

Responses to Office of Education Accountability
Comments on Proposed Changes to 704 KAR 3:370

On February 27, 2015, the Kentucky Department of Education (“KDE”) received comments from the Office of Education Accountability (“OEA”) on proposed changes to 704 KAR 3:370. OEA’s comments are in italics below. Responses of KDE were provided on March 12, 2015 and are included in bold immediately following each comment.

Section 1 (18) (Page 3, line 20)

The definition of “Peer observation” could also apply to the evaluator. The particular characteristics of a peer evaluator should be clarified.

NO CHANGE NEEDED. Prior to receipt of comments by OEA, KDE identified and corrected this issue. KDE amended the definition by adding the following language: “below the level of principal or assistant principal.”

Section 1 (23) (Page 4, line 18-20)

The language in line 18 “produced in consultation with” is not consistent with the language in Section 9 (4), Section 12 (4), and Section 15(4) referenced in subsequent lines. In these cases it is only the evaluator who determines the goals—there is no consultation.

NO CHANGE NEEDED. Section 1(23) is not inconsistent with Section 9(4) and Section 12(4). The definition indicates a Professional Growth Plan shall be developed “in consultation with the evaluator.” Sections 9(4) and 12(4) provide that goals are to be determined by the evaluator (versus being determined by the evaluatee with evaluator input in Sections 9(1-3) and 12 (1-3)). As indicated in Section 1(23), goals are only one piece of the Professional Growth Plan. Furthermore, the plan can be developed in consultation with the evaluatee even though the evaluator is setting the goals contained therein. Prior to receipt of comments by OEA, Section 15 (4) was removed from the administrative regulation.

Section 1(23)(a) (Page 4, line 22)

“”Goals....established by the evaluatee in consultation with...” In the cases noted above, goals are not established by the evaluatee but by the evaluator

NO CHANGE NEEDED. Please see above response.

Section 1(33) (Page 6, line 9)

Not all other professionals have “instructional experience”.

NO CHANGE NEEDED. Prior to receipt of comments by OEA, KDE identified this issue. KDE changed “instructional experience” to “instructional environment.”

Section 1 (35) (Page 6, line 12-14)

The regulations referenced do not include teachers with irregular certificates such as emergency or probationary.

KDE AGREES CHANGE IS NEEDED. KDE will remove references to 16 KAR 2:010 and 16 KAR 2:020 and replace them with a general reference to Title 16 KAR.

*Section 2 (1) (Page 6, line 20)
add the word “and” after personnel*

NO CHANGE NEEDED. Prior to receipt of comments by OEA, KDE proposed amending Section 2(1) to modify the implementation timeline. The proposed amendment requires full implementation “for all certified school personnel except teachers of career and technical education...” Adding the word “and” is not necessary.

*Section 2(1) (Page 6, line 22)
Capitalize “a” local school district.*

NO CHANGE NEEDED. Prior to receipt of comments by OEA, KDE proposed amending Section 2(1) to modify the implementation timeline. The proposed amendment requires that “all local school districts...” implement the regulation and the word “a” is not needed.

*Section 5(2)(a) (page 8, line 9)
It is not clear how observation data from the additional trained personnel referenced in this section will be used in the PGES. Will they be combined with the observations that are required to be conducted by the evaluator?*

NO CHANGE NEEDED. Section 5(2)(a) is part of the current administrative regulation and no change is proposed. The observation data from “additional trained administrative personnel” is combined with observation data from the evaluator. This matter is clarified in guidance provided by KDE to all school districts.

Section 5 (2)(d) (Page 8, line 21): Full observation should be defined for teachers and other professionals. This section should also specify which personnel may conduct the full observation during the summative year (the syntax of the sentence makes this unclear).

NO CHANGE NEEDED. The Certified Evaluation Plan 5.0 clarifies the definition of full observation as well as who is responsible for conducting evaluations. See the following link:

http://education.ky.gov/teachers/PGES/geninfo/Documents/CEP%20Model%20Plan%205_0%20Final%203-10-15.docx

(Page 9, line 1) “and to document all observations in the department-approved technology platform.” KDE should consider permissive language (see next comment).

NO CHANGE NEEDED. Prior to receipt of comments from OEA, KDE amended Section 5 (2)(b) to provide that “documentation of peer observations may be documented in the department approved technology platform.”

Section 5(2) (o) (page 10, line 5)

“The district shall require documentation of a summative evaluation.....in the department-approved technology platform.”

KDE should consider changing “shall” to “may” given recent concerns about the performance of the technology platform and the amount of time required of evaluators to enter data into the platform.

NO CHANGE NEEDED. Prior to receipt of comments from OEA, KDE proposed amendments to the regulation in response to the concerns described. Pursuant to Federal ESEA reporting requirements, districts must document the summative evaluation in the department approved technology platform. All other reporting requirements were amended to allow permissive use of the department of approved technology platform.

Section 7 (1)(b) (Page 13, line 3)

The classroom environment domain would not apply to some other professionals.

Section 7 (6) (Page 14 line 7)

NO CHANGE NEEDED. The Teacher and Other Professional Evaluation Crosswalk, which is incorporated into the regulation by reference, addresses these issues.

Is it the intention that all sources of evidence listed be used for each domain? If not, this should be clarified.

NO CHANGE NEEDED. The Model Certified Evaluation Plan 5.0 addresses this concern. Outlines of sources of evidence for each domain for teachers and other professionals as well as principals are included in the Model Certified Evaluation Plan 5.0. See the following link:

http://education.ky.gov/teachers/PGES/geninfo/Documents/CEP%20Model%20Plan%205_0%20Final%203-10-15.docx

It is not clear that all sources of evidence are necessary or appropriate to make an informed professional judgment in each domain. This requirement significantly increases the documentation (and time) required of evaluators.

NO CHANGE NEEDED. The Model Certified Evaluation Plan 5.0 addresses this concern. Outlines of sources of evidence for each domain for teachers and other professionals as well as principals are included in the Model Certified Evaluation Plan 5.0. See the following link:

http://education.ky.gov/teachers/PGES/geninfo/Documents/CEP%20Model%20Plan%205_0%20Final%203-10-15.docx

Section 7 (8)(a) (Page 14, line 12) states that “the evaluator shall utilize the decision rules in this subsection for determining the professional practice rating for a teacher or other professional.” There are combinations of practice ratings that are not specified in the decision rules. The regulations should stipulate how the professional practice rating will be determined in these cases. Is it the professional judgment of the evaluator or must the district account for all permutations in its own policies?

These same concerns apply to Section 10 (7)(a)-(d) (page 22, lines 1-8)

KDE AGREES CHANGE IS NEEDED. KDE will add the following language as Section 7(8)(b): “At a minimum, the evaluator shall use the following decision rules in this subsection to determine a professional practice rating.” Furthermore, KDE will add the words “At a minimum” at the beginning of Section 10(7).

Section 10 (8) (b) (Page 22, line 13)

How will this section apply to principals and assistant principals in non A-1 schools? They will not have a state growth goal because their schools do not have next generation learner goals.

NO CHANGE NEEDED. Principals in non-A1 schools are required to have two local goals but do not have a state goal. See the following link:

<http://education.ky.gov/teachers/PGES/prinpges/Documents/PGES%20for%20Alternative%20Settings.docx>