

Education and Workforce Development Cabinet

Kentucky Board of Education

Department of Education

(New)

704 KAR 3:370 Professional Growth and Effectiveness System.

RELATES TO: KRS 156.557

STATUTORY AUTHORITY: KRS 156.070, 156.557 (5) (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557 (5) (c) requires the Kentucky

Department of Education to develop written guidelines for local school districts to follow in

implementing a statewide system of evaluation for certified personnel. This administrative

regulation establishes a statewide professional growth and effectiveness system for the purpose of

supporting and improving the performance of all certified school personnel.

Section 1. Definitions. (1) "Administrator" means a certified staff person who devotes the majority of employed time in a position for which administration certification is required by the Education Professional Standards Board.

(2) "Assistant Principal" means an administrator who devotes the majority of employed time in the role of assistant principal, for which administrative certification is required by the Education Professional Standards Board pursuant to 16 KAR 3:050.

(3) "Conference" means a meeting that includes a conversation between the evaluator and the evaluatee for the purposes of providing feedback from the evaluator, analyzing the results of an observation or observations, reviewing other evidence to determine the evaluatee's accomplishments and areas for growth, and that leads to the establishment or revision of a professional growth plan.

- 1 (4) "Evaluator" means the immediate supervisor of certified personnel, who has satisfactorily
2 completed all required evaluation training and, if evaluating teachers, observation certification
3 training.
- 4 (5) "Formative evaluation" is defined in KRS 156.557 (1) (a).
- 5 (6) "Job category" means a group or class of positions with closely related functions (e.g., principal,
6 coordinator, director).
- 7 (7) "Observation" means a process of gathering information by observing the performance of duty
8 in comparison with predetermined criteria.
- 9 (8) "Observer certification" means the process of certifying observers who have demonstrated
10 proficiency in rating teachers for the purposes of feedback and evaluation.
- 11 (9) "Observer recalibration" means the process of ensuring that an observer has maintained
12 proficiency and accuracy in observing teachers for the purpose of evaluation and feedback.
- 13 (10) "Other Professionals" mean certified personnel other than teachers or administrators.
- 14 (11) "Peer Assistance and Review Panel" means a panel created for the purpose of providing peer
15 assistance and review by proven, expert teachers who share their knowledge with, and assess the
16 performance of, beginning teachers, low-performing teachers, and teachers who voluntarily seek
17 assistance to improve their skills, created for the purpose of supporting and improving
18 instructional practice and for the purpose of making recommendations for personnel decisions.
- 19 (12) "Peer observation" means observation and documentation by a trained colleague, selected as
20 described in the district's Professional Growth and Effectiveness System plan, who observes and
21 documents another teacher's professional practice and provides supportive and constructive
22 feedback that can be used to improve professional practice

(13) "Performance criteria" means the areas, skills, or outcomes on which certified personnel shall be evaluated, based on position and the district plan.

(14) "Performance Rating" means the summative description of an evaluatee's performance and includes the following for teachers, principals, and assistant principals:

(a) "Exemplary performance rating" means the rating for performance that consistently exceeds expectations for effective performance within professional practice and overall.

(b) "Accomplished performance rating" means the rating for performance that consistently meets expectations for effective performance within professional practice and overall.

(c) "Developing performance rating" means the rating for performance that inconsistently meets expectations for effective performance within professional practice and overall.

(d) "Ineffective performance rating" means the rating for performance that consistently fails to meet expectations for effective performance within professional practice and overall.

(15) "Principal" means an administrator who devotes the majority of employed time in the role of principal, for which administrative certification is required by the Education Professional Standards Board pursuant to 16 KAR 3:050.

(16) "Professional Growth and Effectiveness System" means a system to support and improve the performance of certified personnel that:

(a) Promotes continuous professional growth;

(b) Uses data from multiple measures as sources of evidence to determine the effectiveness of certified personnel, and includes student growth, as defined in KRS 156.557 (1) (c), as a significant factor;

(c) Includes both formative and summative components;

(d) Uses clear and timely feedback to guide opportunities for professional development;

1 (e) Provides meaningful differentiation of teacher and principal performance using at least three (3)
2 performance levels;

3 (f) Is used to inform personnel decisions; and

4 (g) Rates certified personnel using multiple sources of evidence as opposed to a single source of
5 evidence.

