

Report From Agency

**FINAL REPORT
CLEARINGHOUSE RULE 13-024
CHAPTER PI 47
Equivalency Process for Educator Effectiveness**

Analysis by the Department of Public Instruction

Statutory authority: s. 115.415 (3), Stats.

Statute interpreted: s. 115.415 (3), Stats.

The basis and purpose of the proposed rule, including how the proposed rule advances relevant statutory goals or purpose:

This proposed rule establishes the necessary criteria and guidelines for approving an alternative model for evaluating educator practice. This rule lays out the framework for the equivalency review process, what is needed by applicants, and a timeline of implementation.

The Educator Effectiveness Evaluation System is required under 2011 Act 166. The Educator Effectiveness System evaluates educators equally on two components: student outcomes and educator practice. In 2011 Act 166, the Wisconsin Legislature required the Department to allow additional evaluation systems for the educator practice component since one model for evaluating educator practice might not suit every district or charter school.

Section 115.415 (3), Stats., created under 2011 Act 166, mandates the promulgation of an equivalency process to review alternative educator evaluation models for use by public school districts and charter schools established under s. 118.40 (2r), Stats. The equivalency process must be based on the 2011 Interstate Teacher Assessment and Support Consortium and the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards.

Public hearings to consider the proposed rule were conducted by the department on June 6, 2013.

The following persons testified at the June 6, 2013 hearing (some also provided written testimony as well):

NAME	ORGANIZATION
Wendy Hughes	WEAC
Sean Roberts	Milwaukee Charter School Advocates
Patricia Hoben	Carmen High School of Science and Technology
Carrie Bonk	Wisconsin Charter Schools Association
Carla Koepp	Lake Country Academy
Joan Wade	CESA 6

NAME	ORGANIZATION
Mary Bell	WEAC

The following persons submitted written testimony:

NAME	ORGANIZATION
John Anello	EdViewRate
Daniel Grego	TransCenter for Youth, Inc.

Summary of public comments relative to the rule, the agency’s response to those comments, and changes made as a result of those comments:

The main themes of the public comments were:

1. The methods and processes used to review alternative models, as well as the approval and communication of the models, should be transparent.
2. There should be rigorous review of alternative models. This should not be a “rubber stamp” approval process. Rigorous review ensures the new Educator Effectiveness system is of high quality as opposed to the current patchwork system of evaluations. Rigorous review should ensure alternative models are truly compatible with and aligned to the state model. Once alternative models are approved, they must be monitored, evaluated, and held accountable.
3. Users of all models, state or alternative, should receive state funding. DPI/the state should fund the evaluation of the Wisconsin EE System, including alternative models. Additionally, alternative models and their districts should be considered when making decisions regarding data transfer requirements, costs, and the communication of models and systems:
 - o Models should only have to report final scores to DPI, not all data or evidence;
 - o DPI/the state should cover costs associated with data transfer; OR
 - o DPI should ensure the system is built to ensure ease and minimum cost of data transfer
4. Non-instrumentality charter schools should have ability to apply to use an alternative model. They should not be held to their district’s model of choice.
5. DPI should reconsider the annual approval process.
6. DPI should clearly communicate that districts can “switch” models at any time without penalty.
7. If an alternative model is rescinded or not approved, the district should be able to choose any approved model, not just the state model.
8. DPI should clarify the timeline.

Responses to these public comments:

1. The methods and processes used to review alternative models are transparent. The application process and requirements are detailed in the rule. Additionally, DPI publicly releases the names of the school districts applying through the equivalency process.
2. There is rigorous review of alternative models. Applicants must provide assurances and receive annual approval. Additionally, corrective action can be taken if the applicants do not meet the requirements prescribed in the rule.
3. Funding for the State model and alternative models is currently in the budget. The funding given to alternative models was intended to cover not only the costs of developing the model but also the costs of

regularly evaluating the model and transferring data to the state. These aspects of alternative models are necessary to ensure that the models are aligned to the State Educator Effectiveness model, as required by statute. However, DPI will identify funds to evaluate the System as a whole.

4. Non-instrumentality charter schools are not permitted to apply for an alternative model under statute. As a result, the rule cannot be changed.
5. Annual approval ensures that there will be rigorous review of alternative models. It is also necessary until the model is proven to produce consistent and reliable results.
6. DPI does communicate that districts can switch models at any time through other communication channels.
7. A change was made to the rule to clarify the options available to a district if that district's model is not approved.
8. A change was made to the rule to provide a more precise timeline.

Changes made to the rule as a result of these comments:

A date (June 15) was added for when the Department must approve the application by if the application is initially denied and the applicant submits additional evidence and supporting documents.

It was clarified that districts that do not receive approval of their applications can implement the State Educator Effectiveness Model or another model that has been approved.

Changes to the plain language analysis or the fiscal estimate:

There were minor technical changes made to the plain language analysis for the purposes of clarification. One of these changes was based on a recommendation of the Legislative Council to clarify that the reference to Wisconsin Act 166 was to the 2011 version of Wisconsin Act 166.

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code:

All of the recommendations under this section were accepted.

4. Adequacy of References to Related Statutes, Rules and Forms

All of the recommendations under this section were accepted.

5. Clarity, Grammar, Punctuation and Use of Plain Language:

All of the recommendations under this section were accepted.