of the improvement I've been able to make," Hepburn said.

Many educators say a new teacher evaluation process is sorely needed because the statewide system most schools use now, the Delaware Performance Appraisal System-II, is widely distrusted by teachers and principals.

When the Department of Education asked teachers about the system in a 2013 survey, 86 percent of administrators and 86 percent of teachers said the system needed to improve. About three-quarters of teachers and more than 80 percent of administrators said the system "should not continue in its current form."

Many teachers think DPAS-II doesn't give them much concrete advice on how to improve their teaching. They say it requires too much bureaucratic paperwork and form-filling. And, most controversially, it features student test scores as a measure of some teachers' performance.

The theory behind the Framework is relatively simple. Every teacher, no matter how good, can get better. And the best way to improve is regular help from another skilled educator.

While DPAS might see principals observe classes a few times a year, the Framework might have principals or coaches in a classroom a few times a month, depending on the teacher.

Fundamentally, many teachers feel DPAS-II is all about catching and punishing poor performance, and not about helping them improve.

But even if the system is designed to root out bad teachers, it hasn't succeeded. Last year, no teachers were rated ineffective, and only 1 percent were rated "needs improvement." Almost half of teachers earned the "meets expectations" rating, the top mark.


State leaders said there were few low grades because principals almost always "bumped up" a teacher's rating when they had an option, and because the goals principals and teachers were setting for student improvement were far less ambitious than they should have been.

Dissatisfaction with DPAS-II means there's plenty of appetite for an alternative like the Framework.

"We are trying to encourage our district and school administrators to think of other ways to approach evaluations," said Frederika Jenner, the DSEA union president. "We are looking at this as one available model of an alternative."

http://www.delawareonline.com/story/news/education/2015/05/06/possible-solution-teacher-eval-issue/70... 5/7/2015
Jenner said DSEA has some concerns, like the potential problems of scaling up a system designed for relatively small charter school communities to larger district schools. The union is not promoting the Framework as a replacement for DPAS-II, but Jenner says the group does see some encouraging facets of the system.

"What caused our interest in this was its focus on teaching and continuous improvement," she said. "The best practice in evaluation is one that genuinely and realistically helps educators improved."

While the Framework does include test scores as part of the evaluation, Jenner said it looks like the scores are less central to the process then they are for DPAS.

"I don't want people to think that our system doesn't hold people accountable because it is very, very rigorous," said Lamont Browne, school leader at Eastside Charter. "We have set very high expectations for our teachers' performance. But we also have to do everything we can to help our teachers meet these expectations."

Take, for example, what the rubric says about engaging students in lessons. The only way a teacher earns the best rating is if every single student is not just actively participating in the lesson, but "showing evidence of joy, urgency and purpose."

"That's not quite impossible, but it's very, very difficult," said Connell, the Kuumba teaching coach. "What we have to do is set a very high bar but let teachers know that they aren't falling just because they didn't get a perfect score. In fact, they might be doing really well, but we can show them that there's room for improvement."

Both teachers and their coaches acknowledge that work has to go into maintaining a relationship so that the assessor can be objective and look critically at teaching without the arrangement starting to feel punitive.

Both Browne and Maldonado say the Framework requires schools to make sure the people doing the coaching know what they're talking about. They also have to have specific people whose main responsibility is coaching, which may require some restructuring.

Part of the reason the system avoids putting teachers on edge, Browne argues, is because the person doing the coaching is as accountable as the person being coached.

"If we look and see that a teacher isn't improving, then we obviously have to stop and look at what's going on there. But we also have to look at the..."
One of the big theories behind charter schools is that they are supposed to be laboratories for new ideas that are then shared through the larger school system. Many groups, like the Wilmington Education Advisory Committee, have argued that exchange of ideas isn't happening nearly as well as it should.

"I don't want people to think that what we're saying is 'our system is so great and everybody has to use it just like we use it,'" Browne said. "I think it's fine for other schools to tweak things to fit the structure they have in place. But I think this idea of coaching and continuous improvement is a powerful one, and my hope is that we'll see more schools try to embrace it."

Contact Matthew Albright at malbright@delawareonline.com, (302) 324-2428 or on Twitter @TNJ_malbright.

[Delaware Senate passes Wilmington charter moratorium](http://www.delawareonline.com/story/news/education/2015/05/06/possible-solution-teacher-eval-issue/70...)

5/7/2015
Delaware may eliminate some school testing

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."

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 (smartnews/education/2016/02/27/parents-concerns-surrond-tough-new-delaware-testing) is 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 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.

Citing the stress that Smarter Balanced will put on their kids and schools, a small but vocal group of parents — some of their 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.
Delaware may eliminate some school testing.

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.

Tough new Delaware testing concerns parents

Scores to plunge on new standardized test

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