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Dear Members,

In January, Randi Weingarten, president of our national affiliate American Federation of Teachers (AFT), gave a speech calling for a “New Path Forward’ on some of the most contentious and difficult problems in our education system, such as overhauling our antiquated teacher evaluation system and the way we deal with teachers accused of misconduct, [which] was described as everything from ‘brave’ to ‘naïve’” (source: *NY Times* column on Douglas County). This new path forward outlined by AFT led to the Memorandum of Understanding signed between the Douglas County School Board and the Douglas County Federation.

Currently in the Colorado State Legislature, a legislative bill is moving through both houses titled SB 191. I want to take this opportunity to share with you facts about this piece of legislation. SB 191 has received a lot of attention in the form of media coverage, radio ads, interviews, etc. over the last few weeks. Unfortunately, there is some misinformation in the media around SB 191. In this letter I would like to address this misinformation and the concern it has caused, concern the leadership of both the Douglas County Federation and AFT Colorado share. Because of our interest, we have worked tirelessly over the last several weeks to examine SB 191 and propose amendments that would strengthen the legislation for both teachers and their students.

Even though the media is calling this legislation the “Teacher-Tenure Bill,” teachers do not have “tenure” in the state of Colorado. In 1990, the Colorado State Legislature removed the word “tenure” and replaced it with “due process.” Due process, as defined by Webster, is “a course of formal proceedings carried out regularly and in accordance with established rules and principles.” Colorado teachers in their first three years with a district are “probationary” and teachers in their fourth year and beyond are “regular status.” Probationary teachers do not fall under the systems of due process, per Colorado state statute. In Douglas County, our system of due process for regular status teachers is our current evaluation system, which was created collaboratively with the district. It is important to understand that higher education faculty members earn tenure, but K-12 teachers do not.

While SB 191 reinforces a mandate that 50% of a teacher’s evaluation is based on multiple measures of student growth, this provision was agreed upon in January as part of Colorado’s application for Race to the Top (RTTT) money. In other words, this was a “done deal” before the legislation was introduced to the state legislature. As a result of Colorado’s RTTT application, Governor Ritter created the Teacher Effectiveness Council (AFT-CO, the Douglas County Federation state affiliate, does not have a seat or voice on this council, yet). In short, this council is charged with seeking:

- To ensure that all teachers are evaluated using multiple, fair, transparent, timely, rigorous, and valid methods at least fifty percent of which is determined by the academic growth of their students.
- To ensure that teachers are afforded a meaningful opportunity to improve their effectiveness.
- To provide the means to share effective practices with other educators through out the state.

We have worked diligently with the sponsors of SB 191 to amend it with the goal of making the legislation something we can support. First, there seems to be a lot of concern around language that deals with the due process rights of regular status teachers. As originally written, SB 191 stated that a teacher who was deemed “unsatisfactory” for two evaluation cycles, or two years, if not moved into the satisfactory category would be made “probationary” for a third year to improve his or her efforts in the classroom. The current process in Douglas County states that a regular status teacher, if found unsatisfactory, is to be put on a Performance Improvement Plan (PIP), moved to remediation, and dismissed. Teachers do not currently have the ability to “grieve” or appeal their evaluation. SB 191 mandates the following: a teacher is to be given notice of “deficiencies,” provided with a remediation plan that “shall include professional development opportunities that are intended to help the teacher to achieve an effective rating in his or her next performance evaluation.” Further, “each school district shall ensure that a non-probationary teacher who objects to a rating of ineffectiveness has an opportunity to appeal that rating, in accordance with a fair and transparent process developed, where applicable, through collective bargaining.” In summation, a teacher in Douglas County would, with the passage of SB 191, be able to appeal his or her evaluation. Further, this legislation would require access to professional development as soon as a teacher is identified as being ineffective.

Another area of concern with SB 191 seems to be around the language that would govern a Reduction in Force (RIF) in a district when there is a district-wide reduction in the amount of teaching positions for one or more contents or levels. The language in the original legislation allowed RIFs to be based on factors in the evaluation process without consideration of years of service. We have worked with the bill's sponsors and other legislators to propose and accept amendments that would combine results of the evaluation process with years of service.

The concept of "mutual consent" hiring in the SB 191 has also been an area of concern. The initial language essentially allowed the principal to choose candidates for the school. We believe that this robs the evaluation system of meaning and creates an opportunity for arbitrary decisions by principals when dealing with displaced regular status teachers, while at the same time recognizing that hiring decisions should be based on the unique needs and culture of each school. Therefore, we have pushed for an amendment to include specific criteria to guide principals' decision making. This has led to language creating a priority hiring pool for effective teachers along with the formation of a hiring committee at each school that would include teachers. The formation of such a committee would ensure that the process of hiring a teacher was collaborative and would give voice to the teachers currently in the building. However, the process of "involuntary transfers" is well defined in Douglas County and has functioned well for many years; therefore, we were also able to offer an amendment to the original language that provides a "waiver" process for districts with an agreed upon plan, such as we have in Douglas County.

I feel very strongly that with the amendments we have worked on and presented to the sponsors of SB 191 and to other legislators, this piece of legislation is one that we in Douglas County and AFT Colorado should support.

If you have any questions, please direct them to me via email or call our office at 303-688-3381.

In Solidarity,

Brenda Smith
President DCF