MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM: **August 2013**

CONSIDERATION OF AN ORDER OF RULEMAKING TO ADOPT
RULE 5 CSR 20-400.375 DISTRICTS EFFECTIVELY EVALUATING EDUCATORS

STATUTORY AUTHORITY:	☐ Consent Item	☒ Action Item	☐ Report Item
Sections 161.092, RSMo Supp. 2012 and 168.128, RSMo 2000			

DEPARTMENT GOAL NO. 3:

Missouri will prepare, develop, and support effective educators.

SUMMARY:

On April 16, 2013, the State Board of Education approved a notice of proposed rulemaking to adopt 5 CSR 20-400.375, relating to districts effectively evaluating educators. This notice of proposed rulemaking was published in the *Missouri Register* on June 3, 2013 (38 MoReg 825-827). The secretary of state received four (4) comments on the proposed rule. The four (4) comments generally expressed support for the Essential Principles of Effective Evaluation as well as requesting several revisions.

PRESENTER(S):

Paul Katnik, Assistant Commissioner for the Office of Educator Quality, will participate in the presentation and discussion of this item.

RECOMMENDATION:

The Department recommends the State Board of Education authorize publication in the *Missouri Register* of an Order of Rulemaking to adopt rule 5 CSR 20-400.375, relating to districts effectively evaluating educators; and that the State Board finds this adoption necessary to carry out the purpose of Sections 161.092, RSMo Supp. 2012 and 168.128, RSMo 2000.

Title 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2012 and section 168.128, RSMo 2000, the board adopts a rule as follows:

5 CSR 20-400.375 Districts Effectively Evaluating Educators is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 3, 2013 (38 MoReg 825-827). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received four (4) comments on the proposed rule.

COMMENT #1: Kate Casas, State Director, Children's Education Alliance of MO requested an increase in transparency and effectiveness by (1) specifying the percentage of individual educator evaluations to be based on student growth; (2) providing more detail about the value added model used to calculate student growth; (3) greater detail on how student growth will be used to evaluate educators not teaching tested grades and subjects; and (4) discouraging districts from allowing teachers to collectively bargain on the design and implementation of new evaluation systems.
RESPONSE: The department has designed, published, and posted materials to support this rule which provide greater detail about the use of student growth as one (1) of several balanced measures to be used to evaluate educator performance. These guidelines also include additional details about Missouri's value added model and the use of student growth to evaluate educators not teaching tested grades and subjects. Additionally, the department is creating and will publish and post supporting guidelines to this rule regarding necessary policy to support educator evaluation. These guidelines include statements relevant to collective bargaining.

COMMENT #2: Lea Crusey, Missouri State Director, StudentsFirst requested consideration of additional suggestions to ensure that performance evaluations have a great impact in improving student performance. These suggestions included: (1) require meaningful teacher evaluations based significantly (fifty percent (50%) recommended) on student growth measures and other multiple measures focused on student outcomes that rate teachers according to four (4) levels of effectiveness and include opportunities for feedback linked to professional development; (2) require meaningful principal evaluations based significantly (fifty percent (50%) recommended) on school-wide student growth measures and effective management of teachers that rate principals according to 4 levels of effectiveness; (3) eliminate or reform tenure in K-12 education by requiring attainment and maintenance be based on consistent effectiveness; (4) provide full authority to districts, not subject to negotiations, to develop and implement meaningful educator evaluations; (5) end forced placement ensuring schools the authority to build and maintain an effective instructional team including the hiring decisions and removal of ineffective teachers from the classroom; and (6) inform parents about teacher effectiveness, including requiring parental notification regarding teacher ineffectiveness and/or parental consent to student assignment with an ineffective teacher.

RESPONSE: The rule and supporting materials direct districts to use student growth measures as a significant contributing factor in the evaluation of teachers and principals. Section 168.128, RSMo, and the *Teacher Tenure Act* authorize and direct boards of education of each school district regarding the evaluation process and other personnel issues, including tenure, teacher placement, and parental notification.

COMMENT #3: Kelli Hopkins, Board Services, Missouri School Boards' Association requested the regulation clearly state whether it is intended to cover teachers and administrators (leaders). The title of the rule refers to "educator evaluation" but the introductory paragraph only references "teachers".
RESPONSE: Section (1) of the rule clearly states that, while section 168.128, RSMo, applies to evaluations for teachers, this regulation applies to the evaluation of administrators (leaders) as well.

COMMENT #4: Mike Wood, Associate Executive Director, Education Policy, Missouri State Teachers Association requested the inclusion of a statement ensuring the results of individual educator evaluations remain a part of the personnel record of the employee and not be shared with a state or federal agency.
RESPONSE: The department is creating and will publish and post supporting materials to this rule regarding necessary policy to support educator evaluation. These materials include reference to the confidentiality of evaluation information as a part of an employee's personnel record.

Title 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
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PROPOSED RULE

5 CSR 20-400.375 Districts Effectively Evaluating Educators

PURPOSE: The growth and learning of children is the primary responsibility of those who teach in our classrooms and lead our schools. Student growth and learning can be observed and measured. Educators, in partnership with students, parents, and community, are accountable for ensuring the improvement of student achievement. Effective educator evaluation systems promote the improvement of professional practice resulting in the improvement of student performance.

(1) Pursuant to section 168.128, RSMo, the board of education of each school district shall maintain a comprehensive, performance-based evaluation for each teacher employed by the district. It is required that these evaluations shall be ongoing and of sufficient specificity and frequency to provide for demonstrated standards of competency and academic ability. With the primary goal of improving educator quality to promote high levels of student learning, the Department of Elementary and Secondary Education (department) establishes the following principles of effective evaluation:

(A) The evaluation process should use research-based performance targets aligned with state model teacher and leader standards;

(B) The evaluation process should establish indicators of performance articulated across differentiated levels with standards specifying expectations at all levels of practice;

(C) The evaluation process should be aligned with the probation period for the educator as specified in state law and provide for the accurate and appropriate accumulation of performance data;

(D) The evaluation process should use student growth in learning as a significant contributing factor in the evaluation of practice at all levels, using a wide variety of student performance measures;

(E) The evaluation process should assess performance on a regular basis, providing timely feedback from multiple sources that promotes formative development at all career stages and supporting overall improvement;

(F) The evaluation process should be designed to ensure that evaluators who collect evidence of performance and provide feedback are highly trained and objective, ensuring that ratings are fair, accurate, and reliable; and

(G) The evaluation process should be designed to guide district decisions regarding determinations of status, recognition, development, interventions, and policies that impact student learning in the system.

(2) These essential principles outlined here are the overall framework of Missouri's model Educator Evaluation System. School districts not electing to adopt the state model shall align their local evaluation process to these same principles and shall submit their process to the department for review and approval.

AUTHORITY: section 161.092, RSMo Supp. 2012 and section 168.128, RSMo 2000.

PUBLIC COST: This proposed rule will cost approximately nine hundred thousand dollars ($900,000) for the initial training cost and three hundred thousand dollars ($300,000) recurring cost each year from the department's revolving fund.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Paul Katnik, Interim Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480, or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*