



**WEST VIRGINIA
SECRETARY OF STATE**

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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)

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE
EFFECTIVE DATE OF THIS RULE IS

Monday, September 16, 2013

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: 9123



Document: 25249

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 142
PERFORMANCE EVALUATION OF SCHOOL PERSONNEL (5310)

§126-142-1. General.

1.1. Scope. -- These legislative rules establish the process for evaluation of the employment performance of professional personnel that shall be applied uniformly statewide.

1.2. Authority. -- W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2-5 and §18A-2-12 and §18A-3C-1, et seq.

1.3. Filing Date. -- August 16, 2013.

1.4. Effective Date. -- September 16, 2013.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W.Va. 126CSR142 “Performance Evaluation of School Personnel” filed June 14, 2013, and effective June 14, 2013.

§126-142-2. Purpose.

2.1. This evaluation policy has five (5) major purposes:

2.1.a. to promote professional growth and development that advances student learning in West Virginia schools;

2.1.b. to define and promote high standards for professional personnel and their performance;

2.1.c. to provide data that indicates the effectiveness of professional personnel as one basis for sound personnel decisions;

2.1.d. to provide data for educator preparation programs to identify areas of need and guide program improvement; and

2.1.e. to establish county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.

§126-142-3. Authorities.

3.1. State Board of Education -- The State Board of Education shall: a) develop standardized evaluation components to be used by each county board of education in implementing the evaluation policy and related administrative procedures, b) review county board’s of education employee evaluation administrative procedures if necessary c) annually review a statewide report regarding county-level implementation and an analysis of the goals and outcomes of student learning as evidenced in the evaluation, d) continually monitor and make recommendations to strengthen the framework of the evaluation system.

3.2. County Board of Education -- Each county board of education shall implement written

administrative procedures related to the requirements of this policy subject to the approval of the State Board of Education, upon request.

§126-142-4. Definitions.

4.1. **Athletic Coach** -- For the purposes of this policy, athletic coach is defined as a member of a school faculty, substitute teacher or student teacher within a public school or an authorized certified individual under contract with a county board of education who provides instruction, direction, or supervision to athletic teams for the purpose of developing ability or skill to perform in athletic contests.

4.2. **Classroom Teacher** -- For the purposes of this policy, classroom teacher is defined as the professional educator who has a direct instructional relationship with pupils.

4.3. **Conference** -- A scheduled meeting between the evaluator and focusing on the educator's performance, the educator's performance.

4.4. **Corrective Action Plan (CAP)** -- Initiated when a focused support plan results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards OR when certain instances of misconduct as specified in W.Va. Code §18A-2-8 may require immediate action and/or a Corrective Action Plan. The Corrective Action Plan may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards.

4.5. **Educators** -- The professionals who play active roles in the evaluation process within the system. The term encompasses school leaders, teachers, and counselors.

4.6. **Evaluation Instruments** -- The approved evaluation form(s) containing the performance criteria.

4.7. **Evidence Collection for School Leaders** -- School leaders provide evidence to support their goals based on the nine leadership standards. Examples of evidence are presented in the broadest terms and may include observable practices and other tangible items or artifacts.

4.8. **Evidence for Educators** -- A collection of materials assembled and selected by the educator and/or the evaluator to support the determination of performance level ratings for the professional standards. The evidence may be used by the educator during the observation or the evaluation conference.

4.9. **Focused Support Plan (FSP)** -- A proactive, preventative measure that supports individual improvement and professional growth. The Focused Support Plan may commence only after a purposeful conversation between the evaluator and the educator and when there is documented evidence indicating an area of concern based on one or more of the performance standards. The plan may address a documented area of concern involving the student growth standard when in conjunction with one or more of the performance standards.

4.10. **Goal Setting** -- The process of developing rigorous, measurable goals to improve student learning. Goals span a school year, semester or quarter. The end measure of the goal must be complete prior to the summative evaluation.

4.11. **Immediate Supervisor** -- For the purposes of this policy, immediate supervisor is defined as a professional educator/school leader identified by the county superintendent to conduct observations, complete evaluations, and write and monitor Focused Support and Corrective Action Plans.

4.12. Observation -- The opportunity to view educator practice and collect data to evaluate performance. Evidence collected during observation helps educators clarify strengths and identify areas for growth.

4.13. Orientation -- A meeting to assure that all employees have a full understanding of the purposes, instruments and procedures used in evaluating the performance of employees.

4.14. Performance Levels for educators -- A Distinguished, Accomplished, Emerging, or Unsatisfactory rating is assigned to the performance of an educator.

4.15. Professional Support Personnel -- For the purposes of this policy, professional support person is an individual who provides educational services within the school such as: athletic trainer, education audiologist, school nurse, school psychologist, social service and attendance, and speech language pathologist.

4.16. Progression -- A designation of teachers based on the number of years' experience used in the evaluation process to determine the number/frequency of observations. The progressions are as follows:

4.16.a. Initial Progression -- Teachers in their first (1st), second (2nd), or third (3rd) year of experience.

4.16.b. Intermediate Progression -- Teachers in their fourth (4th) or fifth (5th) year of experience.

4.16.c. Advanced Progression -- Teachers in their sixth (6th) year of experience and beyond.

4.16.d. Teachers returning to the classroom.

4.16.d.1. Teachers who began their teaching careers in West Virginia, and are returning to the classroom after a hiatus of three (3) or more years, are to be evaluated as a teacher in the Initial Progression during their first year's return to the classroom. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of accomplished or higher.

4.16.d.2. Teachers who began their teaching careers in states other than West Virginia shall be evaluated as a teacher in the Initial Progression for the initial three (3) years of their service in the state of West Virginia. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of accomplished or higher.

