

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**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: WV Code 18A-2-12, WV Constitution, Art. 12, Sec. II

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 141, 142, 143
Repeal of Policies 5300, 5310 & 5311.
TITLE OF RULE BEING AMENDED: Performance Evaluation of School Personnel

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED:

TITLE OF RULE BEING ADOPTED:

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 1, 1992

Barbara L. Estep
February 10, 1992

3.60

FISCAL NOTE WORKSHEET
(Submit 4 copies)

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

SUBJECT Performance Evaluation of School Personnel FUND _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST 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 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$100,000	\$ 70,000	\$ 60,000
PERSONAL SERVICES	\$	\$		\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

One thousand one hundred ninety six principals will be trained on the performance evaluation of school personnel. Eight regional workshops will be held in the eight RESAs for all principals. Monies will be used for consultants, training materials, hospitality expenses and stipends. Next and thereafter—the expenses are estimated at \$100,000 each year. Monies will be used for consultants, training materials, hospitality expenses and stipends.

IMPACTS
FISCAL:

STATE STAFF:

DATE _____ AGENCY West Virginia Department of Education AUTHORIZED REPRESENTATIVE _____

EXECUTIVE SUMMARY

Performance Evaluation of School Personnel

Purpose

Policy 5310 describes the purpose of staff evaluation, an evaluation criteria, and the evaluation process. The policy also defines the improvement plan, improvement team, and the performance criteria for classroom teachers. In subsequent revisions the policy will be amended to apply to principals, central office personnel and service personnel.

Background

Policies 5310-5315 were initially approved by the West Virginia Board of Education in January 1985, and by July 1985 all counties had their evaluation policies approved by the State Board of Education. In August, 1990, Senate Bill 1 was enacted and a section (§18A-2-12) of that bill states, "The State Board of Education shall adopt a written system for the evaluation of the employment performance of personnel, which system shall be applied uniformly by county boards of education in the evaluation of the employment performance of personnel employed by the board." As a result of that statutory mandate this policy is being forwarded and recommended.

Recommended Revisions

- The replacement policy does the following:
 - adheres very closely to Senate Bill 1
 - sets parameters for observations and evaluations
 - identifies components of an improvement plan and an improvement team
 - identifies performance criteria for personnel, and
 - promotes professional growth and development

Proposed Revisions

At the October, 1991 Board Meeting this policy was approved for distribution for public comment. Seventy-eight comments were received (see attached summary). The following changes were made in response to the comments received.

- 1) The professional educator will select the classroom teacher from an approved list to serve on the improvement team.
- 2) The performance criteria 14.6 G "Presents a positive image as a responsible adult role model including appropriate dress and language," has been changed to read...including professional dress and appropriate language.
- 3) Sections of the policy were reorganized to reflect organizational structure and principles of operation.

Impact

Instructional

Instructional services for students should be enhanced since teachers can focus on standards identified in performance criteria.

Leadership

Central office personnel and principals should be more aware and informed decision-makers regarding personnel. The policy should also enhance communication between supervisor and employee and assist the supervisor in identifying deficiencies and areas of quality performance.

Financial Impact

The policy requires training in evaluation skills through the center for professional development and the state board. Program cost for training will be approximately \$100,000 per year (see attached fiscal note).

Staff Development Impact

All principals (1,196) will be trained to use the staff evaluation policy, and subsequently, all teachers will receive an orientation prior to the beginning of the 1992-93 school year.

Administrative Impact

School principals should become more focused on fair, professional, and credible evaluations of the personnel for whom they are responsible.

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TITLE 126
LEGISLATIVE-PROCEDURAL RULE
CHAPTER 18A-2-12
SERIES 142
POLICY 5310

Title: Performance Evaluation of School Personnel

SECTION 1. GENERAL

- A. SCOPE - These legislative rules establish the process for evaluation of the employment performance of professional personnel which shall be applied uniformly statewide.
- B. Authority - West Virginia Code Section 18A-2-12 West Virginia Constitution Article 12, Section II.
- C. Filing Date - February 10, 1992
- D. Effective Date - July 1, 1992
- E. Repeal of Former Rule - Repeal Policies 5300, 5310, and 5311.