6 (17) "Professional growth plan" means an individualized plan that is focused on improving
7 professional practice and leadership skills and is aligned with educator performance standards and
8 student performance standards, is built using a variety of sources and types of student data that
9 reflect student needs and strengths, educator data, and school/district data, is produced in
10 consultation with the evaluator and that includes:

11 (a) Goals for enrichment and development that are established by the evaluatee in consultation with
12 the evaluator;

13 (b) Objectives or targets aligned to the goals, an action plan for achieving the objectives or targets,
14 a plan for monitoring progress, and a method for evaluating success;

15 (c) Alignment to the specific goals and objectives of the school improvement plan or the district
16 improvement plan; and

17 (d) Identification, prioritization, and coordination of school and district resources using available
18 funds to accomplish the goals.

19 (18) "Professional practice" means the demonstration, in the school environment, of professional
20 knowledge and skill.

21 (19) "Professional practice rating" means the holistic rating representing performance in
22 professional practice, combining data from multiple sources of evidence across each domain or
23 standard listed in Section 6 of this administrative regulation.

(20) “Self-reflection” means the process by which certified personnel assess the effectiveness and adequacy of their knowledge and performance for the purpose of self-improvement and identifying areas for professional learning and growth.

(21) “Sources of evidence” means evidence from multiple measures, as listed in Section 9 (2) and Section 10 (2) of this administrative regulation, along with other district-determined evidence.

(22) “Student growth” is defined in KRS 156.557 (1) (c).

(23) “Student growth goal” means the measure of student growth, in the form of a goal focused on learning, that is specific, measurable, appropriate, realistic, and time-bound, developed collaboratively and agreed upon by the certified employee and their evaluator and that is comparable across grades or subjects and across schools in the local district.

(24) “Student growth percentile” is defined in 703 KAR 5:200 (11).

(25) “Student growth trend rating” means the result of a combination of professional judgment and district-developed student growth ratings, and includes data from student growth goals and student growth percentiles; student growth trend ratings will illustrate three year trends.

(26) “Student voice survey” means the state-approved student perception survey, administered each year, that provides data on specific aspects of the classroom experience and of teaching practice.

(27) "Summative evaluation" is defined by KRS 156.557 (3) (b) 2.

(28) "Teacher" means an individual who has been assigned responsibility for student learning in a subject or course.

(29) “Working Condition Goal” means a goal, set by administrators every two years, using data from the state-approved working conditions survey, for the purpose of school improvement.

1 Section 2. Implementation Timeline. (1) Beginning in the 2014-15 academic year, all local
2 districts shall fully implement the requirements of KRS 156.557 and this administrative regulation
3 for certified personnel, but may not use the results from the Professional Growth and Effectiveness
4 System to make personnel decisions and the results from the Professional Growth and Effective
5 System shall not be included in the overall school and district accountability scores described in
6 703 KAR 5:225.

7 (2) During the 2014-15 academic year, the Professional Growth and Effectiveness System shall be
8 piloted for other professionals and teachers of Career and Technical Education in Area Technology
9 Centers and shall be fully implemented for other professionals and teachers of Career and
10 Technical Education in Area Technology Centers beginning in the 2015-16 academic year.

11 Section (17) of this administrative regulation describes the evaluation procedures to be followed
12 for other professionals during the 2014-2015 academic year.

13 (3) Beginning in the 2015-16 academic year, and thereafter, the Professional Growth and
14 Effectiveness System shall be used to make personnel decisions and the results from the
15 Professional Growth and Effective system shall be included in the overall school and district
16 accountability scores described in 703 KAR 5:225.

17 Section 3. Local Professional Growth and Effectiveness Plan. (1) Each local school district shall
18 have a Professional Growth and Effectiveness plan and procedures approved by the department.
19 Approval of the plan and procedures shall certify the compliance of each specific school district's
20 plan with the guidelines established in KRS 156.557 and this administrative regulation.

21 Section 4. Local Professional Growth and Effectiveness Policies. Each local school district shall
22 have a written policy for implementing the Professional Growth and Effectiveness System for all
23 certified personnel, consistent with KRS 156.557 and this administrative regulation.