4.17. School Counseling Program Audit -- Assessment of the school counseling program on the components of the West Virginia School Counseling Model.

4.18. School Counselor -- For the purposes of this policy, school counselors are individuals with appropriate certification who serve as counselor within a school.

4.19. School Leader -- For the purposes of this policy, school leaders are administrators responsible for the collective success of their school including the learning, growth and achievement of students, staff and self.

4.20. Standards and Elements -- Indicators of professional practice used to evaluate the performance of an employee.

4.20.a. Performance Standards -- Standards of professional practice that are used to demonstrate what educators know and are able to do.

4.20.b. Student Growth Standard -- Standard that requires educators to demonstrate their students' success through multiple measures.

4.20.c. Professional Conduct Standard -- Standard that sets clear criteria for those competencies and habits of mind without which professional teaching simply cannot occur.

4.21. Student Impact Goal -- The student impact goal requires counselors to document student changes as an outcome of the school counseling program. The counselor, in collaboration with school leader, sets a student impact goal in an area of need.

4.22. Summative Evaluation -- The final annual assessment that measures levels of performance in performance standards, professional conduct and goals as documented in the online educator evaluation system.

4.23. Summative Rating -- The summative rating for performance provided by the educator evaluation process which will determine the overall performance level of the educator based upon performance, student growth and professional conduct standards.

4.24. West Virginia Educator Evaluation System -- A statewide system for assessing educator performance using performance, student growth and professional conduct standards as defined in §126-142.

4.25. West Virginia Professional Teaching Standards (WVPTS) -- Five professional standards for educator performance that define what teachers must know and be able to do. These WVPTS serve as the foundation for educator preparation, teacher assessment and professional development throughout the state.

4.26. West Virginia Professional Leader Standards -- Nine professional standards for educator performance that define what school leaders must know and be able to do.

4.27. West Virginia Professional School Counselor Standards -- Five professional standards for educator performance that define what school counselors must know and be able to do.

4.28. Central Office Personnel -- For the purposes of this policy, central office personnel are defined as professional personnel whose titles include but not limited to the following: central office administrator, supervisor, director, coordinator, and/or program specialist.

4.29. Performance Levels for Professional Support Personnel, Central Office Personnel, and Athletic Coaches -- Exemplary, Exceeds Standards, Meets Standards, or Unsatisfactory rating is assigned to the performance of the professional support personnel, central office personnel, or athletic coach.

§126-142-5. Training.

5.1. All evaluators shall be trained in management and evaluation skills in the current system.

5.2. The Center for Professional Development and the State Board of Education shall provide education and training in evaluation skills to administrative personnel who will conduct evaluations.

§126-142-6. State Board of Education Review.

6.1. County school district administrative procedures and implementation plan shall be reviewed by the State Board of Education upon request.

§126-142-7. Principles of Operation.

7.1. County administrative procedures for conducting employee evaluations shall include: a) the identity of the immediate supervisor who conducts the observations and evaluations; b) the process to be used in improving an employee's performance based on the evaluation results.

7.2. All monitoring and/or observations of the employee shall be conducted openly.

7.3. An employee whose performance evaluation is rated unsatisfactory shall be given an opportunity to correct the deficiencies.

7.4. Each county school district's administrative procedures shall be implemented in conformity with grievance and other due process requirements.

7.5. To assure that all employees have a full understanding of the evaluation policy and procedures, an orientation shall be convened for all employees at the beginning of the employment period. Employees shall be provided access to the instruments and procedures.

7.6. To assure that all employees have a meaningful opportunity to implement the evaluation policy and procedures, appropriate time for collaboration during the school day shall be provided.

§126-142-8. Rating Structure.

8.1. Rating Structure for Educators -- The four (4) performance rating categories in the educator evaluation system for the performance and student growth standards are a) distinguished, b) accomplished, c) emerging, and d) unsatisfactory. The scale for assessing the performance criteria is as follows:

8.1.a. Distinguished -- Performance which is consistently exceptional.

8.1.b. Accomplished -- Performance which demonstrates mastery of the standard.

8.1.c. Emerging -- Performance which meets the basic standard and has an opportunity for professional growth.

8.1.d. Unsatisfactory -- Performance which does not meet the basic standard.

8.2. The three (3) performance rating categories on the personnel evaluation form for employees for the professional conduct standard are: a) meets standard, b) below standard, and c) unsatisfactory. The scale for assessing the criteria is articulated in the professional conduct rubric.

8.3. Rating Structure for Professional Student Support, Central Office Personnel, and Athletic Coaches -- The four (4) performance rating categories on the personnel evaluation form for employees are a) exemplary, b) exceeds standards, c) meets standards, and d) unsatisfactory. The scale for assessing the performance criteria is as follows:

8.3.a. Exemplary - Performance is consistently exceptional in meeting performance criteria demonstrated by providing extraordinary opportunities for student success through instructional strategies that confirm the teacher's expertise and the ability to reach all students.

8.3.b. Exceeds Standards - Performance is consistently above average in meeting performance criteria demonstrated by going beyond the established standards and instructional practices in reaching all students.

8.3.c. Meets Standards - Performance is consistently adequate in meeting performance criteria.

8.3.d. Unsatisfactory - Performance is not consistently acceptable in meeting performance criteria.

§126-142-9. Educator Evaluation.

9.1. As specified in W.Va. Code §18A-3C-2, educators shall complete one (1) summative evaluation each year.

9.1.a. Eighty (80) percent of the educator evaluation shall be based on an appraisal of the educator's ability to perform the established professional standards.

