COLORADO
Department of Education

Educator Evaluation System Support and Review

Submitting a Request to Review a School District/BOCES Educator Evaluation System

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Process for Submitting a Request to Review a District/BOCES Educator Evaluation System

BACKGROUND AND PURPOSE

In 2010, the Colorado General Assembly adopted S.B. 10-191, a comprehensive overhaul of the state's educator evaluation system and processes. The new act established the requirement for annual evaluations for all licensed personnel. The new statute and accompanying rules provided standards and criteria for quality educator evaluation systems that local district/BOCES evaluation systems must meet or exceed. Full implementation of the new educator evaluation systems began in the 2013-14 school year.

The Colorado Department of Education (CDE) is responsible for providing support to districts/BOCES in implementing quality evaluation systems that meet the requirements of the law. This support includes providing a state model educator evaluation system that districts/BOCES can adopt, providing training and technical assistance, and making available a range of resources and tools for district/BOCES use. In addition, the department is required to monitor on an ongoing basis adherence to the requirements for educator evaluation systems as outlined in state statute and State Board of Education rules. Section 6.1 of the Rules for the Administration of a Statewide System to Evaluate the Effectiveness of Licensed Personnel Employed by School Districts and BOCES (1 CCR 301-87) provides authority for CDE to monitor and review districts' educator evaluation systems, including those using the State Model Educator Evaluation System and those using locally-created systems.

In 2013, the legislature adopted H.B. 13-1257 which further codified the support and monitoring functions of the department, including the responsibility to respond to requests for review of local educator evaluation systems. The statute provides an avenue for interested parties to submit requests to the department to review a district's/BOCES' local implementation of its educator evaluation system for adherence to the law.

This document outlines the process for parties to request a review of a district's/BOCES' educator evaluation system. The aim of this process is to be responsive to concerns associated with alignment with requirements in state statute and State Board rule that may be raised by interested parties and to support districts/BOCES in improving the quality of their educator evaluation systems. This process is fundamentally about providing districts/BOCES the support needed to implement quality educator evaluation systems in their local context.

STATUTORY AND REGULATORY AUTHORITY

Section 22-9-106(1.5), C.R.S. and section 6.1, 1 CCR 301-87 authorize the department to conduct a thorough review of a district's or BOCES's processes and procedures for implementation of an educator evaluation system when either: (1) the district or BOCES or an interested party submits a formal request to review the local implementation of the educator evaluation system in use; or (2) the district or BOCES has developed its own locally

created evaluation system or adopted the State Model Evaluation System and the data collected by the department about the system indicates the system does not meet the objectives of the law. Excerpts of the two authorizing sections of the law are included below.

STATE STATUTE: Section 22-9-106 (1.5), C.R.S.

(a) A local board or board of cooperative services may adopt the state model license personnel performance evaluation system established by the rules promulgated by the state board pursuant to section 22-9-105.5 or may develop its own local licensed personnel performance evaluation system that complies with the requirements established pursuant to this section and the rules promulgated by the state board. If a school district or board of cooperative services develops its own local licensed personnel evaluation system, the local board or board of cooperative services or any interested party may submit to the department, or the department may solicit and collect, data related to said personnel evaluation system for review by the department.

(b) The department shall monitor school districts' and boards of cooperative services' implementation of the requirements for local licensed personnel evaluation systems. If, upon initial review by the department, the data submitted or collected pursuant to paragraph (a) of this subsection (1.5) indicates that a school district or board of cooperative service is unable to implement a local licensed personnel evaluation system that meets the objectives of this article, the department shall conduct a more thorough review of the school district's or board of cooperative services' processes and procedures for said evaluation system to ensure that it is professionally sound; results in fair, adequate, and credible evaluations; satisfies the quality standards established by rule of the state board in a manner that is appropriate to the size, demographics, and location of the local board or board of cooperative services; and is consistent with the goals, objectives, and intent of this article.

STATE BOARD RULE: 1 CCR 301-87, Section 6.1 (E)

When data collected by the Department indicates that a school district or BOCES is unable to implement a local evaluation system that meets the objectives of the Licensed Personnel Performance Evaluation Act, section 22-9-101, C.R.S., et seq., the Department will conduct a more thorough review of the school districts' or BOCES' processes and procedures for its licensed personnel evaluation system to assure that the system is professional, sound, results in fair, adequate, and credible evaluation, satisfies the Quality Standards in a manner that is appropriate to the size, demographics, and location of the school district or BOCES, and is consistent with the purposes of article 9, title 22.

Pursuant to section 22-11-206(4)(b), C.R.S., if the Department has reason to believe that a school district is not in substantial compliance with one or more of the statutory or regulatory requirements that applies to school districts, the Department must notify the local school board that it has ninety days after the date of notice to come into compliance. If, at the end of the ninety-day period, the Department finds that the school district is not substantially in compliance with the applicable statutory or regulatory requirements, the school district may be subject to the interventions specified in article 11 of title 22, Colorado Revised Statutes.