Section 5. Local Evaluation Procedures. (1) A local evaluation committee consisting of equal numbers of teachers and administrators shall propose, for the consideration of the local board of education, Professional Growth and Effectiveness procedures and forms for certified positions below the level of the district superintendent. The superintendent's evaluation process shall be developed and adopted by the local board of education and approved by the department.

(2) The procedures shall provide for both formative evaluation and summative evaluation and shall include the following elements:

(a) The immediate supervisor of certified personnel shall be designated the primary evaluator. Additional trained administrative personnel may be used to observe and provide information to the primary evaluator.

(b) All teachers shall have a minimum of one (1) peer observation within each summative evaluation cycle.

(c) The monitoring or observations of performance of certified personnel shall be conducted openly and with the full knowledge of certified personnel. The local district may determine the length, frequency, and nature of observations conducted by an evaluator for the purpose of evaluation.

1. Each teacher shall have a minimum of three (3) observations by the evaluator during the summative evaluation year.

2. Each principal shall have a minimum of two site visits from the principal's evaluator each year.

(d) The Professional Growth and Effective System shall include a professional growth plan for all certified personnel, below the level of superintendent, that is aligned with the specific goals and objectives of the evaluatee, school improvement plan, or the district improvement plan, and that shall be reviewed annually.

(e) The evaluation process developed for the local superintendent by the local board of education shall include provisions for assistance to promote the professional growth of the superintendent, and shall be developed pursuant to KRS 156.111.

(f) The Professional Growth and Effective System shall provide for a pre-conference prior to each observation and a formative evaluation conference between the evaluator and the evaluatee within one (1) work week following each observation. In addition, the summative evaluation conference shall be held at the end of the summative evaluation cycle and shall include all Professional Growth and Effectiveness data.

(g) Evaluation, with multiple observations, shall occur annually for each non-tenured evaluatee. The formative data collected during the beginning teacher internship period may be utilized in the summative evaluation of the intern.

(h) Multiple observations shall be conducted of a tenured, certified employee whose observation results are determined to be unsatisfactory.

(i) Summative evaluation shall occur at least once every three (3) years.

(j) Peer observation data shall not be used in the summative or formative evaluation of a teacher, but may be used by the teacher for self-reflection.

(k) Summative evaluation shall occur annually for an administrator.

(l) The summative decision regarding certified personnel below the level of the district superintendent shall be documented and become a part of the official personnel record.

(m) The summative decisions regarding teachers, principals, and assistant principals shall be documented in the state-approved technology platform and become a part of the evaluatee's official personnel record.

(n) The summative decision regarding administrators and other professionals shall include documentation of the sources of evidence used in determining the overall performance rating of the evaluatee.

(o) The Professional Growth and Effectiveness System shall provide an opportunity for a written response by the evaluatee, and the response shall become a part of the official personnel record.

(p) A copy of the evaluation shall be provided to the evaluatee.

Section 6. Performance Criteria. (1) The evaluation form shall include a list of performance criteria that characterize effective teaching or effective administrative practices.

(2) Under each criterion, specific descriptors or indicators shall be listed.

(3) The performance criteria for teachers shall be organized into domains, with specific components for each domain as follows:

(a) Planning and Preparation. Components shall include: Knowledge of Content and Pedagogy, Demonstrating Knowledge of Students, Setting Instructional Outcomes, Demonstrating Knowledge of Resources, Designing Coherent Instruction, and Designing Student Assessments;

(b) Classroom Environment. Components shall include: Creating an Environment of Respect and Rapport, Establishing a Culture of Learning, Managing Classroom Procedures, Managing Student Behavior, and Organizing Physical Space;

(c) Instruction. Components shall include: Communicating with Students, Questioning and Discussion Techniques, Engaging Students in Learning, Using Assessment in Instruction, and Demonstrating Flexibility and Responsiveness; and

(d) Professional Responsibilities. Components shall include: Reflecting on Teaching, Maintaining Accurate Records, Communicating with Families, Participating in a Professional Community, Growing and Developing Professionally, and Showing Professionalism.