9.1.b. Five (5) percent of the evaluation shall be based on student growth measured by the school-wide score on the state summative assessment. For educators assigned to schools for which a student growth score based on the state summative assessment is not available, the school shall determine an alternative measure for determining the five (5) percent school growth score. Both the measure and the growth calculation shall be approved by the WV Department of Education.

9.1.c. Fifteen (15) percent of the evaluation shall be based upon student growth as measured by the student learning goals. Beginning in the 2014-2015 school year, for educators who teach in tested grades and subjects (for which two consecutive years of summative assessment data is available), the results shall be established from a student growth percentile based on the statewide summative assessment. The guidelines for calculating the student growth percentile at the classroom level will be developed during the 2013-2014 school year through meaningful consultation with the Educator Evaluation Task Force and through a pilot program. For all other educators, progress toward meeting the two (2) student learning goals shall be measured using formal and/or teacher-created assessments.

9.2. Self-reflection -- Educators shall complete an annual self-reflection based upon the standards on or before October 1. Evaluators review the educator self-reflection which is transmitted electronically by educators.

9.3. Educator Evidence -- Evidence is utilized to support performance level determination.

9.3.a. Evidence must be noted in the system for a distinguished rating on either/both the self-reflection and/or the evaluation.

9.3.b. Evaluators record data using the online observation form.

9.3.c. If an evaluator disagrees with a rating in the self-reflection, the individual being evaluated has the opportunity to provide evidence to support his/her self-reflection rating.

9.3.d. The evidence provided will be considered by the evaluator when determining the summative rating.

9.4 Goal setting - Educators shall complete the goal setting process on or before November 1.

§126-142-10. Plans to Support Continuous Improvement.

10.1. Plans to Support Continuous Improvement -- A Plan to Support Continuous Improvement shall be developed by the evaluator and the educator when an educator's performance indicates an area of concern and/or is unsatisfactory in any area of the educator's responsibilities. There are two types of plans:

10.1.a. Focused Support Plan -- A proactive measure that supports individual improvement and professional growth. The focused support plan may commence only after a purposeful conversation between the educator and the evaluator and when there is documented evidence indicating an area of concern based on one or more of the performance standards. The focused support plan, and its implementation, is an improvement process between the educator and the evaluator. The Focused Support Plan spans at minimum nine (9) weeks and may commence at any time during the school year and may be repeated once per plan.

10.1.a.1. The Focused Support Plan must include the following essential components: (a) identified area of concern with reference to the standards to be addressed, (b) expectations for change, (c) nine (9) week timeline for implementation, and (d) resources for support.

10.1.a.2. The following supports may be considered to meet individual needs: (a) professional development, (b) coaching/instructional support, (c) mentoring, (d) peer observation, (e) programs of study, and (f) other supports and resources

10.1.a.3. The Focused Support Plan enacted for an educator may address an area of concern involving student learning goals when in conjunction with one or more of the performance standards. School-wide student growth performance levels cannot be considered in a focused support plan.

10.1.a.4. At the conclusion of the nine (9) week Focused Support Plan, if evidence demonstrates that the standard has been met, then the plan is successfully completed. If evidence demonstrates that adequate progress has been made but the standard has not been met, the focused support plan will continue for a second nine (9) week period. In the event of inadequate progress on the standard related to the area of concern, an evaluation will be completed and a Corrective Action Plan will be initiated.

10.1.b. Corrective Action Plan -- The Corrective Action Plan is initiated when a focused support plan results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards OR when certain instances of misconduct as specified in W.Va. Code §18A-2-8 may require immediate action and/or a Corrective Action Plan. The Corrective Action Plan may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards. The Corrective Action Plan spans eighteen (18) weeks and may commence at any time during the school year.

10.1.b.1. The Corrective Action Plan must include the following essential components: (a) identified area of unsatisfactory performance with reference to the standard(s) to be addressed, (b) timeline for implementation, and (c) resources for support, including referral to other educators.

10.1.b.2. The Corrective Action Plan is determinative and may not be repeated. Evidence of

adequate progress must be demonstrated by the conclusion of the eighteen (18) week Corrective Action Plan. If evidence does not demonstrate that adequate progress has been made at the conclusion of the eighteen (18) week period, termination for unsatisfactory performance shall ensue. The area of unsatisfactory performance guides the choice of evidence within a Corrective Action Plan that may include observation if appropriate.

10.1.b.3. Unsatisfactory performance related to a single element is addressed through quality sustained job-embedded professional development and support. Two consecutive unsatisfactory performance-level summative ratings related to the same element are addressed through evaluation based on the rubrics associated with the standard that addresses the educator's professional responsibilities for self-renewal that stipulate professional self-renewal as a requirement. Unsatisfactory performance related to a single element cannot initiate a Corrective Action Plan.

10.2. If an educator transfers within the county, as determined by county policy, or to any other county within the state during the implementation of a Focused Support Plan, the existence of a Focused Support Plan shall be noted in the online system. The new supervisor will conduct a conference and an observation of the educator to determine the need and parameters of a continued Focused Support Plan.

10.3. If an educator transfers within the county, as determined by county policy, or to any other county within the state during the implementation of a Corrective Action Plan, the plan is noted in the online system and transferred to the new supervisor for continuation.

10.4. Unsatisfactory performance in any area of the Professional Conduct Standard results in an unsatisfactory rating of the standard.

10.4.1. Certain instances of misconduct as specified in W.Va. Code §18A-2-8 may require immediate disciplinary action and/or a Corrective Action Plan.

