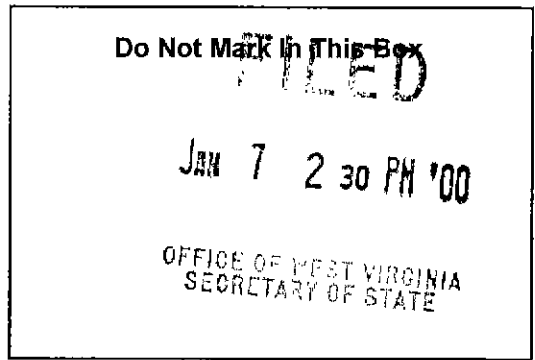


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5



NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article 12, §2 and W.Va. Code §18A-2-12

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

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).

AMENDMENT TO AN EXISTING RULE: YES XX NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 142

TITLE OF RULE BEING AMENDED: Performance Evaluation of School Personnel (5310)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS February 7, 2000

William J. Luff, Jr.
Associate State Superintendent

\$9.00

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

**POLICY NUMBER AND TITLE: Policy 5310
Performance Evaluation of School Personnel**

ADOPTED BY STATE BOARD:

BACKGROUND:

Policy 5310 was initially approved by the West Virginia Board of Education in January 1985. The policy was amended in 1992 as a result of Senate Bill 1 which was enacted by the Legislature in August 1990. No revisions have been made to the policy since that time. The West Virginia Board of Education recently directed a committee of educators to review and revise Policy 5310 to incorporate a new rating system, add performance criteria that focus on improving instruction and augmenting student performance, redesign the professional growth and development plan, and add components for professional support personnel and athletic coaches. The West Virginia board of Education adopted the revised policy on May 17, 1999.

PURPOSE:

The purpose of Policy 2510 is to promote professional growth and development, assure quality performance in West Virginia schools and provide evaluation data as one basis for making sound personnel decisions. Policy 5310 describes the purposes of staff evaluation, delineates the evaluation criteria, and explains the evaluation process for teachers, administrators, professional support personnel and coaches.

RECOMMENDED REVISIONS

The proposed revisions to Policy 5310 correct technical errors in the policy:

- create new rating categories: exemplary, exceeds standards, meets standards, and unsatisfactory, and
- delineate indicators for the exemplary and exceeds standards categories.

COMMENT SUMMARY

Four comments were received from educators throughout the state. Comments from teachers expressed their displeasure with the proposed rating structure.

The "exemplary" and "exceeds standards" rating categories have been defined with a focus on demonstrated expertise and mastery of performance criteria, recognition, leadership in staff development and innovative instructional practices.

FILED

JAN 7 2 30 PM '00

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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. Code §18A-2-12, West Virginia Constitution, Article 12, §2.

1.3. Filing Date. -- January 7, 2000

1.4. Effective Date. -- February 7, 2000

§126-142-2. Purpose.

2.1. This evaluation policy has two (2) major purposes:

2.1.1. To promote professional growth and development and assure quality performance in West Virginia schools, and

2.1.2. To provide evaluation data as one basis for sound personnel decisions.

§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 in implementing its evaluation policy and administrative procedures, and b) approve county boards of education employee evaluation administrative procedures.

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.

§126-142-4. Definitions.

4.1. Conference: a meeting between the supervisor and employee or among the improvement teams and the employee focusing on employee's performance, the employee's performance during an observation, an evaluation, or an improvement plan.

4.2. Evaluation Instruments: the approved evaluation form(s) containing the performance criteria.

4.3. Performance Criteria: indicators of stated job responsibilities used to evaluate the performance of an employee.

4.4. Observation: the process of collecting data on the employee's job performance.

4.5. Rating: an exemplary, exceeds standards, meets standards, or unsatisfactory value assigned to the performance of an employee.

4.6. Portfolio for Teachers: a collection of materials assembled and selected by the employee to document commendable job performance. The portfolio may be used by the employee during the observation or the evaluation conference. The compilation of this documentation is optional.

4.7. Portfolio for Administrators/Professional Support Personnel: a collection of materials assembled and selected by the employee to document goal attainment. The portfolio may be used by the employee during the observation or the evaluation conference. The compilation of this documentation is required.

4.8. Professional Growth and Development Plan: a plan designed and developed by an employee and his/her supervisor for continued professional growth.

