

## **Modifications From Agency**

### **PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION CREATING PERMANENT RULES**

The scope statement for this rule, SS 013-13, was published in Register No. 686, on February 14, 2013, and approved by Superintendent Evers, on February 25, 2013. Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The state superintendent of public instruction proposes to create PI 47, relating to the equivalency process for approving alternative models to evaluate educator practice.

#### **ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

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

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

**Explanation of agency authority:**

Section 115.415 (3), Stats., requires the department to promulgate an equivalency process for measuring alternative models for evaluating educator practice.

**Related statute or rule:** s. 115.415 (1)-(2), Stats.

**Plain language analysis:**

Section 115.415 (3), Stats., requires the department to establish a process for determining whether alternative models for evaluating educator practice are aligned to the state standards for educator effectiveness.

The 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 statewide implementation of the Wisconsin Educator Effectiveness System begins in the 2014-15 school year, with a pilot program in the 2013-14 school year. Any district, consortia of districts, or charter school established under s. 118.40 (2r), Stats., planning to submit an application for Equivalency Review must provide written notification to the department of the district's intention on or before January 15 of the school year preceding the planned implementation. All applications must be submitted on or before March 15 of the school year preceding the planned implementation. The department will notify applicants of Equivalency Status on or before April 15 of the school year preceding the planned implementation.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A.

**Comparison with rules in adjacent states: Focus on equivalency processes:**

*Illinois* has established a similar educator effectiveness system, the Performance Evaluation Reform Act. Under the Illinois system, teachers and principals may be evaluated by any person who successfully completes training and a pre-qualification. Unlike Wisconsin's state system, Illinois is requiring all districts to design and implement systems to measure teacher and principal performance. Districts then have two options for adopting a new system that incorporates student growth measures into teacher evaluations: a school district can develop its own system that meets minimum standards mandated by state rules, or it can choose to use all or portions of a state-designed optional model. A special advisory group, the Performance Evaluation Advisory Committee, provides input on rules for districts wanting to develop their own teacher and principal evaluation systems, and provides recommendations for a statewide model for principal evaluation and a default/optional model for teacher evaluation.

*Iowa* allows school districts to design educator evaluation systems as long as they align with the state teaching standards. School districts are required to determine what policies, procedures, and processes are needed to support state teaching standards. Further, teacher evaluation systems must be built around a range of sources of data and information that encourage and support the demonstration of teacher mastery of the state teaching standards.

*Michigan* is currently in the process of developing an educator evaluation system. The Michigan Council for Educator Effectiveness will develop a fair, transparent, and feasible evaluation system for teachers and school administrators. The system will be based on rigorous standards of professional practice and of measurement. The goal of this system is to contribute to enhanced instruction, improve student achievement, and support ongoing professional learning. Currently, Michigan is in the process of piloting over 800 different systems designed by school districts.

*Minnesota* has a voluntary educator evaluation system, the Quality Compensation, which allows local districts and exclusive representatives of the teachers to design and collectively bargain for a plan incorporating career ladder/advancement options, job-embedded professional development, teacher evaluation, performance pay, and an alternative salary schedule.

#### **Summary of factual data and analytical methodologies:**

2011 Wisconsin Act 166 created s. 115.415, Stats., regarding the educator effectiveness evaluation system and the ability to have equivalent models.

Section 115.415 (3), Stats., 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 shall be based on the 2011 Interstate Teacher Assessment and Support Consortium and the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards.

#### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:**

The proposed rules will indirectly benefit some small businesses involved in creating alternative educator evaluation programs since these have the potential to be approved and used throughout the state.

#### **Anticipated costs incurred by private sector:**

There are no required costs associated with implementing this rule. It provides an opportunity for different businesses and parties which may come with their own costs, but the implementation of the rule itself does not create significant costs.

#### **Effect on small business:**

The rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

**Agency contact person (including email and telephone):**

The agency person to be contacted if there are substantive questions on the rules:  
Sheila Briggs, Assistant State Superintendent, Division for Academic Excellence, sheila.briggs@dpi.wi.gov, (608) 266-3361.

The agency person to be contacted for the agency’s internal processing of rules:  
Katie Schumacher, Administrative Rules Coordinator, [Katie.Schumacher@dpi.wi.gov](mailto:Katie.Schumacher@dpi.wi.gov), (608) 267-9127.

**Place where comments are to be submitted and deadline for submission:**

The department will publish a hearing notice in the *Administrative Register* which will include this information.

**Agency procedure for promulgation:**

A public hearing will be held under ss. 227.17 and 227.18, Wis. Stats.

**Description of any forms (attach copies if available):**

The Equivalency Review Process Application form is the form that districts, consortia of districts, or charter schools must fill out to apply for approval for their alternative models. The Equivalency Review Process Application form may be obtained at no charge from the Department of Public Instruction, Educator Effectiveness Team, P.O. Box 7841, Madison, WI 53707-7841.

**SECTION 1.** Chapter PI 47 is created to read:

CHAPTER PI 47  
EQUIVALENCY PROCESS FOR EDUCATOR EFFECTIVENESS

**PI 47.01 Purpose.**

(1) The state educator effectiveness system evaluates educators based on two components: educator practice and student outcomes. The department recognizes that any one model for evaluating educator practice might not suit every school district or charter school established under s. 118.40 (2r), Stats. Therefore, the department has developed an application process for school districts, consortia of school districts, and charter schools established under s. 118.40 (2r) Stats., that wish to use alternative models to measure teacher and principal practice.

(2) Under s. 115.415 (3), Stats., the department must evaluate for approval any alternative model from a school district, consortium of school districts, or charter school established under s. 118.40(2r), Stats. This chapter establishes the process by which an alternative model may be approved based on its alignment with the state standards.