10.4.2. Instances of unsatisfactory Professional Conduct not specified in W.Va. Code §18A-2-8 shall result in either a Focused Support Plan or Corrective Action Plan determined at the discretion of the evaluator.

10.5. For educators on an improvement plan prior to the effective date of this policy, the evaluator must complete an evaluation within six (6) weeks of the first instructional day of the 2013-2014 school year to determine whether the prior improvement plan will continue as a Focused Support Plan or a Corrective Action Plan.

10.6. Nothing in this section shall supersede the provisions of W.Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-11. Evaluation Process for School Leaders.

11.1. All school leaders shall participate in an annual summative evaluation conference on or before July 1 that is recorded in the online evaluation system.

11.2. The school leader's evaluator is responsible for monitoring performance and for preparing the online evaluation.

11.3. The purpose of the evaluation is to set high standards of performance for school leaders, ensure high-quality leadership focused on increasing student achievement, and encourage continuous growth and improvement through personal reflection and goal setting.

11.4. The school leader and the evaluator will mutually establish annual written goals for the administrator's performance evaluation on or before November 1. The goals shall be related to student learning and the school leaders' job responsibilities as described in the leadership standards. The administrator shall review school-wide data to establish a student learning goal and identify strategies and measures that will be provided to document progress on the student learning goal. The second goal shall be derived from the self-reflection based on the WV Leadership Standards. The superintendent or designee may require a third goal directly related to an identified data-based deficiency or a county-wide initiative.

11.5. The school leaders will annually administer a stakeholder survey on the overall effectiveness of the school during the second semester. The surveys will provide the school leader(s) with perceptual data to share with the evaluator at the year-end conference.

11.6. The evaluator will document performance rating on each standard using the online evaluation form and schedule year-end evaluation conference with the school leader to share results on or before July 1.

§126-142-12. School Leader Evaluation Standards.

12.1. School leaders shall be evaluated based on their performance within the following nine standards which determine 80% of the summative evaluation rating:

12.1.a. Interpersonal and Collaborative Skills -- The school leader demonstrates effective and professional interpersonal and collaborative skills.

12.1.b. Clear and Focused Learning Mission -- The school leader facilitates the development of the strategic plan including a clear vision, mission and goals.

12.1.c. Rigorous Curriculum, Engaging Instruction and Balanced Assessments -- The school leader provides instructional leadership to establish and support a student-centered learning environment.

12.1.d. Positive Learning Climate and Cohesive Culture -- The school leader builds and sustains a safe and positive climate and cohesive culture.

12.1.e. Professional Growth and Retention of Quality Staff -- The school leader identifies, supports, and participates in professional development.

12.1.f. Support Systems for Student Success -- The school leader creates and supports practices that address students' physical, social/ emotional and academic needs.

12.1.g. Operations to Promote Learning -- The school leader demonstrates a proactive approach in effectively managing the resources and operations of the school.

12.1.h. Family and Community Connections -- The school leader communicates and creates partnerships to engage students, staff, families and the community.

12.1.i. Continuous Improvement -- The school leader ensures continuous improvement through the implementation and monitoring of the strategic plan.

12.2. Student Growth -- School leaders shall be evaluated based on demonstration of their students' success through multiple measures which determines 20% of the summative evaluation rating. The

educator evaluation recognizes the professional commitment and hard work necessary for West Virginia students to achieve at high levels. It recognizes student growth in a variety of settings across diverse social and academic contexts.

12.3. Professional Conduct -- School leaders shall be evaluated based on clear criteria for those competencies and habits of mind without which professional school leadership simply cannot occur. The standard addresses Adhering to Policy and Procedure, Professional Attendance, Adhering to Schedule, and Respect. An unsatisfactory rating in any of these areas prompts a standard performance rating of unsatisfactory.

§126-142-13. Evaluation Process for Teachers.

13.1. All teachers shall participate in an annual summative evaluation conference on or before June 1 that is recorded in the online evaluation system.

13.2. The teacher's evaluator is responsible for monitoring performance and for preparing the evaluation.

13.3. The purpose of the evaluation is to set high standards of performance for teachers, ensure high-quality instruction focused on increasing student achievement, encourage continuous growth and improvement through personal reflection and goal setting, and serve as a tool in developing coaching and mentoring programs for teachers.

13.4. Observations are to last the length of a lesson, but not less than thirty (30) minutes. Evaluators record data using the Observation form. Evaluators submit the Observation form electronically to teachers prior to the conference. Evaluators schedule and conduct a conference with teachers within ten (10) days of the observation. Teachers and evaluators exchange reflection and feedback and identify strategies and resources. They likewise review any additional evidence presented at the conference. Evidence accumulated as part of the observation is considered in the determination of the summative performance rating.

13.4.a. Teachers in the Initial Progression will be observed a minimum of four (4) times for the summative performance evaluation. Two (2) observations shall be scheduled with the classroom teacher, and shall be conducted during an instructional activity.

13.4.a.1. The first instructional observation shall be completed with the teacher and shall occur on or before November 1.

13.4.a.2. The second observation is to be completed between November 1 and January 1.

13.4.a.3. The third observation is to be completed between January 1 and March 1.

13.4.a.4. The final observation is to be completed between March 1 and May 1.

13.4.b. Teachers in the Intermediate Progression will be observed a minimum of two (2) times for the summative performance evaluation. The supervisor shall schedule one (1) of the two (2) observations with the teacher.

13.4.b.1. The first observation is to be completed on or before November 1.

13.4.b.2. The second observation is to be completed on or before May 1.