NATURE OF REVIEW

State statute and rules determine the requirements for local implementation of educator evaluation systems and the criteria for the department's review. State statute, in Section 22-9-106, C.R.S., and the State Board of Education's rules, in Section 5.0 of 1 CCR 301-87, specify the requirements for local evaluation systems, which the department will use to review local systems.

If a request for review is submitted, CDE will have the discretion to determine whether the subject of the review has already been addressed by a prior request for review. If CDE determines the review has already been completed and addressed through a previous process, CDE may respond to the requestor with information about the prior determination and/or resolution.

Please note that this review process is not applicable to complaints concerning an educator's individual rating or evaluation experience. The educator must use their district's or BOCES's appeal process to appeal an individual rating pursuant to Section 22-9-106(4.5)(b), C.R.S.

Also note that this process does not apply to the particular evaluation procedures in individual schools. In accordance with the scope of review authorized by Section 22-9-106(1.5) C.R.S., and Section 6.1 (E) of 1 CCR 301-87, the review process is only applicable to a local evaluation system, as a whole.

BEFORE SUBMITTING A REQUEST FOR REVIEW **(For interested party requests only)**

Before submitting a request for review, an interested party must consider the following initial checklist. This checklist does not apply to districts or BOCES that are requesting a review of their locally-developed system.

To be considered by the department, the request from an interested party must:

- □ Be from a person or group of persons who are directly impacted by the evaluation system;
- □ Pertain to evaluation *system* concerns, **not** to an individual's concern. Concerns about how an individual was evaluated must go through a local grievance or appeal process;
- □ Have gone through appropriate district/BOCES channels first. The requestor must have attempted to have the concern with the local evaluation system resolved through appropriate district/BOCES channels (such as the Human Resources Department, personnel committees, the superintendent or the local school board) prior to bringing the request for review to the state;
- □ Have identified the specific area(s) of concern *aligned with* specific citations of state statute and/or State Board rule and as applicable, provided documentation that substantiates the noted concerns; and
- □ Be related to specific statutory and regulatory requirements. For example, 22-9-106(1)(c)(III) C.R.S., and not simply an entire section of statute, 22-9-106 C.R.S..

PROCESS FOR SUBMITTING A REQUEST FOR REVIEW

1. Complete the request for review form (included at the end of this document as a fillable PDF)
2. Attach related documentation, as applicable
3. Send in form and documentation via email to: Educator_Effectiveness@cde.state.co.us

RESPONSIBILITIES AND CDE PROCESS FOR REVIEW

For District/BOCES-submitted requests for review of their own evaluation system, CDE will:

1. Work with the district/BOCES to obtain the necessary documentation to ensure a thorough review of the district/BOCES' educator evaluation system.
2. Establish appropriate meetings and/or on-site visits to the district/BOCES as part of the review process.
3. Conduct the review, which as noted above, could include an onsite visit.
4. Provide a summary of the state's review to the superintendent or BOCES Director noting any findings and providing recommendations for improvement, including timelines for addressing any findings.

For interested parties submitting a request for review, CDE will:

1. Notify the interested party of receipt of the request and inform the relevant district/BOCES that a request for review of their system has been received. The notification will inform both parties of the process that CDE will be engaged in to review the concern. Notification will also be sent to CDE senior leadership team members for information purposes.

2. Review the request to determine whether the concern to be addressed is associated directly with state statute and/or State Board rule. Within 10 business days, CDE will notify both the requestor and the district/BOCES whether CDE will take further action investigating the request. CDE has the discretion to adapt timeframes, as needed.

3. If CDE determines the concern is associated with state statute and/or rule, as distinct from an individual experience or local implementation decisions, CDE will conduct initial data gathering to inform the review of the concern. CDE will submit a letter to the district superintendent/BOCES Director requesting information regarding the specific request and ask for that information within 20 business days or as mutually agreed upon by CDE and the district.

4. Based on the review of that information, CDE will prepare a response that may resolve the issue or that may indicate that further investigation of the request is needed. CDE will submit this response to the requestor and superintendent/BOCES Director within 30 business days of the determination the request is directly associated with state statute and/or rule or as appropriate given the nature and complexity of the concern(s).

5. If further investigation is needed, CDE will work with the district/BOCES to gather additional information. This may include site visits, interviews with various parties and requests for information and processes from the district.

6. A deeper investigation will culminate with a letter to the superintendent and school board president or BOCES Executive Director stating the findings, the evidence for those findings, and the timelines for addressing the findings. The requestor will receive a copy of this letter.

7. Upon receiving the notification of findings, the district/BOCES will have 90 days to take action on the specific areas noted (unless another timeline is mutually agreed upon by CDE and the district/BOCES). CDE staff will be available to assist districts/BOCES in addressing the findings and improving their evaluation systems to ensure adherence with the law.

