

October 23, 2009

Dear Lieutenant Governor O'Brien and Commissioner Jones,

The Denver Area School Superintendents' Council (DASSC) applauds the efforts in Colorado to develop a proposal for "Race to the Top" funding. We know that many individuals have devoted long hours to determine the most effective strategies for accelerating the achievement of Colorado students. The members of DASSC, the superintendents of the 23 Front Range school districts, are taking this opportunity to clearly state our opinion that the critical element in school reform and in accelerating student achievement is Teacher Effectiveness. This opinion is based on research, literature, and experience. Consequently, we are advocating for the following changes in statute and in practice as part of the application for "Race to the Top" and as part of Colorado's future policy efforts in school reform.

Changes in the Probationary and Continuing Contract Status of Teachers

- Currently Colorado statute requires that teachers are granted continuing contract status on the first day of their fourth year of teaching. Once a teacher has continuing contract status, they are protected by the Teacher Dismissal Act. We would advocate a change in this statute so that teachers are not automatically granted continuing contract status after three years. The superintendents in DASSC have discussed two options for changing the automatic granting of a continuing contract. We would look forward to wider discussion of these options with other superintendents and with policy makers in Colorado.
 - The first option is that districts would have discretion to grant continuing status at any time after the end of a teacher's third year and before the end of a teacher's seventh year. We would advocate that the current statutory provision for non-renewal be maintained. That provision provides for the standard that a probationary teacher may be non-renewed for "any reason deemed sufficient by the superintendent."
 - The second option is to lengthen the period of time before continuing contracts are granted to five years for all teachers in all school districts. Again, we would advocate that the current statutory provision for nonrenewal be maintained. That provision provides for the standard that a probationary teacher may be non-renewed for "any reason deemed sufficient by the superintendent."
- Another provision we would suggest changing is that once teachers have nonprobationary

status, their status is subject to renewal every five years. That renewal would clearly symbolize the need for continuous learning and continued high quality performance for educators.

Changes in the Teacher Dismissal Act

- All superintendents in DASSC want teachers protected from arbitrary decisions and capricious behavior on the part of any school administrator. However, the Teacher Dismissal Act has created an unworkable, complex, drawn out process for dismissal of any licensed teacher whose performance is not satisfactory. We would advocate that the Teacher Dismissal Act be reviewed and revised so that the following could be accomplished.
 - While maintaining protection, the protracted process should be simplified and shortened. Teachers should not have 100 days of pay while the case is moving forward from the grievance process through a hearing in front of an administrative law judge unless the teacher wins the hearing in question and is reinstated. Otherwise, we would advocate that paying teachers ends when the district moves for dismissal.
 - Remediation and dismissal statutes should align with districts' teacher evaluation systems. To be successful and drive student achievement, districts must be able to reward talented educators and replace those who are ineffective. With the goal of a fair and efficient dismissal process, the statute should streamline provisions on remediation. Rather than a lengthy remediation process the statute should require that before teachers are recommended for dismissal, they have received a notice of deficiencies and a reasonable time within which to improve to the point of consistent satisfactory performance. The required due process should center on the notification and the fairness of the treatment received prior to dismissal, rather than around the "remediation process" currently required before the recommendation for dismissal. Streamlining the process would eliminate a separate "remediation process" while protecting the rights of teachers to notice of deficiencies and an adequate opportunity to improve. Through notification and focus on improvement, the process can become a more meaningful performance improvement process rather than a procedural step towards dismissal.
 - The burden of proof at a contested dismissal hearing for performance based issues should be shifted from the school district to the individual teacher. The teacher should have to prove arbitrary or capricious behavior on behalf of the school district. The use of the arbitrary and capricious standard should recognize that school administrators should have considerable discretion and judgment about whether a teacher is performing his or her job in a satisfactory manner. We also believe that the losing party should pay hearing related expenses.

- Another aspect of the Teacher Dismissal Act that we would advocate be changed is that when teachers lose their position at a particular school, they are not guaranteed another teaching position in the district. Districts should have no obligation to force place those teachers in other schools. Rather, teachers should be given some fair time period, perhaps up to a full year including one full hiring season, to find a position in another school. If that period expires without the teacher finding a job through the voluntary staffing process, the district should have no further obligation to continue employing that teacher even if the teacher has a continuing contract. The provision for allowing time for a teacher to find another position should not apply when a district is involved in a reduction in force because of declining enrollment or budget reductions.
- If a teacher is not recommended for dismissal following a hearing process and the Board of Education places that teacher on a year of probation, the law should be clarified that the teacher can be non-renewed at the discretion of the superintendent at the end of that year if the teacher does not meet performance standards as defined in the evaluation process.

Implement the Professional Work Year

- Superintendents applaud the success of our teachers over the last five years. Their worlds have changed and the majority of teachers have met the challenges with distinction. However, despite the dramatic changes in the expectations and in the requirements, the time teachers have for teaching and for learning has not expanded significantly over the past 30 years. If we know that the well trained, well paid teacher is the key variable in changing student achievement, then we must find more time for meaningful teacher professional development and more time for intense work with students.
 - If we are truly committed to reform in education, the teaching profession must be expanded to a full time profession. We would advocate that by having teachers work a longer year, they would have more time for instructing students and more time for adult learning. The science and art of teaching have changed. The time for developing skills in teaching has not.
 - We understand that expanding the teacher work year would require significant new funds. We believe that school districts would willingly pilot the concept if any of the “Race to the Top” funds are dedicated to a professional work year for teachers and principals. We are willing to be held accountable for determining if more time for teachers results in meaningful changes in student learning.
- Implement an Effective Evaluation System**

- The sciences of assessment and measurement offer an opportunity to revise and, even, revolutionize how we evaluate districts, schools, and individuals. The evaluation processes for all three of those entities must be aligned and must be

based on tangible results with students.

- We would advocate that Colorado develop a consistent evaluation system that is results based and fair and that aligns the systems used to evaluate districts, schools, and individuals.

Finally, we would encourage the distribution of Race to the Top funding to all school districts in Colorado. Our state has an opportunity to truly advance student achievement. All students in all districts should have access to the reforms that could be advanced with Race to the Top funds.

The superintendents represented by DASSC understand fully that our suggestions are not going to be welcomed by all stakeholders in public education. However, we believe it is time to professionalize education and take meaningful, bold steps related to Teacher Effectiveness. The vast majority of educators are capable, competent, and highly committed to their students. The steps we suggest above would strengthen an honorable profession.

Members of DASSC are willing to meet with anyone at any time to discuss our recommendations. Thank you for your work for the students of Colorado.

Sincerely,

The Denver Area School Superintendents' Council

cc:

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