13.5. Evaluators may observe teachers at any time.

13.6. Lesson plans may not be used as a substitute for observations.

13.7. Teachers annually develop two Student Learning Goals and submit them electronically to their evaluator for review on or before November 1. The goals shall be related to improving student achievement. The determination of the goals shall be based on the identified needs of the students, which shall include a consideration of gaps in subgroup performance. All teachers in grades Kindergarten through 3rd grade shall include a goal to address increasing students' reading proficiency. Evaluators verify that the goals are rigorous, measurable, and comparable across classrooms. Evaluators may request goals be modified.

13.8. Teachers submit evidence for each goal to validate progress of student learning and briefly describe results on both Student Learning Goals. Evaluators review results and record a performance level for the Student Learning performance standard.

13.9. Itinerant teachers, not assigned a home school, shall be evaluated using the itinerant teacher process.

13.10. The evaluator shall share the evaluation with the teacher during a scheduled conference and the educator will accept the evaluation rating on or before June 1 with the option to append. The educator will receive notice when school-wide growth data is complete and will then accept the summative performance rating with the option to append.

13.11. The teacher shall receive an electronic copy of the final evaluation and acknowledge receipt by finalizing the evaluation denoting that the evaluator has reviewed the evaluation with the teacher. The teacher may provide an addendum to the final evaluation.

§126-142-14. Teacher Evaluation Standards and Elements.

14.1. West Virginia Professional Teaching Standards -- Teachers shall be evaluated based on their performance within the following five standards which determine 80% of the summative evaluation rating:

14.1.a. Curriculum and Planning --

14.1.a.1. Element 1.1 -- The teacher demonstrates a deep and extensive knowledge of the subject matter.

14.1.a.2. Element 1.2 -- The teacher designs standards-driven instruction using state-approved curricula.

14.1.a.3. Element 1.3 -- The teacher uses a balanced assessment approach to guide student learning.

14.1.b. The Learner and the Learning Environment --

14.1.b.1. Element 2.1 -- The teacher understands and responds to the unique characteristics of learners.

14.1.b.2. Element 2.2 -- The teacher establishes and maintains a safe and appropriate

learning environment.

14.1.b.3. Element 2.3 -- The teacher establishes and maintains a learner-centered culture.

14.1.c. Teaching --

14.1.c.1. Element 3.1 -- The teacher utilizes a variety of research-based instructional strategies.

14.1.c.2. Element 3.2 -- The teacher motivates and engages students in learning, problem solving and collaboration.

14.1.c.3. Element 3.3 -- The teacher adjusts instruction based on a variety of assessments and student responses.

14.1.d. Professional Responsibilities for Self-Renewal --

14.1.d.1. Element 4.1 -- The teacher engages in professional development for self-renewal that guides continuous examination and improvement of professional practice.

14.1.d.2. Element 4.2 -- The teacher actively engages in collaborative learning opportunities for self-renewal with colleagues.

14.1.e. Professional Responsibilities for School and Community --

14.1.e.1. Element 5.1 -- The teacher participates in school-wide collaborative efforts to support the success of all students.

14.1.e.2. Element 5.2 -- The teacher works with parents, guardians, families, and community entities to support student learning and well-being.

14.1.e.3. Element 5.3 -- The teacher promotes practices and policies that improve school environment and student learning.

14.2. Student Growth -- Teachers shall be evaluated based on demonstration of their students' success through multiple measures which determines 20% of the summative evaluation rating. The educator evaluation recognizes the professional commitment and hard work necessary for West Virginia students to achieve at high levels. It recognizes student growth in a variety of classrooms across diverse social and academic contexts.

14.3. Professional Conduct -- Teachers shall be evaluated based on clear criteria for those competencies and habits of mind without which professional teaching simply cannot occur. The standard addresses Adhering to Policy and Procedure, Professional Attendance, Adhering to Schedule, and Respect. An unsatisfactory rating in any of these areas prompts a standard performance rating of unsatisfactory.

§126-142-15. Evaluation Process for Counselors.

15.1. All counselors shall participate in an annual evaluation conference on or before June 1 that is recorded in the online evaluation system.

15.2. The evaluator is responsible for monitoring performance and for preparing the online evaluation. When counselors are in multiple schools, counselors will consult with the superintendent and the school leader at their home school to identify their evaluator(s).

15.3. The purpose of the evaluation is to set high standards of performance for counselors, ensure high-quality instruction focused on increasing student achievement, encourage continuous growth and improvement through personal reflection and goal setting.

15.4. Counselors annually develop two goals targeted at performance improvement and submit them electronically to their evaluator for review on or before November 1. Evaluators may request goals be modified.

15.5. Counselors may submit evidence for each goal to validate progress of student impact and briefly describe results on both goals. Evaluators review results and record a performance level for the goals.

15.6. The counselor shall receive an electronic copy of the final evaluation and acknowledge receipt by finalizing the evaluation denoting that the evaluator has reviewed the evaluation with the counselor. The counselor may provide an addendum to the final evaluation.

§126-142-16. Counselor Evaluation Standards and Elements.

16.1. These elements describe important competencies of effective school counselors based on observable behaviors and artifacts of practice. These elements reflect best practices as illustrated in the West Virginia School Counseling Model which is aligned with the ASCA National Model® (ASCA, 2012).

16.2. Standard 1-- Program Planning, Design and Management.

16.2.a. Element 1.1. -- The school counselor assumes leadership in planning, designing and advocating for a balanced, comprehensive school counseling program aligned with the state model.

16.2.b. Element 1.2. -- The school counselor manages the school counseling program and documents alignment with the WV School Counseling Model.

16.3. Standard 2 -- Program Delivery.

16.3.a. Element 2.1. -- The professional school counselor facilitates the implementation of an integrated comprehensive guidance curriculum.

16.3.b. Element 2.2. -- The school counselor utilizes research-based and best practices as reflected by state school counseling protocols.

16.3.c. Element 2.3. -- The school counselor facilitates the delivery of a continuum of interventions and responsive services.

16.3.d. Element 2.4. -- The school counselor coordinates a seamless, systematic approach to academic, career and personal/social student supports.

16.3.e. Element 2.5. -- The school counselor participates in and/or facilitates a coordinated approach to individual student academic and career planning.

16.4. Standard 3 -- Data Driven Accountability and Program Evaluation.

16.4.a. Element 3.1. -- The school counselor guides continuous program improvement through multiple forms of evaluation.

16.5. Standard 4 -- Leadership and Advocacy.

16.5.a. Element 4.1. -- The school counselor advocates for the success of all students by promoting equity and access.

16.5.b. Element 4.2. -- The school counselor collaborates with various stakeholders.

16.6. Standard 5 -- Professional Growth and Responsibilities.

16.6.a. Element 5.1. -- The school counselor seeks ongoing, relevant professional development.

16.6.b. Element 5.2. -- The school counselor demonstrates professional and ethical practices.

16.6.c. Element 5.3. -- The school counselor contributes to the growth of the profession.

16.7. Student Impact -- Counselors shall be evaluated based on demonstration of their students' success through multiple measures which determines 15% of the summative evaluation rating. The educator evaluation recognizes the professional commitment and hard work necessary for West Virginia students to achieve at high levels. It recognizes student growth in a variety of settings across diverse social and academic contexts.

16.8. Professional Conduct -- Counselors shall be evaluated based on clear criteria for those competencies and habits of mind without which professional school counseling simply cannot occur. The standard addresses Adhering to Policy and Procedure, Professional Attendance, Adhering to Schedule, and Respect. An unsatisfactory rating in any of these areas prompts a standard performance rating of unsatisfactory.

§126-142-17. Evaluation Process for Professional Support Personnel and Central Office Personnel.

17.1. Professional support and central office personnel who are in their first, second, or third year of professional service, a minimum of two (2) written evaluations per year is required.

17.2. Professional support and central office personnel in their fourth or fifth year of professional service, a minimum of one (1) written evaluation per year is required.

17.3. For professional support and central office personnel with five (5) or more years of experience who have not received an unsatisfactory rating, a minimum of one (1) evaluation every three (3) years is required unless the supervisor determines that an evaluation is needed more frequently. Supervisors may determine that professional support personnel whose written evaluations include identified deficiencies related to specific professional support personnel performance characteristics may be evaluated more frequently than once every three years.

17.4. The professional support or central office person's immediate supervisor, as defined by the county superintendent, is responsible for monitoring performance and for preparing the written evaluation.

17.5. The purpose of the evaluation is to improve the professional support and central office person's performance and professional growth. The professional support / central office person and the immediate supervisor will mutually establish annual written goals for the professional support person's performance evaluation on or before November 1. The goals shall be related to the professional support / central office person's job responsibilities. In addition to the goal setting conference, the professional support / central office person and the supervisor will meet at least once annually to review progress toward meeting the established goals. The supervisor will schedule an evaluation conference with the professional support / central office person to share findings and prepare the written evaluation. The professional support / central office person shall receive a copy of the evaluation within five (5) working days.

17.6. The primary data source for the performance evaluation will be information and documentation related to the mutually established goals. The professional support / central office person shall maintain a portfolio of materials that validate progress or completion of the mutually established goals. The professional support / central office person's supervisor may also collect documentation relating to these goals. The supervisor will evaluate the professional support / central office person's performance using a narrative description to document the progress made toward goal attainment or to document unsatisfactory performance. Because the mutually established goals will be unique to each professional support / central office person, it follows that the evaluation narrative will focus on the professional support / central office person's demonstration of those skills identified in the performance characteristics. Therefore, the evaluation will be goal directed and may incorporate the performance characteristics in the narrative description. The supervisor may include those performance characteristics appropriate to the mutually established goals. The performance characteristics should be identified during the goal setting conference. The portfolios maintained by the professional support / central office person and the supervisor shall be included as part of the evaluation documentation.

17.7. The professional support / central office person's signature on the evaluation form denotes that the supervisor has reviewed the evaluation with the professional support person. The professional support person's signature does not imply concurrence with the evaluation and/or its rating. The professional support person shall receive a copy of the evaluation. The professional support person has the right to include a written statement as an addendum to the evaluation. An addendum and the signature of the professional support person must be affixed to the evaluation not later than five (5) working days following receipt of the written evaluation.

§126-142-18. Improvement Plan for Professional Support Personnel and Central Office Personnel.

18.1. An improvement plan shall be developed by the supervisor and the professional support / central office person when the professional support person's performance is unsatisfactory in any area of responsibility as contained in §126-142-23 of this policy.

18.2. The improvement plan shall designate how the professional support / central office person shall meet standards. The improvement plan shall:

18.2.a. identify the deficiency(ies),

18.2.b. specify the corrective action to remediate the deficiency(ies),

18.2.c. contain the time frame for monitoring and deadlines for meeting performance characteristics, and in no case shall the improvement plan be for more than one semester in length, and

18.2.d. describe the resources and assistance available to assist in correcting the

deficiency(ies).

18.3. After a professional support / central office person has successfully corrected deficiencies the professional support / central office person must continue to meet standards.

18.4. Nothing in this section shall supersede the provisions of W.Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-19. Improvement Team for Professional Support Personnel and Central Office Personnel.

19.1. A referral to an improvement team for the professional support / central office person whose evaluation is unsatisfactory may occur when the supervisor determines he/she needs such assistance. The professional support / central office person may request the assistance of an improvement team.

19.2. The improvement team shall be comprised of the professional support / central office person's immediate supervisor, one additional administrator preferably at the same school level, and one professional educator in the same or related specialization. The professional educator shall be selected by the professional support / central office person and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to §126-142-3.2.

19.3. The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

19.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the professional support / central office person in meeting the responsibilities outlined in the plan, and c) identify additional resources. Release time may be provided for professional educators who serve on the improvement team.

§126-142-20. Professional Support Personnel Responsibilities.

20.1. In addition to established laws, policies, rules and regulations, job descriptions for professional support personnel may include the following responsibilities when appropriate:

20.1.a. plans, prepares and implements new programs or facilitates change in the existing program,

20.1.b. organizes, directs, and coordinates programs,

20.1.c. gathers and interprets data for individuals, groups or programs,

20.1.d. delivers services to students or others,

20.1.e. collaborates with school personnel and/or parents to coordinate the delivery of services to students or others,

20.1.f. facilitates professional development activities to achieve goals,

20.1.g. develops and improves individual competencies and skills to deliver services, and

20.1.h. effective July 1, 2003, demonstrates competency in the knowledge and implementation of technology standards.

§126-142-21. Professional Support Personnel Performance Characteristics.

21.1. Performance characteristics in this section are the state-adopted responsibilities for professional support personnel. The purpose is to clarify responsibilities of the professional support person and to provide guidance to the professional support person in understanding job expectations.

21.2. Planning, Preparation and Implementation.

21.2.a. Engages in activities that prepare for implementation of new programs or facilitates change in existing programs and their implementation. Items that may be used to reflect planning and preparation:

- 21.2.a.1. identifies needs of students and others,
- 21.2.a.2. develops action plans based on identified needs,
- 21.2.a.3. evaluates ongoing programs/plans,
- 21.2.a.4. revises programs based on assessment,
- 21.2.a.5. implements ongoing program activities and revises activities as needed, and
- 21.2.a.6. advises school personnel regarding available resources.

21.3. Administration/Management.

21.3.a. Organizes, directs, or coordinates programs that include responsibility for budgeting, staffing, reporting and other similar activities. Items that may be used to reflect administration/management:

- 21.3.a.1. aids school administration in developing and providing policies and/or programs,
- 21.3.a.2. establishes and communicates practices and procedures to students, parents, community and staff,
- 21.3.a.3. works to integrate program into total school curriculum,
- 21.3.a.4. prepares thorough and accurate reports in a timely manner, and
- 21.3.a.5. makes recommendations to modify the school program to meet individual students' needs.

21.4. Assessment/Evaluation.

21.4.a. Gathers and interprets data from individual, groups, or programs to evaluate needs and programs. Items that may be used to reflect assessment/evaluation:

- 21.4.a.1. explains nature and purpose of assessment in an understandable manner,

21.4.a.2. demonstrates knowledge of theories, techniques and instruments used for assessment,

21.4.a.3. follows confidentiality procedures,

21.4.a.4. makes provisions for the attainment and evaluation of program goals, and

21.4.a.5. communicates effectively with school personnel, students, parents, and the community.

21.5. Intervention.

21.5.a. Delivers services to students and others to improve skills/functional abilities or inform recipients of services. Items that may be used to reflect intervention:

21.5.a.1. provides activities to foster the development of the whole child/student,

21.5.a.2. demonstrates positive interpersonal relationships with students, educational staff, parents, and the community,

21.5.a.3. assists teachers and students in implementing plans/strategies,

21.5.a.4. involves students in setting objectives, and

21.5.a.5. uses systematic processes to assess needs, plan interventions, and evaluate outcomes.

21.6. Collaboration.

21.6.a. Collaborates with school personnel, parents and the community to assist with and coordinate the delivery of services to students. Items that may be used to reflect collaboration:

21.6.a.1. presents information about services offered to students, school personnel, parents, and the community,

21.6.a.2. assists parents and students with individual needs to secure available services,

21.6.a.3. creates a positive climate during consultation,

21.6.a.4. serves on or leads multidisciplinary teams, and

21.6.a.5. respects values different from her/his own.

21.7. Professional Development.

21.7.a. Facilitates professional development activities to achieve goals. Items that may be used to reflect professional development:

21.7.a.1. seeks input from staff,

21.7.a.2. plans, implements, and evaluates professional development programs,

21.7.a.3. disseminates information at meetings, and

21.7.a.4. develops procedures and provides training for school personnel, students, and parents.

21.8. Professional Responsibilities.

21.8.a. Develops and improves individual competence and skill in delivering services consistent with professional standards. Items that may be used to reflect professional responsibilities:

21.8.a.1. behaves in an ethical manner,

21.8.a.2. demonstrates understanding of own professional limitations,

21.8.a.3. continues professional development by keeping abreast of current trends,

21.8.a.4. keeps appointments and follows up with commitments,

21.8.a.5. adheres to established regulations, policies, rules and laws, and

21.8.a.6. commands respect by example in appearance, manners, behavior and language.

21.9. Technology Standards, effective July 1, 2003.

21.9.a. Definition: demonstrates competency and knowledge in the implementation of technology standards identified by the West Virginia Board of Education policies which are based on the ISTE Standards. Items that may be used to reflect instructional leadership competencies:

21.9.a.1. demonstrates a sound understanding of technology operations and concepts,

21.9.a.2. applies technology to facilitate a variety of effective assessment and evaluation strategies,

21.9.a.3. uses technology to enhance productivity and professional practice, and

21.9.a.4. understands the social, ethical, legal and human issues surrounding the use of technology in PreK-12 schools and applies that understanding in practice.