SECTION 2. PURPOSE

This evaluation policy has two major purposes:

- 1. to promote professional growth and development and quality performance, and
- 2. to provide evaluation data as one basis for sound personnel decisions.

SECTION 3. AUTHORITIES

- A. 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.
- B. 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.

SECTION 4. DEFINITIONS

- A. Conference: a meeting between the supervisor and employee or among the improvement team and the employee focusing on employee's performance, the employee's performance during an observation, an evaluation, or an improvement plan.
- B. Evaluation Instruments: the approved evaluation form(s) containing the performance criteria.
- C. Performance Criteria: indicators of stated job responsibilities used to evaluate the performance of an employee.
- D. Observation: the process of collecting data on the employee's job performance.
- E. Rating: a satisfactory or unsatisfactory value assigned to the performance of an employee.
- F. Portfolio: a collection of material 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.
- G. Professional Growth and Development Plan: a plan designed and developed by an employee and his/her supervisor for continued professional growth.
- H. Classroom Teachers: the professional educator who has direct instructional relationship with pupils.

SECTION 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.

SECTION 6. STATE BOARD APPROVAL

County school district administrative procedures approved by the State Board of Education shall be in effect no later than July 1, 1992.

SECTION 7. PRINCIPLES OF OPERATION

- A. County administrative procedures for conducting employee evaluations shall include 1) the identity of the immediate supervisor who conducts the observations and evaluations, 2) the time frame for conducting and completing the evaluation process, 3) the procedures for sharing the results with the employee, and 4) the process to be used in improving an employee's performance based on the evaluation results.
- B. All monitoring or observation of the employee shall be conducted openly.
- C. An employee whose performance evaluation is rated unsatisfactory shall be given an opportunity to correct the deficiencies.
- D. Each county school district's administrative procedures shall be implemented in conformity with current grievance and other due process requirements.
- E. County job descriptions shall be established for each position and include state-adopted job responsibilities.

SECTION 8. RATING STRUCTURE

The two performance rating categories on the personnel evaluation form for employees are a) satisfactory, and b) unsatisfactory. The scale for assessing the performance criteria is as follows:

Satisfactory - Performance is consistently adequate and acceptable.

Unsatisfactory - Performance is not consistently adequate or acceptable.

SECTION 9. EVALUATION CRITERIA FOR CLASSROOM TEACHERS

For the 1992-1993 school year only, teachers with zero to two years of experience will be evaluated pursuant to Section 10.1. All other teachers, regardless of experience, will be evaluated pursuant to Section 10.2. For school years thereafter, each employee shall be evaluated under her/his appropriate process.

A. 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.

B. Observation of classroom teachers

Teachers with zero to two years of experience will be observed a minimum of three times for each written evaluation. Two observations shall cover a minimum of thirty minutes each and shall be conducted during an instructional activity. One of the two 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.

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

C. Post observation conference

After each thirty minute observation of the teacher the supervisor shall conduct a post observation conference with the employee within five 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.

D. Evaluation

Evaluations shall identify any deficiencies and provide suggestions for needed improvement. Commendations may be included and may be based upon data obtained from the portfolio or other sources.

SECTION 10. EVALUATION PROCESS FOR CLASSROOM TEACHERS

- 10.1 For employees with zero to two years of experience, a minimum of two written evaluations per year is required.
- 10.2 For employees with three to six years of experience, a minimum of one written evaluation per year is required.
- 10.3 For the employees beginning their seventh year, a two year professional growth and development cycle will be utilized in lieu of the performance evaluation. The cycle will alternate between two phases, phase I and phase II, provided: a) the employee's performance was rated satisfactory during the previous two consecutive evaluations, b) the employee develops a professional growth and development plan, and c) the employee remains in the same or similar position for two consecutive evaluations. If all provisos are not met, the employee shall receive one performance evaluation per year.

Phase I

During the first year of the professional growth and development cycle, the employee and the immediate supervisor shall mutually develop a growth and development plan including goals and objectives focusing on one area of the teacher performance criteria. At the completion of Phase I, the immediate supervisor and the employee will develop a narrative report on the employee's progress in relation to the professional growth and development plan. The supervisor will recommend either that the employee continue to Phase II or return to the performance evaluation.