8. If, through the investigation process, it is determined that 90 days would not be sufficient to address the findings, CDE has the discretion to establish key deadlines for specific deliverables with the district/BOCES so that progress can be monitored over time and to work with the district on a timeline for addressing all findings.

9. After the 90-day period (or time period agreed upon in number 8 above), CDE will review the actions taken and send a final letter to the superintendent, school board president, or BOCES Executive Director and requestor identifying the steps taken and whether they were sufficient to address the findings and bring the district/BOCES into adherence with the law.

10. If the district/BOCES did not address the concerns adequately, CDE will state in the letter that they are not in compliance with the law and that further action must be taken. That action will be clearly explained in the letter and may include (and is not limited to) further necessary actions with more time to address, adoption of parts of or the full state model educator evaluation system, nullification of educators' evaluation ratings, and/or adjustment in the district's accreditation rating.

REVIEW PROCESS

The written responses to the requests for review and the data collected will be led by the CDE Educator Effectiveness Office and overseen by the Chief of Educator Talent. Based on the nature of the requested review, the Educator Effectiveness team may engage relevant experts within and external to CDE to support the review process. After conducting the review, the Chief of Educator Talent will prepare a report noting any findings for review and action by the Commissioner of Education (or their designee). The Commissioner (or their designee) will make the final decision on the findings and sign the notification letter to the superintendent, school board president, and requestor.

INFORMATION & RESOURCES

For more information about Colorado Educator Effectiveness and links to information about evaluation system requirements, go to:

Educator Effectiveness Office homepage

(https://ed.cde.state.co.us/educatoreffectiveness)

REQUIRED FORMAT AND ELEMENTS FOR SUBMITTING

Request for Review forms must be submitted by email.

Submit the completed fillable PDF form and any related documentation by email to: educator_effectiveness@cde.state.co.us

Please include "Request for System Review" in the subject line.

Request Form for Review of an Evaluation System

Request for Evaluation System Review	
Person(s) making this request:	
Who is this request from?	☐ Superintendent (or District Leadership) ☐ School Board ☐ BOCES Executive Director (or BOCES Leadership) ☐ Interested Party/Parties (*include explanation of connection to the district/BOCES below*) Interested Party/Parties connection to the district/BOCES:
Primary Contact Person for this request:	
Name and Role:	
Phone:	E-mail:

Evaluation System and Type of Review Requested:

Please complete the following to indicate for which district/BOCES a review is being requested, the type of evaluation system currently in use to be reviewed, and the nature of the request.

District/BOCES to be reviewed:	
Type of evaluation system in use by the district/BOCES:	☐ State Model Personnel Evaluation System ☐ A locally created personnel evaluation system
Nature of the request for review:	☐ From an individual or group: Regarding a complaint or concern(s) about the district's/BOCES' personnel evaluation system ☐ From a school district or BOCES: To ensure the system is meeting state law and expectations for educator evaluations

NOTE:
If you are a district/BOCES requesting a review of your local evaluation system, you do NOT need to complete the remainder of this form. CDE staff will be in touch with you to request documentation needed and set up any meetings with the district/ BOCES that may be needed to ensure a thorough review.

If you are an interested party/parties submitting this request, please complete the remainder of this form providing responses in the allotted space. Relevant support documentation may be included as applicable.

Certification

I, THE UNDERSIGNED, assure that what I have stated in this request for review is factual and true to the best of my knowledge. I can be contacted for follow-up and acknowledge that my name will be released to the district/BOCES as part of the request for review process.

I acknowledge that inclusion of my name below serves as my signature.

Name of Requestor (primary contact) for this request: _____

Date signed: _____

For interested parties submitting a request for review, please provide a brief summary of the area(s) of the district's/BOCES' evaluation system you are requesting the department review as not meeting state statute and/or State Board rule.
For interested parties requesting a review, please provide specific citations where the area(s) identified above in the district/BOCES evaluation system does not meet state statute and/or State Board rule. For example, For example, 22-9-106(1)(c)(III) C.R.S. or Section 5.1(D)(12)(b), 1 CCR 301-87.

For interested parties requesting a review, please provide information regarding your efforts to address this issue/concern with the district/BOCES directly. **Specifically, what have you already done to address the areas of concern(s) with your district/BOCES? Whom have you contacted and what district/BOCES procedures have you followed to attempt to address the concern? What was the response?**
For interested parties requesting a review, what is the outcome/result you are seeking following this review? Keeping in mind the purpose of this process is to determine if a district/BOCES evaluation system is not meeting requirements in state statute and State Board rule, and not to address local implementation decisions or an individual evaluation experience. *Please note: No commitments or guarantees regarding the outcome/result from this review are offered or implied.*