EXPLANATION: THE KENTUCKY BOARD OF EDUCATION RESCINDED 704 KAR 3:345 AND CREATED A NEW REGULATION 704 KAR 3:370 TO ESTABLISH A STATEWIDE PROFESSIONAL GROWTH AND EFFECTIVENESS SYSTEM (PGES) FOR ALL CERTIFIED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. THE EVALUATION PROCEDURES AND FORMS SHALL BE DEVELOPED BY THE 50/50 COMMITTEE IN CONFORMITY WITH THE NEW REGULATION. APPEALS PROCEDURES ARE LOCATED IN ANOTHER AREA. THIS CHANGE IS TO CLARIFY THAT RECORDS ARE TO BE KEPT CONFIDENTIAL AS REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: POTENTIAL INCREASED TRAINING COSTS

# PERSONNEL $03.18 AP.12

- Certified Personnel -

Confidentiality of Records

Personnel evaluation records, specifically the personnel evaluation folder and its contents, will be kept as a part of the employee’s personnel file and will be treated as confidential as required by law. During an appeal/hearing, evaluation records will be kept in a secure location designated by the Superintendent.

Accessibility

Evaluation records will be accessible only to:

1. Members of the District Evaluation Appeals Panel when an employee has appealed his/her summative evaluation to the Panel.
2. Administrators who supervise, or share the supervision of, the evaluatee. Generally, these administrators will include the Principal/Assistant Principal in the evaluatee's building, the Superintendent, and other District-level administrative staff members, as designated by the Superintendent.
3. The Board on advice of legal counsel and upon a majority vote when access to the information is required for lawful District purposes. Access may be permitted without a vote when such records are relevant and necessary to hearing matters or proceedings before the Board such as in the case of a demotion hearing under KRS 161.765. Except as otherwise required or authorized by law, access shall take place in closed session.
4. Records may be subpoenaed in cases where litigation occurs.

References:

KRS 61.878

KRS 156.557

KRS 161.765

704 KAR 3:370

Related Procedure:

03.18 AP.11