Phase II

During the second year of the professional growth and development cycle, the employee shall develop and implement an individual professional growth and development plan that contains clearly stated goals. The employee self-evaluates the progress made. The employee develops and retains all records and data.

- 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.

SECTION 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 responsibility as contained in Section 13 of this policy.
- 11.2 The improvement plan shall designate how satisfactory performance will be demonstrated. The improvement plan shall:
 - a) identify the deficiency(ies),
 - b) specify the corrective action to remediate the deficiencies,
 - c) contain the time frame for monitoring and deadlines for satisfactory improvement, but in no case shall an improvement plan be for more than one semester in length, and

- d) describe the resources and assistance available to assist in correcting the deficiency(ies).
- 11.3 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.

SECTION 12. IMPROVEMENT TEAM FOR CLASSROOM TEACHERS

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

- 12.1 The improvement team shall be comprised of the employee's immediate supervisor, one additional administrator, 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 3B of this policy.
- 12.2 The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.
- 12.3 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.

SECTION 13. TEACHERS' RESPONSIBILITIES

Job descriptions for teachers shall include the following responsibilities:

- 13.1 implementing programs of study,
- 13.2 fostering a classroom climate conducive to learning,
- 13.3 utilizing instructional management systems models which increase student learning,
- 13.4 monitoring student progress towards mastery of instructional objectives and goals,
- 13.5 communicating within the educational community, and
- 13.6 meeting professional responsibilities.

SECTION 14. TEACHERS' PERFORMANCE CRITERIA

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.

14.1. Programs of Study:

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 objectives.
- D. Employs appropriate instructional strategies.
- E. Utilizes content scope and sequence in planning.

14.2 Classroom Climate:

Definition:

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

- A. Follows established school discipline procedures which 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.

14.3 Instructional Management Systems:

Definition:

Organizes strategies for teaching to maximize the use of 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 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 which 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.
- P. Provides remediation activities for students.

14.4 Student Progress:

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.

14.5 Communication:

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.
- 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.

14.6 Professional Work Habits:

Definition:

Demonstrates behavior which reflects established professional responsibilities.

- A. Adheres to established laws, policies, rules, and regulations.

- B. Interacts appropriately with other educational personnel.
- C. Participates in activities which 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.

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COMMENT SUMMARY

Policy 5310: Performance Evaluation of School Personnel

Comments Received During Comment Period

Seventy-eight comments were received. Overall, the comments are in support of the policy. However, there are concerns regarding the rating structure, transfer of an improvement plan, selection of a member of the improvement team, and appropriate dress and language.

Listed below are some the issues related to the concerns listed by educators.

Rating Structure

Approximately seventeen educators did not like the rating of satisfactory or unsatisfactory. They thought more categories should be used to reflect the need to improve and outstanding performance. The Evaluation Committee strongly supported the categories of satisfactory and unsatisfactory because they are identified in Senate Bill 1 and this rating gives the principal the opportunity to comment on commendable performance.

Selection of Improvement team Member

Approximately twenty educators thought the classroom teacher should select the professional educator on the improvement team from a list approved by the county. The Department concurs with that finding and the policy has been changed to reflect that revision.

Appropriate Dress and Language

Twenty-nine educators thought it would be difficult to define what appropriate dress and language means. Furthermore, they thought this was a dress code that would be difficult to make uniform throughout the state. Thus, the Department of Education has changed this performance criteria to read "Presents a positive image as a responsible adult role model including professional dress and appropriate language. This change reflects the numerous activities that teachers participate in and gives county school systems the flexibility to determine professional dress.

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Policy 5310: Performance Evaluation of School Personnel

The West Virginia Board of Education is committed to ensuring that school personnel employed in the public schools of this state are evaluated in a fair and equitable manner and within a uniformly applied system. The West Virginia Board of Education has established this policy to set parameters for observations and evaluations, identify components for improvement plans and improvement teams, and identify performance criteria for teachers. Performance criteria for principals and central office personnel will be developed in the future.

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