(4) The performance criteria for principals and assistant principals shall be organized into performance standards that list specific performance descriptors reflecting each performance category as follows:

(a) Instructional Leadership

1. Descriptor: The principal fosters the success of all students by facilitating the development, communication, implementation, and evaluation of a shared vision of teaching and learning that leads to student academic growth and school improvement.

(b) School Climate

1. Descriptor: The principal fosters the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate for all stakeholders.

(c) Human Resources Management

1. Descriptor: The principal fosters effective human resources management by assisting with selection and induction, and by supporting, evaluating, and retaining quality instructional and support personnel.

(d) Organizational Management

1. Descriptor: The principal fosters the success of all students by supporting, managing, and overseeing the school's organization, operation, and use of resources.

(e) Communication and Community Relations

1. Descriptor: The principal fosters the success of all students by communicating and collaborating effectively with stakeholders.

(f) Professionalism

1. Descriptor: The principal fosters the success of all students by demonstrating professional standards and ethics, engaging in continuous professional learning, and contributing to the profession.

(5) The performance criteria shall include those that apply to the certified personnel being evaluated and that are identified in KRS 156.557.

(6) The evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with certified school personnel no later than the end of the first month of reporting for employment for each school year. Amendments approved by the department to local systems of certified personnel evaluation after the end of the certified employees' first school month shall not apply to the employee until the following school year.

(7) A Professional Growth and Effectiveness System form or instrument shall be specific to the evaluatee's job category. Forms for pre- and post-conferences may be used at the discretion of the local district.

Section 7. Training and testing of evaluators and observers. (1) The evaluator, with the exception of a district board of education member, shall be trained and tested, and shall be approved by the department upon completion of the required evaluation training program and successful completion of testing.

(2) Training to evaluate certified personnel shall occur on a four (4) year cycle.

(3) Initial evaluation training in year one (1) of the evaluation training cycle shall:

(a) Include training on all statutes and regulations applicable to the evaluation of certified personnel;

(b) Include skill development in the identification of effective teaching and management practices, effective observation and conferencing techniques, development of student growth goals,

1 providing clear and timely feedback, establishing and assisting with a certified staff person's
2 professional growth plan, and summative decision techniques. This training shall be conducted by
3 a provider who has been approved by the department as a trainer for the Instructional Leadership
4 Improvement Program;

5 (c) Be provided by the department for all new administrators who are designated as evaluators.

6 Other administrators who have not received training in the skill areas listed in paragraph (b) of this
7 subsection may participate also; and

8 (d) Be approved as a part of the Professional Growth and Effectiveness plan and procedures
9 submitted to the department by the local district.

10 (4) Initial testing for evaluators shall:

11 (a) Include a cognitive test of research-based and professionally accepted teaching and
12 management practices and effective evaluation techniques;

13 (b) Be conducted by the department or an individual or agency approved by the department; and

14 (c) Include certification as an observer through the state-approved observer certification process for
15 those personnel who are observing teachers for the purpose of evaluation.

16 (5) An evaluator may not evaluate teachers if not certified as an observer.

17 (6) Initial approval as an evaluator shall be issued by the department upon completion of the
18 required evaluation training program and successful completion of testing.

19 (7) In years two (2) and three (3) of the evaluator training cycle, evaluators shall complete a
20 minimum of six (6) hours of training, to include updates on the Professional Growth and
21 Effectiveness System and any changes to statute or regulations related to the evaluation of certified
22 personnel.

(a) All evaluators who observe teachers for the purpose of evaluation shall complete observer recalibration, in the state-approved technology platform, each year.

(b) In year four (4) of the evaluation training cycle, evaluators shall complete the requirements outlined in Section 7 (3) and, if evaluating teachers, Section 7 (4) (c) of this administrative regulation.

(8) Completion of training or update training in the Kentucky Teacher Internship Program described in 704 KAR 20:690 may be counted toward required training, but shall not exceed six (6) hours per two (2) year cycle.

(9) Each local district shall designate a contact person responsible for monitoring evaluation training and implementing the Professional Growth and Effectiveness System.

Section 8. Determining overall performance for administrators below the level of superintendent.

(1) Evaluators shall determine an overall performance category for each administrator at the conclusion of the administrator's summative evaluation year.

Section 9. Determining the overall performance category of principals and assistant principals.