4.9. Classroom Teacher: the professional educator who has a direct instructional relationship with pupils.

4.10. Professional Support Personnel: the professional educator whose title includes but is not limited to the following: athletic trainer, counselor, education audiologist, school nurse, school psychologist, social service and attendance, and speech language pathologist.

4.11. Administrator: the professional educator whose title includes but is not limited to the following: central office administrator, supervisor, director, coordinator, program specialist, principal, and/or vice principal.

4.12. Coach: 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.

4.13. Immediate Supervisor: a professional educator/administrator identified by the county superintendent to conduct observations, complete evaluations, and write and monitor improvement plans.

§126-142-5. Training.

5.1. All supervisors shall receive training in a) conducting observations and conferences, b) completing evaluations, and c) writing and monitoring improvement plans.

5.2. Each evaluator shall be trained in management and evaluation skills.

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

§126-142-6. State Board Approval.

6.1. County school district administrative procedures approved by the State Board of Education shall be in effect no later than July 1, 1999.

§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 time frame for conducting and completing the evaluation process, c) the procedures for sharing the results with the employee, and d) 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 current grievance and other due process requirements.

7.5. County job descriptions shall be established for each position and include state-adopted job responsibilities.

§126-142-8. Rating Structure.

8.1. 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:

8.1.1. Exemplary - Performance consistently demonstrates expertise and mastery of performance criteria and evidence of any of the following: recognition at the state and/or national levels, leadership in staff development through presentations at the state and/or national levels and/or development and implementation of innovative instructional programs.

8.1.2. Exceeds Standards - Performance consistently demonstrates expertise and mastery of performance criteria and evidence of any of the following: recognition at the school, county and regional levels, leadership in staff development through presentations at the school, county and/or regional levels and/or implementation of innovative instructional programs.

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

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

§126-142-9. Evaluation Criteria for Classroom Teachers.

9.1. For the 1999-2000 school year only, teachers with zero to two (0-2) years of experience will be evaluated pursuant to Section 10.1.—To successfully implement this policy and ensure that quality evaluations occur, the policy will be phased in over a two year period. During the 1999-2000 school year, a teacher with 6 or more years of experience who was evaluated using the performance evaluation or who completed Phase II during 1998-1999 may opt to complete goal setting during the 1999-2000 school year provided that the teacher has not changed assignments or schools. All other teachers with 6 or more years of experience will be evaluated during the 1999-2000 school year using performance evaluation. For school years thereafter, each employee shall be evaluated under her/his appropriate stage.

9.2. Orientation -- To assure that all employees have a full understanding of the purposes, instruments and procedures used in evaluating the performance of employees, a meeting for such purposes shall be convened for all employees at the beginning of the employment period. Each employee shall be provided a copy of the instruments and procedures.

9.3. Observation of classroom teachers -- Teachers with zero to two (0-2) years of experience will be observed a minimum of three (3) times for each written evaluation. Two (2) observations shall cover a minimum of thirty (30) minutes each and shall be conducted

during an instructional activity. One (1) of the two (2) instructional observations shall be scheduled with the employee. Other observations shall be conducted at the discretion of the supervisor and may include non-instructional activities. The first observation shall occur on or before November 1.

9.4. Teachers with three to six (3-6) years of experience will be observed a minimum of two (2) times for each written evaluation. One (1) of the two (2) observations shall cover a minimum of thirty (30) minutes and shall be conducted during an instructional activity. The supervisor shall schedule one (1) of the two (2) observations with the employee. Other observations may be conducted at the discretion of the supervisor and may include non-instructional activities.

9.5. Post observation conference -- After each thirty (30) minute observation of the teacher the supervisor shall conduct a post observation conference with the employee within five (5) working days. At that time a signed copy of the observation form shall be given to the employee. Additional conferences may be held on an as-needed basis as determined by the supervisor.

9.6. Evaluation -- Evaluations shall address all levels of teacher responsibilities as outlined in Section 13. Commendations may be included and may be based upon data obtained from the portfolio or other sources. Evaluations shall identify deficiencies, and shall provide written recommendations for meeting performance criteria and characteristics.

§126-142-10. Evaluation Process for Classroom Teachers.

10.1. For employees with zero to two (0-2) years of experience, a minimum of two (2) written evaluations per year is required.

10.2. For employees with three to six (3-6) years of experience, a minimum of one (1) written evaluation per year is required.

