



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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4/11/2013 11:56:01 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 126-

RULE NAME Performance Evaluation of School Personnel (5310) 142

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Policy 5310 is being repealed and replaced, as required by House Bill 4236 passed during the 2012 Legislative Session, with the rules and procedures for a new system of performance evaluations of professional personnel; specifically teachers, principals, and counselors. The new evaluation system allows for personalized assessments of professional personnel accomplished through the use of educator self-reflections and comprehensive performance standards.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-142



Rule Id: 9008



Document: 24716



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 126-

RULE NAME Performance Evaluation of School Personnel (5310) **142**

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There will be no impact on state government cost or revenue should these proposed changes be approved by the WVBE.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Education

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RULE NAME Performance Evaluation of School Personnel (5310) 142

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 126-

RULE NAME Performance Evaluation of School Personnel (5310) 142

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The changes made to Policy 5310 will not require funding at the state level.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 126-

RULE NAME Performance Evaluation of School Personnel (5310) **142**

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The changes made to Policy 5310 will not require funding at the state level.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-142



Rule Id: 9008



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EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 5310 – Performance Evaluation of School Personnel

Background: West Virginia Board of Education Policy 5310 is being repealed and replaced, as required by House Bill 4236 passed during the 2012 Legislative Session, with the rules and procedures for a new system of performance evaluations of professional personnel; specifically teachers, principals, and counselors.

Proposals: The new educator evaluation system promotes professional growth and development that advances student learning in West Virginia schools; defines and promotes high standards for performance of professional personnel; provides data that indicate the effectiveness of professional personnel, as well as data for educator preparation programs to identify areas of need and guide program improvement; and, establishes county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.

Impact: The proposed revisions to Policy 5310 align the performance evaluation practices of professional personnel to the language set forth in W. Va. Code §18-2-5 and §18A-2-12. The new evaluation system allows for personalized assessments of professional personnel accomplished through the use of educator self-reflections and comprehensive performance standards. Data acquired through the evaluation system can also be purposed for the improvement of professional development activities and making better informed personnel decisions.

Response to Comments:

	A	B	C
1	Title	First Name	Last Name
2			
3		Katrina	Andrews
4		Stephanie	Armentrout
5	Dr.	Barbara	Ashcraft
6	Dr.	Marsha	Bailes
7		Nikki	Bailey
8	Dr.	Dixie	Billheimer
9		Michele	Blatt
10		Linda	Bragg
11		Jeannine	Branch
12		Sam	Brunett
13		Keith	Burdette
14		Christine	Campbell
15	Dr.	Donna	Carr
16		Deborah	Chapman
17		John	Cole
18		Frank	Collier
19		Suzette	Cook
20	Dr.	Amelia	Courts
21	Dr.	Cindy	Daniel
22		Trent	Danowski
23	Dr.	Karen	Davies
24		Juan	D'Brot
25	Dr.	Martha	Dean
26		Richard	Dulee
27		Lee	Ebersole
28		Debra	Elmore
29		Ed	Evans
30		Fred	Farris
31		Debbie	Ferri
32	Dr.	Ann	Gaudino
33		Tom	Geraghty
34	Dr.	Adam	Green
35		Michael	Green
36		Priscilla	Haden
37		Robert	Hagerman
38		Hank	Hager
39		Judy	Hale
40		Lisa	Hedrick
41		Jackie	Hersch
42		Rick	Hicks
43		Nate	Hixson
44	Dr.	Karen	Huffman
45		Lynn	Hurt
46		Rosemary	Jenkins

	A	B	C
47	Dr.	Lowell	Johnson
48		Michael	Kelley
49		Laura	Kiser
50	Dr.	Jerry	Lake
51		Dale	Lee
52		Cathy	Marino
53		Anita	Maxwell
54		Emily	Meadows
55		Greg	Merritt
56		Christine	Miller
57		David	Mohr
58		Kenny	Moles
59		Lisa	Moser
60		Mary	Moye
61		Terry	Nelson
62	Dr.	Howard	O'Cull
63		Emily	Papadopoulos
64		Donna	Peduto
65		Cynthia	Phillips
66		Eileen	Poling
67		Wendy	Redd
68	Dr.	Vaughn	Rhudy
69		Terry	Sauvageot
70	Dr.	Dorothea	Shannon
71		Brad	Simmons
72		Jan	Stanley
73		Jennifer	Strawderman
74	Dr.	Erin	Sullivan
75		Libby	Surface
76		Georgia	Thornton
77		Carla	Warren
78		Barbara	Whitecotton
79		Lori	Wiggins

26.3.a.14. follows end of season procedures.

§126-142-27. Severability.

27.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

