



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE DEPUTY SECRETARY

July 15, 2011

The Honorable Jack Markell  
Office of the Governor  
Carvel State Office Building  
820 N. French Street 12<sup>th</sup> Floor  
Wilmington, Delaware 19801

Dear Governor Markell:

I am writing in response to Delaware's request to amend its approved Race to the Top application. On June 9, 2011, the State submitted amendment requests and documentation in support of these requests to the U.S. Department of Education (Department). In the subsequent weeks, the Delaware Department of Education (DDOE) provided additional clarification and documentation as requested. As you are aware, the Department has the authority to approve amendments to your plan and budget, provided that such amendments do not alter the scope or objectives of the approved application. On January 6, 2011, the Department sent a letter and "Grant Amendment Submission Process" document to Governors of Race to the Top grantee States indicating the process by which the Department would review and approve or deny amendments. To determine whether approval of your amendments could be granted, the Department applied the conditions noted in this document, and compared it with the Race to the Top program *Principles*, which this document also includes.

Amendment Request #1: I am approving the following amendment to sub-criterion (D)(2) *Improving Teacher and Principal Effectiveness Based on Performance* with the conditions specified below.

Delaware's teacher and principal evaluation system, the Delaware Performance Appraisal System II (DPAS II), establishes four ratings for all teachers and other licensed educators (hereafter referred to as teachers): *Ineffective*, *Needs Improvement*, *Effective*, and *Highly Effective*. The total of individual ratings of either *Satisfactory* or *Unsatisfactory* on the five components that, together, constitute the DPAS II determine which of these four ratings a

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teacher receives. One of the five components is a student growth component based on academic achievement scores.

Delaware's originally approved Race to the Top application stated that a teacher who did not rate *Satisfactory* on the student growth component of the DPAS II system would not be able to receive a rating of *Effective* overall. Rather, such a teacher would be rated either *Ineffective* or *Needs Improvement*. Under the approved amendment, Delaware will: 1) allow, for the 2011-2012 school year, a teacher to be rated *Effective* even if that teacher did not rate *Satisfactory* on the student growth component, and 2) allow, for the 2011-2012 school year, a teacher to receive tenure without receiving two years of *Satisfactory* ratings on the student growth component of the DPAS II system. Thus, for the 2011-2012 school year, a teacher's rating on the student growth component will not be one of the possible triggers of consequences for teachers (including not being granted tenure/a continuing license and being required to begin in the improvement process).

The requested amendment impacts one of Delaware's performance measures for sub-criterion (D)(2)(iv)—*Percentage of participating local educational agencies (LEAs) with qualifying evaluation systems that are used to inform important career decisions*. In particular, based on the performance measures in Delaware's approved application, by the 2011-2012 school year, "tenure" would be granted to teachers only if they demonstrated *Satisfactory* student growth for two or more years and had no more than one year of *Ineffective* teaching. Under the proposed amendment, by the 2012-2013 school year, "tenure" will be granted to teachers only if they demonstrate *Satisfactory* student growth for two or more years and have no more than one year of *Ineffective* teaching. This amendment request does not impact Delaware's budget.

Delaware requests this amendment at this time because a) it is taking longer than anticipated to develop measures, particularly in untested grades and subject areas, that contribute to one of the five DPAS II components (the student growth component), and b) the State's approved application, as well as Delaware regulation, requires all school staff to be rated in the same way (*i.e.*, using the same components). Without measures in untested grades and subjects, at this point in time, Delaware cannot apply the DPAS II consistently across its teacher workforce, and thus cannot ensure that it evaluates all teachers in the same way.

It is important to note that, while the amendment has short term consequences, it is our understanding that Delaware will still accomplish within the grant period all of the activities and deliverables articulated in its approved application. Further, Delaware has indicated that this amendment will neither result in a change in Delaware's Race to the Top student outcome goals nor substantially change the scope of work from its approved application.

The approval for this amendment is conditioned on the State submitting by August 12, 2011 a detailed plan and timeline indicating:

- 1) Significant milestones that it will meet over the next 18 months to ensure that it will be able to fully implement DPAS II, including the ability to make decisions based on student growth ratings, in the 2012-2013 school year;

- 2) The processes it will implement to meet these milestones including, at a minimum, the process by which Secretary Lowery will review and approve the measures the State plans to develop and implement in the 2012-2013 school year and the process by which the State will include external technical experts, including assessment experts, in the process of developing and approving these measures;
- 3) Key staff responsible for meeting the milestones; and
- 4) Deliverables to be produced as evidence that the State is meeting its timeline.

If Delaware does not substantially comply with the revised timelines approved under this amendment via its current plan for doing so or meet the performance measure through another approach, the Department will take appropriate enforcement action which will include initiating withholding proceedings that may include up to \$13,800,000 (or 11.6 percent) of its Race to the Top grant funds including the associated funds that would otherwise be subgranted to participating LEAs.

Amendment Request #2: With regard to the second amendment request to sub-criterion (D)(2) *Improving Teacher and Principal Effectiveness Based on Performance*, the Department is not approving the amendment at this point in time and invites the State to resubmit the request with the additional information detailed below.

The second amendment request relates to how Delaware defines its rating of *Highly Effective*. Specifically, Delaware's approved application defines a *Highly Effective* teacher as one who rates *Satisfactory* on at least four of the five DPAS II components (one of these *Satisfactory* ratings must be the student growth component) and the teacher's students must show more than one year of growth. Under the proposed amendment, Delaware would define a *Highly Effective* teacher as one who rates *Satisfactory* on at least three of the first four components of the DPAS II system and who rates *Exceeds* on the fifth component (the student growth component) based on a 100-point rating scale (a score on the scale would yield one of three ratings—*Unsatisfactory*, *Satisfactory*, or *Exceeds*). Delaware will delineate the cut points that yield these ratings on the scale based on student performance data collected in the 2010-2011 school year.

This second amendment request impacts neither Delaware's performance measures nor its budget.

In order to reconsider this amendment request, we ask that Delaware submit the following additional information:

- 1) Documentation that Delaware has established a standing Technical Advisory Group (TAG) comprised of multiple experts with knowledge and skill in assessment development, accountability, and teacher evaluation systems for the purposes of supporting the State with the ongoing development and refinement of DPAS II;
- 2) Documentation of the convening of the TAG described above and the comments it provided to the State on Delaware's proposed scoring policy for the student growth component of DPAS II;
- 3) A plan and timeline for conducting analyses of the 100-point scale and proposed cut scores, including an analysis of the relationship between DPAS II scores and other measures of student performance; and

- 4) A timeline and plan for soliciting ongoing input and advice (at least quarterly), including review of the plan and timeline described in #3, from the TAG over school year 2011-2012.

I am confident that Delaware will continue its bold, comprehensive reform efforts. If you need any assistance or have any questions regarding Race to the Top, please do not hesitate to contact Delaware's Race to the Top Program Officer, Meredith Farace, at 202-260-1438 or [Meredith.Farace@ed.gov](mailto:Meredith.Farace@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Whalen', with a large, stylized initial 'A'.

Ann Whalen  
Director, Policy and Program Implementation  
Implementation and Support Unit

cc: Lillian Lowery  
Dan Cruce