10.3. For the employees beginning their seventh year, a professional growth and development plan may be used in lieu of the performance evaluation. The plan will be mutually agreed upon by the employee and supervisor and will contain the following elements: goal(s), objectives and activities, and criteria to measure achievement of goal(s) the professional growth and development plan will be implemented for a one (1) year period and will alternate with a performance evaluation. On or before November 1 the professional growth and development plan will be developed and agreed upon by the employee and supervisor. By June 1 progress toward achievement of the goal(s) will be discussed in the performance evaluation.

10.4. The immediate supervisor is responsible for the employee's evaluation.

10.5. The supervisor shall share the evaluation with the employee during a scheduled conference.

10.6. The employee has the right to include a written statement as an addendum to the evaluation.

10.7. The employee shall sign the evaluation form denoting that the supervisor has reviewed the evaluation with the employee and the employee has received a copy, but the signature shall not imply concurrence with the findings.

§126-142-11. Improvement Plan for Classroom Teachers.

11.1. An improvement plan shall be developed by the supervisor and employee when an employee's performance is unsatisfactory in any area of teacher responsibility as contained in Section 13 of this policy.

11.2. The improvement plan shall designate how the employee shall meet the criteria. The improvement plan shall:

11.2.1. identify the deficiency(ies),

11.2.2. specify the corrective action to remediate the deficiencies,

11.2.3. contain the time frame for monitoring and deadlines for meeting criteria, but in no case shall an improvement plan be for more than one (1) semester in length, and

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

11.3. After an employee has successfully corrected deficiency(ies) the employee must continue to demonstrate improvement.

11.4. If an employee transfers within the county or to any other county within the state during the implementation of an improvement plan, the plan is transferred to the new supervisor for continuation.

§126-142-12. Improvement Team for Classroom Teachers.

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

12.2. The improvement team shall be comprised of the employee's immediate supervisor, one additional administrator preferably in the content area, and one professional educator in the same or related specialization. The professional educator shall be selected by the teacher from a list approved by the county. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to Section 3.2 of this policy.

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

12.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the employee in meeting the performance criteria outlined in the plan, and c) identify additional resources. Release time may be provided for teachers who serve on the improvement team.

§126-142-13. Classroom Teachers' Responsibilities.

13.1. Job descriptions for teachers shall include the following responsibilities:

13.1.1. implements programs of study,

13.1.2. fosters a classroom climate conducive to learning,

13.1.3. utilizes instructional management systems models that increase student learning,

13.1.4. monitors student progress towards mastery of instructional goals and objectives,

13.1.5. communicates effectively within the educational community, and with parents on a regular basis, and

13.1.6. meets professional responsibilities.

§126-142-14. Classroom Teachers' Performance Criteria.

14.1. Performance criteria are developed for state adopted responsibilities. The purpose is to clarify teacher responsibilities and help provide guidance to the employee in understanding job expectations.

14.2. Programs of Study:

14.2.1. Definition: Provides curricula required by the state of West Virginia.

- a. Bases instruction on adopted curricula for the school.
- b. Demonstrates accurate and current knowledge in subject field.
- c. Develops appropriate lessons to teach instructional objectives.
- d. Employs a variety of instructional strategies to augment achievement.
- e. Uses content scope and sequence in planning.

14.3. Classroom Climate:

14.3.1. Definition: Provides an atmosphere conducive to learning consistent with school/county mission.

- a. Follows established school discipline procedures that include the WV Student Code of Conduct.
- b. Establishes procedures and rules that enhance learning.
- c. Encourages students' attendance.
- d. Sets high positive expectations for student performance.
- e. Encourages and acknowledges individual student accomplishments and appropriate behavior.
- f. Treats students in a fair and equitable manner.
- g. Accommodates individual learning differences.
- h. Creates and maintains an environment that supports learning.
- i. Communicates with parents.

14.4. Instructional Management Systems:

Definition: Organizes teaching strategies to maximize allocated instructional time to increase student learning.

- a. Prepares and implements lesson plans.

- b. Begins lesson or instructional activity with a review of previous material as appropriate.
- c. Has materials, supplies and equipment ready at the start of the lesson or instructional activity.
- d. Introduces the instructional activity and specifies instructional objectives.
- e. Directs and adequately supervises students to be on task quickly at the beginning of each instructional activity.
- f. Presents reading, writing, speaking, and listening strategies using concepts and language that students understand.
- g. Provides relevant examples and demonstrations to illustrate concepts and skills.
- h. Assigns developmentally appropriate tasks.
- i. Provides instructional pacing that ensures student understanding.
- j. Maximizes student time-on-task.
- k. Makes effective transitions between instructional activities.
- l. Summarizes the main point(s) of the instructional activity.
- m. Encourages students to express ideas clearly and accurately.
- n. Incorporates higher level thinking skills.
- o. Assists students to develop productive work habits and study skills, enabling communication with parents as needed.
- p. Provides remediation activities for students.
- q. Designs, delivers, and assesses student learning activities addressing the state adopted instructional goals and objectives.
- r. Integrates a variety of technology applications and learning tools to augment student achievement.