(1) The overall performance category for principals and assistant principals is determined by combining the principal or assistant principal's professional practice rating and student growth trend rating.

(2) Professional Practice Rating. The evaluator shall use evidence from the following required multiple measures, in combination with professional judgment, to inform the principal or assistant principal's rating on each of the six (6) standards listed in Section 6 (4) of this administrative regulation;

(a) Professional Growth Plans and Self-Reflection;

(b) Site Visits;

- (c) For principals only, the state-approved survey of perception of superintendents, district personnel, and teachers on principal practice;
- (d) For principals and assistant principals, the state-approved working conditions survey goal; and
- (d) District-determined sources of evidence.
- (3) The four ratings used to differentiate performance in each of the six standards individually, and in professional practice overall, are:
- (a) Exemplary;
- (b) Accomplished;
- (c) Developing; and
- (d) Ineffective.
- (4) The evaluator shall use the following decision rules for determining a professional practice rating:
- (a) If the principal or assistant principal is rated Exemplary in at least four (4) of the standards and no standard is rated below Accomplished, the principal or assistant principal's professional practice rating shall be Exemplary;
- (b) If the principal or assistant principal is rated Accomplished in at least four (4) standards and no standard is rated below Developing, the principal or assistant principal's professional practice rating shall be Accomplished;
- (c) If the principal or assistant principal is rated Developing in at least five (5) standards, the principal or assistant principal's professional practice rating shall be Developing; and
- (d) If the principal or assistant principal is rated Ineffective in two (2) or more standards, the principal or assistant principal's professional practice rating shall be Ineffective.

- (5) Student growth trend rating. The evaluator shall use evidence from the following required multiple measures, in combination with professional judgment, to inform the principal or assistant principal's student growth trend rating of low, expected, or high as defined by the district:
- (a) The previous three (3) years of student growth based on ASSIST/Next Generation Learners goals selected collaboratively by the principal and superintendent or the superintendent's designee; and
 - (b) The previous three (3) years of local student growth goal ratings.
 - 1. All principals and assistant principals are required to develop and implement, each year, at least one (1) student growth goal based on ASSIST/Next Generation goals.
 - 2. All principals and assistant principals are required to develop and implement, each year, at least one (1) student growth goal based on local growth needs.
 - 3. At least one (1) of the principal's and assistant principal's student growth goals must address the school's gap population data.
- (6) Districts shall ensure that student growth goals and other measures of student growth are rigorous and comparable across schools in the district.
- (7) Student growth goal ratings are based on the determination of low, expected, or high growth, as defined by the local district, and whether the principal or assistant principal meets the growth goal set for an identified interval of instruction.
- (8) Overall performance category. The overall performance category for principals and assistant principals shall be determined by professional judgment and the following decision rules:
- (a) A principal or assistant principal's overall performance rating shall be Exemplary if:
 - 1. The professional practice rating is Exemplary and the student growth trend rating is high;
 - 2. The professional practice rating is Exemplary and the student growth trend rating is expected; or

3. The professional practice rating is Accomplished and the student growth trend rating is high.

(b) A principal or assistant principal's overall performance category shall be Accomplished if:

1. The professional practice rating is Accomplished and the student growth trend rating is expected;

2. The professional practice rating is Developing and the student growth trend rating is high;

(c) A principal or assistant principal's overall performance category shall be Developing if:

1. The professional practice rating is Exemplary and the student growth trend rating is low;

2. The professional practice rating is Accomplished and the student growth trend rating is low;

3. The professional practice rating is Developing and the student growth trend rating is expected;

or

4. The professional Practice rating is Developing and the student growth trend rating is low.

(d) A principal or assistant principal's overall performance category shall be Ineffective if the professional practice rating is Ineffective and the student growth trend rating is low.

Section 10. Determining the overall performance category of teachers. (1) The overall performance category for teachers is determined by combining the teacher's professional practice rating and the teacher's student growth trend rating.

(2) Professional Practice Rating. The evaluator shall use evidence from the following required multiple measures, in combination with professional judgment, to inform the teacher's rating on each of the four (4) domains listed in Section 6;

(a) Professional Growth Plans and Self-Reflection;

(b) Observation;

(c) Student voice survey; and

(d) District-determined sources of evidence.

