LEGAL: THE KENTUCKY BOARD OF EDUCATION RESCINDED 704 KAR 3:345 AND CREATED A NEW REGULATION 704 KAR 3:370 TO ESTABLISH A STATEWIDE PROFESSIONAL GROWTH AND EFFECTIVENESS SYSTEM (PGES) FOR ALL CERTIFIED PERSONNEL. THIS REVISED POLICY CONTAINS CHANGES IN CONFORMITY WITH THE NEW REGULATION. IN ADDITION, THE APRIL 25 DATE IS BEING REMOVED AS IT IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: POTENTIAL INCREASED TRAINING COSTS

Draft (05/28/15)

# PERSONNEL DO03.18

- Certified Personnel -

Evaluation

The Superintendent shall develop and implement a uniform method of evaluating the job performance of each employee including teachers, other professionals, District certified personnel and administrators.

Development of System

The Superintendent shall recommend for approval by the Board and the Kentucky Department of Education an evaluation system, developed by an evaluation committee, for all certified employees below the level of District Superintendent, which is in compliance with and which shall be implemented consistent with applicable statute and regulation.1

Purpose

The purpose of the professional growth and effectiveness system shall be to: support and improve performance of all certified school personnel and to inform individual personnel decisions.

The District may submit an alternative effectiveness evaluation system to the Kentucky Board of Education for approval.

Reporting

The District shall report to KDE the percentage of principals, assistant principals, teachers and other professionals in each professional practice rating category, student growth rating category and overall performance category.

Notification

The evaluation plan shall be explained to and discussed with all certified employees no later than the end of the evaluatee’s first thirty (30) calendar days of the school year as provided in regulation.

Confidentiality

Evaluation data on individual certified personnel shall not be disclosed under the Kentucky Open Records Act.

Review

All employees shall be afforded an opportunity for a review of their evaluations. All written evaluations shall be discussed with the evaluatee, and he/she shall have the opportunity to submit a written response to be included in the certified employee’s personnel record. Both the evaluator and evaluatee shall sign and date the evaluation instrument. Certified personnel will receive a copy of all documents from the formative and summative evaluation phases.

All evaluations shall be maintained in the employee's personnel file.2

# PERSONNEL DO03.18

# (Continued)

Evaluation

Appeal Panel

The District shall establish a panel to hear appeals from summative evaluations as required by law.1

Election

Two (2) members of the panel shall be elected by and from the certified employees of the District. Two (2) alternates shall also be elected by and from the certified employees, to serve in the event an elected member cannot serve. The Board shall appoint one (1) certified employee to the panel and one (1) alternate certified employee to the panel.

Terms

All terms of panel members and alternates shall be for one (1) year and run from July 1 to June 30. Members may be reappointed or reelected.

Chairperson

The chairperson of the panel shall be the certified employee appointed by the Board.

Appeal to Panel

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within ten (10) calendar days of the receipt of the summative evaluation. The certified employee may review any evaluation material related to him/her. Both the evaluator and the evaluatee shall be given the opportunity to review documents to be given to the hearing committee at least five (5) days in advance of the hearing and may have representation of their choosing.

Appeal Form

The appeal shall be signed and in writing on a form prescribed by the District evaluation committee. The form shall state that evaluation records may be presented to and reviewed by the panel.

Conflicts of Interest

No panel member shall serve on any appeal panel considering an appeal for which s/he was the evaluator.

Whenever a panel member or a panel member's immediate family appeals to the panel, the member shall not serve for that appeal. Immediate family shall include father, mother, brother, sister, husband, wife, son, daughter, uncle, aunt, nephew, niece, grandparent, and corresponding in‑laws.

A panel member shall not hear an appeal filed by his/her immediate supervisor.

# PERSONNEL DO03.18

# (Continued)

Evaluation

Burden of Proof

The certified employee appealing to the panel has the burden of proof. The evaluator may respond to any statements made by the employee and may present written records which support the summative evaluation.

Hearing

The panel shall hold necessary hearings. The evaluation committee shall develop necessary procedures for conducting the hearings.

Panel Decision

The panel shall deliver its decision to the District Superintendent, who shall take whatever action is appropriate or necessary as permitted by law. The panel’s written decision shall be issued within fifteen (15) working days from the date an appeal is filed. No extension of that deadline shall be granted without written approval of the Superintendent.

Superintendent

The Superintendent shall receive the panel's decision and shall take such action as permitted by law as s/he deems appropriate or necessary.

Hearing Procedures

The evaluation committee shall develop necessary procedures for conducting the hearing.

Revisions

The Superintendent shall submit proposed revisions to the evaluation plan to the Board for its review to ensure compliance with applicable statute and regulation. Upon adoption, all revisions to the plan shall be submitted to the Kentucky Department of Education for approval.

References:

1KRS 156.557; 704 KAR 3:370

703 KAR 5:225

OAG 92‑135, Thompson v. Board of Educ., Ky., 838 S.W.2d 390 (1992)

Related Policies:

203.15, 02.14, 03.16