14.5. Student Progress:

14.5.1. Definition: Gathers, stores, and monitors data related to student learning for use in assessing progress toward achieving the instructional objectives.

- a. Follows grading policies and regulations.
- b. Maintains accurate and complete student records.
- c. Monitors and evaluates student progress.
- d. Provides feedback on student work.
- e. Monitors student attendance.

14.6. Communication:

14.6.1. Definition: Communicates with students, parents, educational personnel, and others. Utilizes standard grammar, listening skills, and clarity in the presentation of ideas.

- a. Communicates student progress according to established procedures and policies.
- b. Communicates regularly and effectively with students, co-workers, parents/guardians, and the community, and exhibits appropriate interactive skills.
- c. Follows confidentiality procedures regarding students, parents/guardians, and fellow staff members.
- d. Speaks and writes standard English clearly, correctly, and distinctly.
- e. Determines and utilizes appropriate community resources.

14.7. Professional Work Habits:

14.7.1. Definition: Demonstrates behavior that reflects established professional responsibilities (i.e. attendance, punctuality and verbal/nonverbal communication).

- a. Adheres to established laws, policies, rules, and regulations.
- b. Interacts appropriately with students, other educational personnel, and parents.

- c. Participates in activities that foster professional growth.
- d. Is punctual with reports, grades, records, and in reporting to work.
- e. Performs assigned duties.
- f. Strives to meet county/school goals.
- g. Commands respect by example in appearance, manners, behavior and language.

§126-142-15. Evaluation Process for Administrators

15.1. For administrators with zero to two (0-2) years of experience, a minimum of two (2) written evaluations per year is required.

15.2. For administrators with three (3) or more years of experience, a minimum of one (1) written evaluation per year is required.

15.3. The administrator's immediate supervisor is responsible for monitoring performance and for preparing the written evaluation.

15.4. The purpose of the evaluation is to improve the administrator's performance and professional growth. The administrator and the immediate supervisor will mutually establish annual written goals for the administrator's performance evaluation on or before October 1. The goals shall be related to the administrator's job responsibilities. In addition to the goal setting conference the administrator 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 administrator to share findings and prepare the written evaluation. The administrator shall receive a copy of the evaluation within five (5) working days.

15.5. The primary data source for the performance evaluation will be information and documentation related to the mutually established goals. The administrator shall maintain a portfolio of materials that validate progress or completion of the mutually establish goals. The administrator's supervisor may also collect documentation relating to these goals. The supervisor will evaluate the administrator'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 administrator, it follows that the evaluation narrative will focus on the administrator'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 administrator and the supervisor shall be included as part of the evaluation documentation.

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

§126-142-16. Improvement Plan for Administrators.

16.1. An improvement plan shall be developed by the supervisor and administrator when an administrator's performance is unsatisfactory in any area of responsibility as contained in Section 17 of this policy.

16.2. The improvement plan shall designate how the employee shall meet *the* performance characteristics. The improvement plan shall:

16.2.1. identify the deficiency(ies),

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

16.2.3. contain the time frame for monitoring and deadlines for meeting the performance characteristics, and in no case shall an improvement plan be for more than one (1) semester in length, and

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

16.3. After an employee has successfully corrected deficiency(ies), the employee must continue to demonstrate improvement.

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

§126-142-17. Administrators' Responsibilities.

17.1. In addition to established laws, policies, rules and regulation, job descriptions for administrators shall include the following responsibilities:

17.1.1. demonstrates instructional leadership to enhance school effectiveness by improving instruction and augmenting student performance.

17.1.2. provides purpose and direction for schools/county,

17.1.3. demonstrates cognitive skills to gather, analyze and synthesize information to reach goals,

17.1.4. manages group behaviors to achieve consensus,

17.1.5. enhances quality of total school/county organization,

17.1.6. organizes and delegates to accomplish goals, and

17.1.7. communicates effectively.

§126-142-18. Administrators' Performance Characteristics.