1 (3) The four ratings used to differentiate performance in each of the four domains, and in
2 professional practice overall are:

3 (a) Exemplary;

4 (b) Accomplished;

5 (c) Developing; and

6 (d) Ineffective.

7 (4) The evaluator shall use shall use the ratings on each of the four domains and the following
8 decision rules for determining the professional practice rating for a teacher:

9 (a) If a teacher is rated Ineffective in the Classroom Environment domain or in the Instruction
10 domain, the teacher's professional practice rating shall be not be rated above Developing;

11 (b) If a teacher is rated Ineffective in the Classroom Environment domain and in the Instruction
12 domain, the teacher's professional practice rating shall be Ineffective;

13 (c) If a teacher is rated Ineffective in any domain, the teacher's professional practice rating shall
14 not be Exemplary;

15 (d) If a teacher is rated Developing in two (2) domains and Accomplished in two (2) domains, the
16 teacher's professional practice rating shall be Accomplished; and

17 (e) If a teacher is rated Developing in two (2) domains and Exemplary in two (2) domains, the
18 teacher's professional practice rating shall be Accomplished.

19 (5) Student growth trend rating. The evaluator shall use evidence from the following required
20 multiple measures, in combination with professional judgment, to identify the teacher's student
21 growth trend rating as low, expected, or high:

22 (a) The previous three (3) years of student growth percentile ratings for teachers who have state
23 assessment data results; and

1 (b) The previous three (3) years of student growth goal ratings.

2 1. All teachers are required to develop and implement at least one (1) student growth goal each
3 year.

4 2. Individualized Education Plan goals may inform, but shall not be used as, student growth
5 goals.

6 (6) Districts shall ensure that student growth goals and other measures of student growth are
7 rigorous and comparable across schools in the local district.

8 (7) The student growth goal ratings are based on the extent, low, expected, or high, as defined by
9 the local district, to which a teacher meets the growth goal for a set of students over an identified
10 interval of instruction.

11 (8) Overall performance category. The overall performance category shall be determined through
12 the professional judgment of the evaluator and the following decision rules:

13 (a) A teacher's overall performance rating shall be Exemplary if:

- 14 1. The professional practice rating is Exemplary and the student growth trend rating is high;
15 2. The professional practice rating is Exemplary and the student growth trend rating is expected; or
16 3. The professional practice rating is Accomplished and the student growth trend rating is high.

17 (b) A teacher's overall performance rating shall be Accomplished if:

- 18 1. The professional practice rating is Exemplary and the student growth trend rating is low;
19 2. The professional practice rating is Accomplished and the student growth trend rating is expected;
20 or

- 21 3. The professional practice rating is Developing and the student growth trend rating is high;

22 (c) A teacher's overall performance category shall be Developing if:

- 23 1. The professional practice rating is Accomplished and the student growth trend rating is low;

- 1 2. The professional practice rating is Developing and the student growth trend rating is expected;
- 2 3. The professional practice rating is Developing and the student growth trend rating is low; or
- 3 4. The professional practice rating is Ineffective and the student growth trend rating is high.

4 (d) A teacher's overall performance category shall be Ineffective if:

- 5 1. The professional practice rating is Ineffective and the student growth trend rating is expected; or
- 6 2. The professional practice rating is Ineffective and the student growth trend rating is low.

7 Section 11. Personnel continuum for principals and assistant principals. (1) A principal or assistant
8 principal shall be placed on an appropriate educator growth plan based on the professional practice
9 rating and the student growth trend rating.

10 (a) A principal or assistant principal whose professional practice rating is Exemplary, with an
11 expected to high student growth trend rating, shall have, at a minimum, a plan with goals set by the
12 principal or assistant principal with evaluator input and a summative evaluation that occurs at the
13 end of each year.

14 (b) A principal or assistant principal whose professional practice rating is Accomplished, with an
15 expected to high student growth trend rating, shall have, at a minimum, a plan with goals set by the
16 principal or assistant principal with evaluator input and a summative evaluation that occurs at the
17 end of each year.

18 (c) A principal or assistant principal, whose professional practice rating is Developing, with a high
19 student growth trend rating, shall have, at a minimum, a plan with goals set by the principal or
20 assistant principal with evaluator input and a summative evaluation that occurs at the end of each
21 year.