**PI 47.02 Definitions.** In this chapter:

- (1) “Alternative model” means an alternative process for the evaluation of teacher and principal practice that is aligned to the state educator effectiveness model.
- (2) “Department” means the Wisconsin department of public instruction.
- (3) “Participant” means a school district, consortium of school districts, or charter school established under s. 118.40(2r), Stats., whose alternative model has been approved by the department.
- (4) “Principal” means the individual who serves as the administrator of a school.

- (5) “Public schools” has the meaning defined in s. 115.01(1), Stats.
- (6) “Rubrics” means the tool supporting systematic, objective evaluation of educator practice during an observation of educator practice.
- (7) “School district” has the meaning defined in s. 115.01 (3), Stats.
- (8) “School year” has the meaning defined in s. 115.001 (13), Stats.
- (9) “State educator effectiveness model” means the model for evaluating educator practice that is part of the state educator effectiveness system.
- (10) “Teacher” means any employee engaged in the exercise of any educational function for compensation in the public schools, including charter schools as defined in s. 115.001(1), Stats., whose primary responsibilities include all of the following:
  - (a) Instructional planning and preparation.
  - (b) Managing a classroom environment.
  - (c) Pupil instruction.

**PI 47.03 General requirements for applicants.**

- (1) ELIGIBILITY. Any school district, consortium of school districts, or charter school established under s. 118.40(2r), Stats., may notify the state superintendent in writing of its intent to apply for a review of a proposed alternative model.
- (2) APPLICATION DEMONSTRATIONS. As part of the review process, applicants shall demonstrate the following:
  - (a) For the teacher evaluation model, the alignment of framework and rubrics to the Interstate Teacher Assessment and Support Consortium standards and to each of the following four domains:
    - 1. Planning and preparation.
    - 2. Classroom environment.
    - 3. Instruction.
    - 4. Professional responsibilities.
  - (b) For the principal evaluation model, the alignment of framework and rubrics to the Interstate School Leaders Licensure Consortium standards.
  - (c) For the evaluation of both teachers and principals:
    - 1. The research base supporting the alternative model and its rubrics have valid and reliable results.
    - 2. The rubrics have four performance levels with clearly delineated, observable differences between levels which align to the state educator effectiveness model’s performance levels.
    - 3. The alternative model includes the same minimum number and type of observations and evaluations as the state educator effectiveness model.
    - 4. The alternative model specifies how formative and summative feedback will inform the educator’s professional growth plan.
    - 5. The alternative model includes the development and implementation of a comprehensive orientation and training program for evaluators that certifies the evaluator’s understanding of the evaluation model and processes and supports consistency among evaluators. The alternative model also specifies how and when evaluator recertification will be required.
    - 6. The alternative model includes the development and implementation of ongoing processes to monitor and improve consistency among evaluators.
- (3) ASSURANCES. As part of the review process for alternative models, applicants shall agree to the following:
  - (a) Applicants shall report teacher-level, school-level, and district-level data required by the department within guidelines established by the department.
  - (b) Applicants shall transfer data electronically to the department according to the methods prescribed by the department.

(c) Applicants shall annually participate in a statewide evaluation conducted by an independent, non-biased external evaluator chosen by the department.

(d) Applicants shall implement any corrective actions required by the department if the department determines there is credible evidence indicating that a school, school district, consortium of school districts, or charter school established under s. 118.40 (2r), Stats., is no longer in compliance with the requirements of this chapter.

(4) **TIMELINE.** Applicants shall meet the following deadlines in the year preceding the school year in which the alternative model is intended to be used in order to be considered for approval by the department:

(a) Any school district, consortium of school districts, or charter school established under s. 118.40 (2r), Stats., that is planning to submit an application for an alternative model shall provide written notification to the department of its intention on or before January 15. The notification shall include the name and contact information for the staff member responsible for the application.

(b) Applicants shall submit all applications on or before March 15. Applications shall include a completed Equivalency Review Process Application form and all supporting evidence to the department.

NOTE: The Equivalency Review Process Application form may be obtained at no charge from the Department of Public Instruction, Educator Effectiveness Team, P.O. Box 7841, Madison, WI 53707-7841.

(5) **RE-APPROVAL.** A participant shall reapply for approval for the following school year if its alternative model is modified or the requirements under this chapter are changed. The department shall provide notice to all participants if the requirements of this chapter are changed.

#### **PI 47.04 General requirements for department.**

(1) The department shall make the final decision of whether to approve an alternative model. The department may engage external stakeholders to participate in the review process.

(2) The department shall notify an applicant in writing of the status of that applicant's alternative model on or before April 15 in the year preceding the school year in which the alternative model is intended to be used.

(3) If the department does not approve an application, an applicant will have an opportunity to submit additional evidence and supporting documents until May 15. If the department does not approve the application by June 15, the applicant shall continue implementing the state educator effectiveness model or join and implement a participant's alternative model within the timeframe prescribed by the department. The applicant may reapply the following year.

#### **PI 47.05 Corrective action.**

(1) The department may order a participant to implement corrective action specified by the department if the department determines one of the following:

(a) There is credible evidence indicating that a participant is no longer in compliance with the requirements of this chapter.

(b) The participant's model produces unreliable or inconsistent results.

(2) If a participant fails to implement all corrective actions in the timeline specified by the department, the department may rescind approval of that participant's alternative model.

(3) If the department rescinds approval of a participant's alternative model, the participant shall adopt the state educator effectiveness model or join and implement another participant's alternative model within the timeframe prescribed by the department. The participant may reapply the following year.

#### **SECTION 2. EFFECTIVE DATE:**

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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Tony Evers, PhD  
State Superintendent