18.1. Performance characteristics are developed for state adopted responsibilities. The purpose is to clarify responsibilities of the administrator and to provide guidance to the employee in understanding job expectations.

18.2. Instructional Leadership

18.2.1. Demonstrates instructional leadership to enhance school effectiveness by improving instruction and augmenting student achievement.

18.2.2. Items that may be used to reflect instructional leadership competencies:

- a. demonstrates a knowledge of supervision to improve instruction,
- b. uses the evaluation process to improve instruction effectively,
- c. analyzes a variety of educational data to focus on student achievement,
- d. guides teachers in their professional growth, and
- e. facilitates a climate that is conducive to student learning and development

18.3. Purpose and Direction.

18.3.1. Proactive Orientation. -- Views self as the school's/county's leader, initiates action, takes responsibility and motivates others to assist in setting and achieving the goals.

18.3.2. Items that may be used to reflect a proactive orientation:

- a. accepts authority and assumes responsibility,
- b. analyzes negative and positive forces affecting the school/county,
- c. takes immediate steps when problems arise,
- d. focuses resources on strategic goals,
- e. uses problem solving strategies,
- f. exhibits a positive attitude, and
- g. encourages and facilitates meaningful and effective parent-teacher communication.
- h. commands respect by example in appearance, manners, behavior and language.

18.4. Educational Values. -- Manifests values about the school/county including students' welfare, fairness to staff, effective communication with parents, and demonstrates behavior consistent with the values.

18.4.1. Items that may be used to reflect educational values:

- a. promotes the welfare of students, faculty and staff, and
- b. sets high expectations and articulates them to community, parents, staff and students

18.5. Cognitive Skills.

18.5.1. Interpersonal Skills. -- Listens, understands and verbalizes the concepts, thoughts and ideas held by others to ensure an understanding of their feelings and position. Items that may be used to reflect interpersonal skills:

- a. encourages others to describe their perspectives,

- b. respects others' perspectives, and
- c. listens to others.

18.5.2. Problem Analysis. -- Searches for relevant data and analyzes complex information before arriving at an understanding of an event or a problem using formal and informal observations, research and interaction in gathering information. Items that may be used to reflect problem analysis:

- a. gathers information about the school, county, students, parents, and community as appropriate,
- b. attends professional development sessions that are relevant to goals, and
- c. accesses computer and management information systems.

18.5.3. Judgement. -- Generates, evaluates, and selects effective solutions in making decisions and solving problems. Items that may be used to reflect judgement:

- a. values divergent thinking,
- b. compares consequences of options, and
- c. makes decisions after data are analyzed.

18.6. Leadership.

18.6.1. Managing Interaction. -- Demonstrates effective use of group processes and facilitator skills. Items that may be used to reflect managing interaction:

- a. identifies self as a team leader,
- b. intervenes, negotiates, resolves conflict as needed,
- c. facilitates communication, and
- d. creates cooperative atmosphere.

18.6.2. Persuasiveness. -- Gains and sustains the attention and interest of others. Items that may be used to reflect persuasiveness:

- a. ties needs to established goals,
- b. articulates expected outcomes, and
- c. develops trust by modeling desired behavior.

18.6.3. Sensitivity. -- Understands the diversity among different groups and modifies interaction style to fit the situation. Items that may be used to reflect sensitivity:

- a. understands how own behavior may affect others,
- b. adjusts strategies when ineffective,
- c. exhibits appropriate interaction skills, and
- d. deals effectively with emotional issues.

18.7. Quality Enhancement.

18.7.1. Personal Motivation. -- Establishes high work standards for self and others. Items that may be used to reflect personal motivation:

- a. promotes excellence by evaluating goals,
- b. sets standards for goal accomplishment,
- c. considers feedback, and
- d. assesses own strengths and limitations.

18.7.2. Management. -- Devises opportunities to receive adequate information on the progress of work accomplishments, delegates activities and offers timely feedback relating to quality and productivity. Items that may be used to reflect management:

- a. supervises and monitors performance of staff,
- b. collects and records performance data,

- c. judges performance using criteria,
- d. reinforces desirable behavior,
- e. accesses computer and management information systems, and
- f. demonstrates effective school financial management.

18.7.3. Coaching. – Creates opportunities for development of human resources through effective use of coaching, and the use of staff development to foster individual growth. Items that may be used to reflect coaching:

- a. builds a supportive environment for learning,
- b. provides timely and specific feedback,
- c. reinforces growth and development, and
- d. exhibits effective conferencing skills.