(d) A principal or assistant principal whose professional practice rating is Developing, with a low to expected student growth trend rating, shall have, at a minimum, a plan with goals determined by the evaluator; and a summative evaluation at the end of each year.

(e) A principal or assistant principal whose professional practice rating is Ineffective shall have, at a minimum, a plan with the goals determined by the evaluator and a summative evaluation at the end of the plan, as determined by the evaluator, not to exceed one (1) year in duration.

Section 12. Personnel continuum for teachers. (1) A teacher shall be placed on an appropriate growth plan and summative evaluation cycle based on the professional practice rating and the student growth trend rating.

(a) A teacher whose professional practice rating is Exemplary or Accomplished and has an expected or high student growth trend rating shall have a plan with goals set by the teacher, with evaluator input; plan activities that are teacher-directed and implemented with colleagues; a formative review annually; and a summative evaluation that occurs at the end of year three (3) of the evaluation cycle.

(b) A teacher whose professional practice rating is Accomplished or Exemplary, with a low student growth trend rating, or Developing, with a high student growth trend rating, shall have a plan with goals set by the teacher with evaluator input; if there is a low student growth trend rating, one goal shall focus on low student growth outcome; the plan shall include an annual formative review and a summative evaluation that occurs at the end of year three (3) of the evaluation cycle.

(c) A teacher whose professional practice rating is Developing, with an expected student growth trend rating, shall have a plan with goals set by the teacher with evaluator input; with one goal that addresses professional practice or student growth; plan activities that are teacher-directed and implemented with colleagues; includes an annual formative review; and a summative evaluation that occurs at the end of year three (3) of the evaluation cycle.

(d) A teacher whose professional practice rating is Developing, with a low student growth trend rating, or whose professional practice rating is Ineffective, with an expected or high student growth trend rating, shall have a plan with goals determined by the evaluator; goals shall focus on professional practice and student growth, include an annual formative review, and include a summative evaluation that occurs at the end of one (1) year.

(e) A teacher whose professional practice rating is Ineffective, with a low student growth trend rating, shall have an improvement plan with goals determined by the evaluator; the goals shall focus on low performance areas and a summative evaluation shall occur at the end of the plan, whose duration is determined by the evaluator and may last up to one (1) year in duration.

(3) Districts may develop and implement a Peer Assistance and Review Panel.

Section 12. Reporting. (1) Beginning in the 2014-15 academic year, districts shall report to the department the percentage of principals and teachers in each overall performance category listed in Section 8 (3) and Section 9 (3) of this administrative regulation and the percentage of teachers on each plan as defined in Sections 11 (1) (a) (b) and (c) of this administrative regulation.

(2) The department shall publically report, by district, the aggregate of principals and teachers in each performance category.

Section 13. For an appeal to the local evaluation appeals panel, each local evaluation plan shall provide for the following:

(1) A right to a hearing as to every appeal;

(2) An opportunity, reasonably in advance of the hearing, for the evaluator and evaluatee to adequately review all documents that are to be presented to the local evaluation appeals panel; and

(3) A right to presence of evaluatee's chosen representative.

1 Section 14. (1) The local board of education shall review, as needed, the district's evaluation plan
2 to ensure compliance with KRS 156.557 and this administrative regulation.

3 (2) If a substantive change is made to the district's evaluation plan, the local board of education
4 shall utilize the evaluation committee, as provided in Section 4 (1) of this administrative
5 regulation, in formulating the revision.

6 (3) Examples of substantive change shall include changes in:

7 (a) Cycle;

8 (b) Observation frequency;

9 (c) A form; or

10 (d) An appeal procedure.

11 (4) A revision to the plan shall be reviewed and approved by the local board of education and
12 submitted to the department for approval.

13 Section 15. (1) A certified employee who feels that the local district is not properly implementing
14 the evaluation plan according to the way it was approved by the department shall have the
15 opportunity to appeal to the Kentucky Board of Education.

16 (2) The appeal procedures shall be as follows:

17 (a) The Kentucky Board of Education shall appoint a committee of three (3) state board members
18 to serve on the State Evaluation Appeals Panel. Its jurisdiction shall be limited to procedural
19 matters already addressed by the local appeals panel required by KRS 156.557(5). The State
20 Evaluation Appeals Panel shall not have jurisdiction relative to a complaint involving the
21 professional judgment conclusion of an evaluation, and the panel's review shall be limited to the
22 record of proceedings at the local district level.