§126-142-22. Evaluation Process for Athletic Coaches.

22.1. The primary purpose of the evaluation is to provide information necessary to make an objective assessment of the performance of coaches and assistant coaches and to assure that quality coaching is provided to the student athlete.

22.2. A minimum of one (1) written evaluation per coach's and assistant coach's contract period is required each year.

22.3. Principals, assistant principals, or athletic directors who hold an administrative certificate according to W.Va. Code §18A-2-12 shall evaluate coaches and assistant coaches.

22.4. The principal, assistant principal or athletic director shall conduct observations and evaluations

of head coaches. A minimum of two (2) observations is required for each evaluation.

22.5. The principal, assistant principal or athletic director, with input from the head coach, shall conduct observations and evaluations of assistant coaches. A minimum of two (2) observations is required for each evaluation.

22.6. The principal, assistant principal or athletic director shall share the evaluation with the coach/assistant coach during a scheduled conference and within a four (4) week period at the conclusion of each sport's season as defined by West Virginia Secondary School Activities Commission (WVSSAC).

22.7. The coaches and assistant coaches have the right to include a written statement as an addendum to the evaluation.

22.8. The coach and or assistant coach shall sign the evaluation form denoting that the supervisor has reviewed the evaluation with the coach and the coach has received a copy. The signature shall not imply concurrence with the findings.

§126-142-23. Improvement Plan for Athletic Coaches.

23.1. An improvement plan shall be developed by the principal, assistant principal or athletic director who holds an administrative certificate, when a coach's performance is unsatisfactory in an area of coaching responsibility as contained in §126-142-28.

23.2. The improvement plan shall designate how the coach shall meet performance criteria. The improvement plan shall:

23.2.a. identify the deficiency(ies),

23.2.b. specify the corrective action to remediate the deficiencies,

23.2.c. contain the time frame for monitoring and deadlines for meeting the criteria, and in no case shall an improvement plan be for more than one semester in length, and

23.2.d. describe the resources and assistance available to assist in correcting the deficiency(ies).

23.3. After a coach has successfully corrected deficiencies the coach must continue to meet standards.

23.4. Nothing in this section shall supersede the provisions of W.Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-24. Improvement Team for Athletic Coaches.

24.1. A referral to an improvement team for a coach whose evaluation is unsatisfactory may occur when the supervisor determines he/she needs such assistance. The coach may request the assistance of an improvement team.

24.2. The improvement team shall be comprised of the coach's immediate supervisor, one additional administrator and one coach in the same or related sport. The coach who will serve as a member of the improvement team shall be selected by the coach and approved by the county superintendent. The

selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to §126-142-3.2.

24.3. The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

24.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the coach in meeting the performance criteria outlined in the plan, and c) identify additional resources.

24.5. Release time may be provided for employees who serve on the improvement team.

§126-142-25. Athletic Coaches' Responsibilities.

25.1. In addition to established laws, rules, policies and regulations, job descriptions for coaching shall include the following responsibilities:

25.1.a. communicating with parents and the educational community (Professional and Interpersonal Relations), and

25.1.b. implementing fundamental sports skills and sports management systems. (Coaching and Related Areas).

§126-142-26. Athletic Coaches' Performance Criteria.

26.1. Performance criteria in this section are the state adopted responsibilities for coaches. The purpose is to clarify coaching responsibilities and help provide guidance to the coach in understanding job expectations.

26.2. Professional and Interpersonal Relations.

26.2.a. Definition: Communicates with educational personnel, parents, students, and others. Items that may be used to reflect professional and interpersonal relations:

26.2.a.1. cooperates with building principal,

26.2.a.2. cooperates with athletic director,

26.2.a.3. develops rapport with coaching staff within the school,

26.2.a.4. organizes coaching staff,

26.2.a.5. develops positive relationship with participants,

26.2.a.6. develops positive relationship with student body,

26.2.a.7. develops positive relationship with faculty,

26.2.a.8. develops positive relationship with parents and community,

26.2.a.9. develops positive relationship with game officials,

- 26.2.a.10. develops positive relationship with news media,
- 26.2.a.11. develops positive relationship with opponents,
- 26.2.a.12. employs appropriate conduct during games,
- 26.2.a.13. employs appropriate conduct during practices,
- 26.2.a.14. attends league, conference and WVSSAC meetings,
- 26.2.a.15. participate in activities that foster professional growth and development,
- 26.2.a.16. motivates staff and players toward desired goals, and
- 26.2.a.17. commands respect by example in appearance, manners, behavior and language.

26.3. Coaching and Related Areas.

26.3.a. Definition: Organizes strategies for teaching sports skills and sports management systems. Items that may be used to reflect coaching and related areas:

- 26.3.a.1. develops high caliber and quality instruction,
- 26.3.a.2. teaches fundamental skills,
- 26.3.a.3. handles athletic injuries,
- 26.3.a.4. cares for equipment,
- 26.3.a.5. supervises participants and disciplines team appropriately,
- 26.3.a.6. designs quality organization of practice sessions,
- 26.3.a.7. designs pre-season planning,
- 26.3.a.8. supervises managers and other support personnel,
- 26.3.a.9. manages budget,
- 26.3.a.10. follows purchasing procedures,
- 26.3.a.11. initiates game organization skills,
- 26.3.a.12. follows league, conference, and WVSSAC policies,
- 26.3.a.13. devotes time and energy to coaching duties, and
- 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.