18.8. Organization.

18.8.1. Organizational Ability. -- Develops a plan to meet goals by focusing on time lines and flow of activities, and identifies resources needed to accomplish the job. Items that may be used to reflect organizational ability:

- a. plans for goal accomplishment,
- b. establishes priorities,
- c. budgets and allocates resources,
- d. assigns tasks and activities, and
- e. plans for contingencies.

18.8.2. Delegation. -- Delegates authority and responsibility clearly and appropriately. Items that may be used to reflect delegation:

- a. assesses expertise of self and others,

- b. determines tasks to be assigned,
- c. determines tasks needing outside assistance,
- d. establishes performance standards, and
- e. provides guidance.

18.9. Communications.

18.9.1. Oral Communications. -- Uses verbal skills to communicate appropriately. Items that may be used to reflect oral communications:

- a. pronounces words and articulates clearly,
- b. speaks confidently, and
- c. Uses correct grammar.

18.9.2. Written Communications. -- Demonstrates skill in writing appropriately to the intended audience. Items that may be used to reflect written communications:

- a. writes with clarity and conciseness, and
- b. uses correct grammar, spelling and appropriate language.

§126-142-19. Evaluation Process For Professional Support Personnel.

19.1. For professional support personnel with zero to two years (0-2) of experience, a minimum of two (2) written evaluations per year is required.

19.2. For professional support personnel with three (3) or more years of experience, a minimum of one (1) written evaluation per year is required.

19.3. The professional support personnel's immediate supervisor, as defined by the county superintendent, is responsible for monitoring performance and for preparing the written evaluation.

19.4. The purpose of the evaluation is to improve the professional support personnel's performance and professional growth. The professional support personnel and the immediate supervisor will mutually establish annual written goals for the

professional support personnel's performance evaluation on or before November 1. The goals shall be related to the professional support personnel's job responsibilities. In addition to the goal setting conference, the professional support personnel 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 personnel to share findings and prepare the written evaluation. The professional support personnel shall receive a copy of the evaluation within five working days.

19.5. The primary data source for the performance evaluation will be information and documentation related to the mutually established goals. The professional support personnel shall maintain a portfolio of materials that validate progress or completion of the mutually established goals. The professional support personnel's supervisor may also collect documentation relating to these goals. The supervisor will evaluate the professional support personnel'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 personnel, it follows that the evaluation narrative will focus on the professional support personnel'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 personnel and the supervisor shall be included as part of the evaluation documentation.

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

§126-142-20. Improvement Plan for Professional Support Personnel.

20.1. An improvement plan shall be developed by the supervisor and the professional support personnel when the professional support personnel's performance is unsatisfactory in any area of responsibility as contained in Section 21 of this policy.

20.2. The improvement plan shall designate how the employee shall meet standards. The improvement plan shall:

20.2.1. identify the deficiency(ies),

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

20.2.3. 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

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

20.3. After an employee has successfully corrected deficiencies the employee must continue to demonstrate improvement.

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

§126-142-21. Professional Support Personnel's Responsibilities.

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

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

21.1.2. organizes, directs, and coordinates programs,

21.1.3. gathers and interprets data for individuals, groups or programs,

21.1.4. delivers services to students or others,

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

21.1.6. facilitates professional development activities to achieve goals and achievement of desired goals, and

21.1.7. develops and improves individual competencies and skills to deliver services.

§126-142-22. Professional Support Personnel's Performance Characteristics.

22.1. Performance characteristics are developed for state-adopted responsibilities. The purpose is to clarify responsibilities of the professional support personnel and to provide guidance to the employee in understanding job expectations.

22.2. Planning, Preparation and Implementation.

22.2.1. 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:

- a. identifies needs of students and others,
 - b. develops action plans based on identified needs,
 - c. evaluates ongoing programs/plans,
 - d. revises programs based on assessment ,
 - e. implements ongoing program activities and revise activities as needed,
- and
- f. advises school personnel regarding available resources.

22.3. Administration/Management.

22.3.1. 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:

- a. aids school administration in developing and providing policies and/or programs,
- b. establishes and communicates practices and procedures to students, parents, community and staff,
- c. works to integrate program into total school curriculum,
- d. prepares thorough and accurate reports in a timely manner, and
- e. makes recommendations to modify the school program to meet individual student's needs.