(b) No later than thirty (30) days after the final action or decision at the local district level, the certified employee may submit a written request to the chief state school officer for a review before the State Evaluation Appeals Panel. An appeal not filed in a timely manner shall not be considered.

A specific description of the complaint and grounds for appeal shall be submitted with the request.

(c) A brief, written statement and other documents which a party wants considered by the State Evaluation Appeals Panel shall be filed with the panel and served on the opposing party at least twenty (20) days prior to the scheduled review.

(d) A decision of the appeals panel shall be rendered within fifteen (15) working days after the review.

(e) A determination of noncompliance with the local evaluation plan shall render the evaluation void, and the employee shall have the right to be reevaluated.

Section 16. Monitoring. (1) The department shall monitor the implementation of the Professional Growth and Effectiveness System in a minimum of fifteen (15) local districts each academic year.

(2) Districts implementing alternative Professional Growth and Effectiveness plans approved by the department shall be monitored within three years of the initial implementation of the alternative plan, and subsequently at the discretion of the department.

Section 17. Evaluation of other professionals during the 2014-2015 academic year. (1) Local districts shall include in their Professional Growth and Effectiveness Plan and policy, referenced in Section 3 and 4 of this administrative regulation, an explanation of how other professionals, defined in Section 1 (10), shall be evaluated during the 2014-15 academic year.

(2) The procedures for evaluatees whose evaluation cycle requires evaluation during the 2014-2015 academic year shall provide for both formative and summative evaluation and shall include the following elements:

- (a) The immediate supervisor of the evaluatee shall be designated the primary evaluator. Additional trained administrative personnel may be used to observe and provide information to the primary evaluator.
- (b) The monitoring or observations of performance of the evaluatee shall be conducted openly and with the full knowledge of the evaluatee. The local district may determine the length, frequency, and nature of observations conducted by an evaluator.
- (c) The evaluation shall include a professional growth plan aligned with specific goals and objectives of the school improvement plan or the district improvement plan and shall be reviewed during the 2014-2015 academic year.
- (d) Evaluation shall include a formative evaluation conference between the evaluator and the evaluatee within one (1) work week following each observation. In addition, the summative evaluation conference shall be held at the end of an evaluation cycle that ends during the 2014-2015 academic year and shall include all evaluation data.
- (e) Evaluation with multiple observations shall be conducted with a tenured evaluatee whose observation results are unsatisfactory.
- (f) Summative evaluation shall occur if required by the evaluation cycle of the evaluatee.
- (g) The evaluation shall be in writing on an evaluation form and become part of the official personnel record.
- (h) The evaluation process shall provide an opportunity for a written response by the evaluatee and the response shall become part of the official personnel record.
- (i) A copy of the evaluation shall be provided to the evaluatee.
- (3) The evaluation form shall include a list of performance criteria. Under each criteria, specific descriptors or indicators that can be measured or observed and recorded shall be listed.

1 Additionally, standards of performance shall be established for each criterion. The performance
2 criteria shall include those that apply to the evaluatee and that are identified in KRS 156.557 (4).

3 (4) The evaluation criteria and process shall be explained to and discussed with the evaluatee no
4 later than the end of the first month of reporting for employment during the 2014-2015 academic
5 year.

6 (5) An evaluator form or instrument shall be specific to each job category. Other forms for
7 observation and pre-and post-conferences may be used at the discretion of the local district.

8 (6) The primary evaluator shall be trained, tested and approved for evaluation by the department
9 upon completion of the required evaluation training program and successful completion of testing..
10 The training shall meet the requirements established in Section 7 of this administrative regulation.

11 (7) Evaluatees shall be provided an opportunity for an appeal to the local evaluation appeals
12 committee as outlined in Section 13 of this administrative regulation.

13 (8) An evaluatee who believes that the local district is not properly implementing the evaluation
14 plan according to the way it was approved by the department shall have the opportunity to appeal
15 to the Kentucky Board of Education as outlined in Section 14 of this administrative regulation.