22.4. Assessment/Evaluation

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

- a. explains nature and purpose of assessment in an understandable manner,
- b. demonstrates knowledge of theories, techniques and instruments used for assessment,
- c. follows confidentiality procedures,
- d. makes provisions for the attainment and evaluation of program goals, and
- e. communicates effectively with school personnel, students, parents, and the community.

22.5. Intervention.

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

- a. provides activities to foster the development of the whole child/student,
- b. demonstrates positive interpersonal relationships with students, educational staff, parents, and the community,
- c. assists teachers and students in implementing plans/strategies,
- d. involves students in setting objectives, and
- e. uses systematic processes to assess needs, plan interventions, and evaluate outcomes.

22.6. Collaboration.

22.6.1. 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:

- a. presents information about services offered to students, school personnel, parents, and the community,
- b. assists parents and students with individual needs to secure available services,
- c. creates a positive climate during consultation,

- d. serves on or leads multidisciplinary teams, and
- e. respects values different from her/his own.

22.7. Professional Development.

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

- a. seeks input from staff,
- b. plans, implements, and evaluates professional development programs,
- c. disseminates information at meetings, and
- d. develops procedures and provides training for school personnel, students, and parents.

22.8. Professional Responsibilities.

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

- a. behaves in an ethical manner,
- b. demonstrates understanding of own professional limitations,
- c. continues professional development by keeping abreast of current trends,
- d. keeps appointments and follows up with commitments,
- e. adheres to established regulations, policies, rules and laws, and
- f. commands respect by example in appearance, manners, behavior and language.

§126-142-23. Evaluation Process for Coaches.

23.1. A minimum of one (1) written evaluation per coach's contract period is required.

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

23.3. The principal or athletic director will conduct observations of head coaches.

23.4. The principal or athletic director, in conjunction with the head coach, will conduct observations of assistant coaches and evaluate the assistant coaches.

23.5. The principal and/or athletic director is responsible for monitoring performance and for preparing the written evaluation of coaches.

23.6. The principal and athletic director shall share the evaluation with the employee during a scheduled conference and within a four (4) week period at the conclusion of the coach's contract period.

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

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

§126-142-24. Improvement Plan for Coaches.

24.1. An improvement plan shall be developed by the principal or athletic director when a coach's performance is unsatisfactory in an area of coaching responsibility as contained in Section 26 of this policy.

24.2. The improvement plan shall designate how the employee shall meet performance criteria. The improvement plan shall:

24.2.1. identify the deficiency(ies),

24.2.2. specify the corrective action to remediate the deficiencies,

24.2.3. 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

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

24.3. After an employee has successfully corrected deficiencies the employee must continue to demonstrate improvement.

§126-142-25. Coaches' Responsibilities.

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

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

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

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

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

26.2. Professional and Interpersonal Relations.

26.2.1. Definition: Communicates with educational personnel, parents, students, and others.

- a. cooperates with building principal,
- b. cooperates with athletic director,
- c. develops rapport with coaching staff within the school,
- d. organizes coaching staff,
- e. develops positive relationship with participants,
- f. develops positive relationship with student body,
- g. develops positive relationship with faculty,
- h. develops positive relationship with parents and community,
- i. develops positive relationship with game officials,

- j. develops positive relationship with news media,
- k. develops positive relationship with opponents,
- l. employs appropriate conduct during games,
- m. employs appropriate conduct during practices,
- n. attends league, conference and WVSSAC meetings,
- o. participates in activities that foster professional growth and development,
- p. motivates staff and players toward desired goals, and
- q. commands respect by example in appearance, manners, behavior and language.

26.3. Coaching and Related Areas.

26.3.1. Definition: Organizes strategies for teaching sports skills and sports management systems.

- a. develops high caliber and quality instruction,
- b. teaches fundamental skills,
- c. handles athletic injuries,
- d. cares for equipment,
- e. supervises participants and disciplines team appropriately,
- f. designs quality organization of practice sessions,
- g. designs pre-season planning,
- h. supervises managers and other support personnel,
- i. manages budget,
- j. follows purchasing procedures,
- k. initiates game organization skills,

- l. follows league, conference, and WVSSAC policies,
- m. devotes time and energy to coaching duties, and
- n. follows end of season procedures.

**POLICY 5310: PERFORMANCE EVALUATION OF SCHOOL PERSONNEL
COMMENT LOG
1999**

ACTION TYPE
 N: No Response - Negative
 NA: Not Accepted + Positive
 A: Accepted 0 Neutral

Date	Individual/Organization	Comments	Action/ Type	Rationale
9/13/99	Name: Pat Mason Asst. Supt./Mineral Co	<p>I want to support the proposed change in the policy listed under 126-142-8</p> <p>Under Section 8, "Rating Structures," the latest copy available to us on the WVDE Website (which has been our only source of this document) has "and/or" replacing the "and" in the definitions for "Exemplary" and "Exceeds Standards" definitions that were previously in the first version of the policy that the State Board approved and placed on comment period a second time. This change changes the implementation of the policy drastically. For example, if you take the first half of the "or" statement in the definition of "exemplary" performance, you may rate a teacher exemplary for "Performance consistently demonstrates expertise and mastery of performance criteria..." If also you look at the first half of the "or" statement in the definition of "exceeds standards," you may rate a teacher as exceeding standards for "Performance consistently demonstrates expertise and mastery of performance criteria..." which is exactly the same statement! To avoid confusion, the "and/or" should be eliminated and replaced with the original "and" statement.</p>		

9/14/99	Legislative Oversight Commission on Education Accountability	<p style="text-align: center;">RESOLUTION</p> <p>Requesting the State Board of Education to amend proposed Policy 5310, Performance Evaluation of School Personnel.</p> <p>Whereas, proposed Policy 5310, Performance Evaluation of School Personnel, was approved by the West Virginia Board of Education in May of 1999;</p> <p>Whereas, proposed Policy 5310 is currently on public comment during which period any interested person may make comments concerning the proposed rule;</p> <p>Whereas, Policy 5310 requires that in order for classroom teachers to attain either the "exemplary" or "exceeds standards" level, they must demonstrate recognition of activities outside the classroom and/or demonstrate implementation of innovative instructional programs;</p> <p>Whereas; the Commission find that this may place too much emphasis on activities outside the classroom, and not enough emphasis on teaching and learning in the classroom;</p> <p>Whereas, the Commission finds that this may encourage teachers to take time out of teaching and, therefore, requires counties to hire more substitutes to take their place;</p> <p>Whereas, Senator Roman Prezioso made a motion for the Legislative Oversight Commission on Education Accountability to comment on the proposed rule; and</p> <p>Whereas, the motion to comment on proposed Policy 5310 passed; therefore, be it</p> <p>Resolved by the Legislative Oversight Commission on Education Accountability:</p> <p>That the State Board of Education is hereby requested to amend proposed Policy 5310 to make demonstrating recognition of activities outside the classroom and/or demonstrating implementation of innovative instructional programs be, at most, a consideration and not a</p>		
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8/17/99	Kenneth Fisher, Director PRT Voc-Tech Center	requirement for teachers to reach the "exemplary" or "exceeds standards" performance levels.		
	126-142-8 Do not strike the "or".			

9/13/99	Teachers - Berkeley County	126-142-8	<p>We the undersigned professional educators of Berkeley County, WV strongly object to the language of Policy 5310, 126-142-8 Rating Structure.</p> <p>We are classroom teachers and we feel that what is done in our classrooms should be considered most important in our evaluations and ratings.</p> <p>In 8.1.1 "Exemplary", we object to the requirement for "evidence of any of the following: recognition at the state and/or national levels, leadership in staff development through presentations at the state and/or national levels, and/or development and implementation of innovative instructional programs".</p> <p>In 8.1.2 "Exceeds Standards", we object to the requirement for "evidence of any of the following: recognition at the school, county and/or regional levels, leadership in staff development through presentations at the school, county, and/or regional levels and/or implementation of innovative instructional programs."</p> <p>We feel the intention of these requirements is to eliminate all but an elite few from these ratings. We disagree with that philosophy. To us that is like saying a few students in a school of 670 students will receive A's and only if they stay after school and develop projects that win county and state recognition. Then, students who do all required assignments and master their skills and demonstrate knowledge of subject matter on tests are eligible for C's.</p> <p>We are dedicated to our profession. We voluntarily work many hours beyond the hours of the school day. However, we do not feel teachers should be evaluated on the extra-curricular work we do. We are appalled that such emphasis is given to commitments beyond the time we spend with our students and beyond our school day.</p> <p>The truly valuable elements of an outstanding educational</p>
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			<p>program are the interactions between teachers and students in the school room in the school day. We would rather have the ratings of exemplary and exceeds standards omitted from this policy than have excellent teachers underrated.</p>		
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FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 5310 Performance Evaluation of School Personnel FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT 1999-2000	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):					

DATE
January 15, 1999

AGENCY
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE
