

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Kentucky Department of Education

4 (Amended After Comments)

5 704 KAR 3:370. Kentucky Framework for Personnel Evaluation~~[Professional Growth and~~  
6 ~~Effectiveness System]~~.

7 RELATES TO: KRS 156.557, 156.800(7), 161.740

8 STATUTORY AUTHORITY: KRS 156.070, 156.557(2), (5)(c), (7)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(2) and (5)(c), and (7) require

10 the Kentucky Board of Education to promulgate administrative regulations to establish a

11 statewide framework~~[professional growth and effectiveness system]~~ for the purposes of

12 supporting and improving the performance of all certified school personnel, ~~and~~ to develop

13 written guidelines for local school districts to follow in implementing a ~~statewide~~ system of

14 evaluation for certified school personnel, and to establish an appeals procedure for certified

15 school personnel. This administrative regulation establishes a statewide framework~~[professional~~

16 ~~growth and effectiveness system]~~ to support and improve the performance of all certified school

17 personnel as well as an appeals procedure for certified personnel.

18 Section 1. Definitions. (1)~~["Artifact" means a product of a certified school personnel's work that~~

19 ~~demonstrates knowledge and skills.~~

~~(2)~~ "Assistant principal" means a certified school personnel 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 Chapter 3.

~~(2)~~~~(3)~~ "Certified administrator" means a certified school personnel, other than principal or assistant principal, who devotes the majority of employed time in a position for which administrative certification is required by the Education Professional Standards Board pursuant to 16 KAR Chapter 3.

(3) "Certified evaluation plan" means the procedures and forms for evaluation of certified personnel below the level of superintendent developed by an evaluation committee and meeting all requirements of the Kentucky Framework for Personnel Evaluation.

(4) "Certified school personnel" means a certified employee, below the level of superintendent, who devotes the majority of employed time in a position in a district for which certification is required by the Education Professional Standards Board pursuant to Title 16 KAR and includes certified administrators, assistant principals, principals, other professionals, and teachers.

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

(6) "Evaluatee" means the certified school personnel who is being evaluated.

(7) "Evaluation committee" means a group, consisting of an equal number of teachers and administrators, who develop personnel evaluation procedures and forms for a local school district as described in KRS 156.557(5)(c)(1).

~~(8)~~~~(7)~~ "Evaluator" means the primary evaluator as described in KRS 156.557(5)(c)2.

(9) "Evaluator certification" means successful completion of certified evaluation training to ensure that certified school personnel who serve as observers of evaluatees demonstrate proficiency in rating teachers and other professionals for the purposes of evaluation and feedback.

(10)[(8)] "Formative evaluation" is defined by KRS 156.557(1)(a). [(9) "Improvement plan" means a plan for improvement of up to twelve (12) months in duration for:

(a) Teachers and other professionals who are rated ineffective in professional practice and have a low overall student growth rating; and

(b) Principals who are rated ineffective in professional practice and have high, expected, or low overall student growth rating.]

(11)[(40)] "Job category" means a group or class of certified school personnel positions with closely related functions.

(12) "Kentucky Framework for Personnel Evaluation" means the statewide framework a school district uses to develop a local certified personnel evaluation system. [(11) "Local contribution" means a rating based on the degree to which a teacher, other professional, principal, or assistant principal meets student growth goals and is used for the student growth measure.

[(12) "Local formative growth measures" is defined by KRS 156.557(1)(b).]

(13) "Observation" means a data collection process conducted by a certified evaluator[observer], in person or through video, for the purpose of evaluation, including notes, professional judgments, and examination of artifacts made during one (1) or more classroom or worksite visits of any duration. [(14) "Observer calibration" means the process of ensuring that certified school personnel have maintained proficiency and accuracy in observing teachers and other professionals for the purposes of evaluation and providing feedback.

~~(15) "Observer certification" means a process of training and ensuring that certified school personnel who serve as observers of evaluatees have demonstrated proficiency in rating teachers and other professionals for the purposes of evaluation and feedback.]~~

~~(14)[(16)] "Other professionals" means certified school personnel, except for teachers, administrators, assistant principals, or principals~~ **for which certification is required by the Education Professional Standards Board** ~~pursuant to Title 16 KAR. [(17) "Overall student growth rating" means the rating that is calculated for a teacher or other professional evaluatee pursuant to the requirements of Section 7(9) and (10) of this administrative regulation and that is calculated for an assistant principal or principal evaluatee pursuant to the requirements of Section 10(8) of this administrative regulation.]~~

~~(15)[(18)] "Peer observation" means observation and documentation by~~ ~~trained~~ certified school personnel below the level of principal or assistant principal and trained to perform such observations.

~~(16)[(19)] "Performance criteria" means the areas, skills, or outcomes on which certified school personnel are evaluated~~ as described in KRS 156.557(4).

~~(17) "Performance measure" means one (1) of four (4) measures defined in the Kentucky Framework for Personnel Evaluation. Measures include planning, environment, instruction, and professionalism.~~

~~(18)[(20)] "Performance rating" means the~~ rating for each performance measure for ~~summative description of]~~ a teacher, other professional, principal, or assistant principal as determined by the local district certified evaluation plan aligned to the Kentucky Framework for Personnel Evaluation. Ratings include exemplary, accomplished, developing, and ineffective ~~evaluatee's performance, including the ratings listed in Section 7(8) of this administrative regulation].~~

(19) "Personnel Evaluation System" or "system" means an evaluation system to support and improve the performance of certified school personnel that meets the requirements of KRS 156.557 and that uses clear and timely formative feedback to guide professional growth.

(20)[(24)] "Principal" means a certified school personnel 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 Title 16 KAR. [(22) "Professional growth and

effectiveness system" or "system" means an evaluation system to support and improve the performance of certified school personnel that meets the requirements of KRS 156.557(1)(c), (2), and (3) and that uses clear and timely feedback to guide professional development.

(23) "Professional growth plan" means an individualized plan for a certified personnel that is focused on improving professional practice and leadership skills, aligned with performance standards and the specific goals and objectives of the school improvement plan or the district improvement plan, built using a variety of sources and types of data that reflect student needs and strengths, evaluatee data, and school and district data, produced in consultation with the evaluator as described in Section 9(1), (2), (3), and (4) and Section 12(1), (2), (3), and (4) of this administrative regulation, and includes:

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

(b) Objectives or targets aligned to the goals;

(c) An action plan for achieving the objectives or targets and a plan for monitoring progress;

(d) A method for evaluating success; and

(e) The identification, prioritization, and coordination of presently available school and district resources to accomplish the goals.

~~(24) "Professional practice" means the demonstration, in the school environment, of the evaluatee's professional knowledge and skill.~~

~~(25) "Professional practice rating" means the rating that is calculated for a teacher or other professional evaluatee pursuant to Section 7(8) of this administrative regulation and that is calculated for a principal or assistant principal evaluatee pursuant to the requirements of Section 10(7) of this administrative regulation.~~

~~(26) "Self reflection" means the annual process by which certified school personnel assess the effectiveness and adequacy of their knowledge and performance for the purpose of identifying areas for professional learning and growth.]~~

~~(21)[(27)] "Sources of evidence" means the district approved evidences aligned to the performance measure and used by evaluators to inform performance measure ratings[multiple measures] listed in Section 8[KRS 156.557(4) and in Sections 7 and 10] of this administrative regulation. [(28) "State contribution" means the student growth percentiles, as defined in 703 KAR 5:200, Section 1(11), for teachers and other professionals, and the next generation learners goal for principals and assistant principals.~~

~~(29) "Student growth" is defined by KRS 156.557(1)(c).~~

~~(30) "Student growth goal" means a goal focused on learning, that is specific, appropriate, realistic, and time bound, that is developed collaboratively and agreed upon by the evaluatee and evaluator, and that uses local formative growth measures.~~

~~(31) "Student growth percentile" means each student's rate of change compared to other students with a similar test score history.~~

~~(32) "Student voice survey" means the student perception survey provided by the department that is administered annually to a minimum of one (1) district designated group of students per~~

~~teacher or other professional evaluatee if the evaluatee directly instructs students throughout the school year, and provides data on specific aspects of the instructional environment and professional practice of the teacher or other professional evaluatee.]~~

~~(22)[(33)]~~ "Summative evaluation" is defined by KRS 156.557(1)(d).

(23) "Summative rating" means the overall rating for certified school personnel below the level of superintendent as determined by the district certified evaluation plan aligned to the Kentucky Framework for Personnel Evaluation.

~~(24)[(34)]~~ "Teacher" means a certified school personnel who has been assigned the responsibility for student learning in a classroom, grade level, subject, or course and holds a teaching certificate under Title 16 KAR. ~~[(35) "Working conditions survey goal" means a school improvement goal set by a principal or assistant principal every two (2) years with the use of data from the department approved working conditions survey.]~~

Section 2. District Evaluation Procedures and Forms. (1) An evaluation committee, including teachers as defined in this administrative regulation, shall develop the certified evaluation plan for the evaluation of certified school personnel below the level of superintendent. The evaluation committee shall submit the certified evaluation plan to the local board of education for review and approval.

(2) The local board of education shall review and approve the certified evaluation plan that meets the requirements of KRS 156.557 (5)(c) and this administrative regulation.

(a) The district certified evaluation plan may require the use of additional trained administrative personnel to observe and provide information to the evaluator.

(b) Peer observations may be used as a source of evidence only if requested by the teacher or other professional and would be used to inform summative ratings.

1 (c) The district certified evaluation plan shall establish uniform requirements for the length,  
2 frequency, and nature of observations conducted by an evaluator for the purpose of evaluation.

3 The district certified evaluation plan shall require a conference between the evaluator and the  
4 evaluatee within five (5) working days following each observation.

5 (d) The district certified evaluation plan shall require the summative evaluation to be held at the  
6 end of the evaluation cycle pursuant to KRS 156.557 and to include all applicable system data.

7 (e) The district certified evaluation plan shall require a summative evaluation to occur annually  
8 for each certified personnel below the level of superintendent who has not attained continuing  
9 service status pursuant to KRS 161.740 or continuing status pursuant to KRS 156.800(7) and  
10 shall incorporate the formative data collected during the Kentucky Teacher Internship Program,  
11 pursuant to 16 KAR 7:010, in the summative evaluation of a teacher intern.

12 (f) The district certified evaluation plan shall require a summative evaluation at least once every  
13 three (3) years for a teacher, other professional, principal, or assistant principal who has attained  
14 continuing service status pursuant to KRS 161.740 or continuing status pursuant to KRS  
15 156.800(7).

16 (g) The evaluation criteria and process used to evaluate certified personnel shall be explained to  
17 and discussed with the evaluatee no later than the end of the evaluatee's first thirty (30) calendar  
18 days of reporting for employment each school year.

19 (h) The district certified evaluation plan shall require a summative evaluation of certified school  
20 personnel to be documented in writing and to be included in the evaluatee's official personnel  
21 record.

22 (i) All evidence used to produce certified school personnel's overall performance rating shall be  
23 included in the documentation of the summative evaluation.



(j) The district certified evaluation plan shall provide an opportunity for the evaluatee to submit a written statement in response to the summative rating and require the response to be included in the official personnel record.~~[Implementation Timeline. (1) Beginning with the 2015-2016~~

~~school year, all local districts shall fully implement the requirements of KRS 156.557 and this administrative regulation for all certified school personnel except certified school personnel of career and technical education in area technology centers.~~

~~(2) Beginning with the 2015-2016 school year, a local school district shall use the results from the system to inform personnel decisions for teachers, principals, and assistant principals.~~

~~(3) Beginning with the 2016-2017 school year:~~

~~(a) The Office of Career and Technical Education shall fully implement the requirements of KRS 156.557 and this administrative regulation for all certified school personnel of career and technical education in area technology centers.~~

~~(b) A local school district shall use the results from the system to inform personnel decisions for other professionals, certified administrators, and teachers in career and technical education in area technology centers.]~~

Section 3. District Personnel Evaluation Policies~~[Approval of Local Professional Growth and Effectiveness System Plan and Procedures]~~. (1) Each local school district shall establish a written policy for implementing the certified evaluation plan for all certified school personnel below the level of superintendent in the district, consistent with the requirements of KRS 156.557 and this administrative regulation. The local board of education shall develop, adopt, and submit to the department for approval a policy and procedure for evaluation of the district superintendent.~~[submit to the department a professional growth and effectiveness system plan and procedures to establish the district's evaluation system for all certified school personnel.~~

~~(2) The department shall approve each local school district's plan and procedures that comply with the requirements established in KRS 156.557 and this administrative regulation.]~~

Section 4. Department Approval of District Personnel Evaluation Plan~~[Local Professional Growth and Effectiveness Policies]~~. The department shall review and approve each local school district's certified evaluation plan,~~[local board of education shall establish a written policy for implementing the system for all certified school personnel in the district, consistent with the requirements of KRS 156.557 and this administrative regulation. The local board of education shall develop, adopt, and submit to the department for approval a policy for evaluation of the district superintendent]~~, consistent with the requirements of KRS 156.557~~[(6)]~~ and this administrative regulation.

Section 5. Revisions to Previously Approved District Evaluation Plan~~[Local Evaluation Procedures and Forms]~~. (1) The local board of education shall review, as needed, the district's certified evaluation plan to ensure compliance with KRS 156.557 and this administrative regulation~~[A local evaluation committee shall develop, and the local board of education shall review and approve, system procedures and forms for the evaluation of certified school personnel positions]~~.

(2) If a source of evidence is added or removed from the certified evaluation plan or if a decision rule or calculation is changed in the summative rating, the revised certified evaluation plan shall be reviewed and approved by the local board of education. If the local board of education determines the changes do not meet the requirements of KRS 156.557, the certified evaluation plan shall be returned to the certified evaluation committee for revision.~~[The local board of education shall review and approve procedures and forms that meet the requirements of KRS 156.557(5)(c) and include the requirements established in this subsection.]~~

~~(a) The district may require the utilization of additional trained administrative personnel to observe and provide information to the evaluator.~~

~~(b) The district shall require a minimum of one (1) peer observation of a teacher or other professional evaluatee during the summative evaluation year and sharing the documentation with the teacher or other professional for formative evaluation purposes. Documentation of peer observations may be documented in the department approved technology platform. At the request of a teacher or other professional, peer observations may be used in the summative process.~~

~~(c) Beyond the minimum observation requirements set forth in KRS 156.557 and this administrative regulation, the district may establish uniform requirements for the length, frequency, and nature of observations conducted by an evaluator for the purpose of evaluation.~~

~~(d) The district shall require a teacher or other professional evaluator to conduct a minimum of three (3) observations of a teacher or other professional evaluatee during the summative evaluation cycle, except that the district may reduce the number of minimum observations of a teacher or other professional evaluatee during the summative evaluation cycle for teacher or other professional evaluatees who do not report for work sixty (60) or more consecutive school days. A district shall include a detailed plan for reduction of minimum observations of teachers or other professional evaluatees who do not report for work sixty (60) or more consecutive school days in the district's system plan and procedures submitted to the department for approval pursuant to Section 3 of this administrative regulation. At a minimum, one (1) full observation shall be conducted during the summative year. Observations may be documented in the department approved technology platform.~~

~~(e) The district shall require a principal evaluator to conduct a minimum of two (2) site visits each year.~~

~~(f) The district shall create a process for selection of peer observers.~~

~~(g) The district shall require a formative evaluation conference between the evaluator and the evaluatee within five (5) working days following each observation by the evaluator.~~

~~(h) The district shall require the summative evaluation conference to be held at the end of the summative evaluation cycle and to include all applicable system data.~~

~~(i) The district shall require summative evaluation, with multiple observations, to occur annually for each teacher or other professional who has not attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7) and may utilize the formative data collected during the beginning teacher internship period, pursuant to 16 KAR 7:010, in the summative evaluation of an intern teacher.~~

~~(j) The district shall require multiple observations of a certified school personnel who has attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7) and whose observation results are determined to be ineffective.~~

~~(k) The district shall require summative evaluation at least once every three (3) years for a teacher or other professional who has attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7).~~

~~(l) The district, upon the request of a teacher or other professional, may use peer observation data in the formative process.~~

~~(m) The district shall require summative evaluation annually for a certified administrator, assistant principal, or principal. The evaluation criteria and process used to evaluate a certified administrator, assistant principal, or principal shall be explained to and discussed with the~~

~~evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of reporting for employment each school year.~~

~~(n) The district shall require a summative evaluation of a certified school personnel to be documented in writing and to be included in the evaluatee's official personnel record.~~

~~(o) The district shall require documentation of a summative evaluation of a teacher, other professional, principal, and assistant principal in the department approved technology platform.~~

~~(p) All evidence used to produce a certified school personnel's overall performance rating shall be included in the documentation of the summative evaluation.~~

~~(q) The district shall provide an opportunity for a written response by the evaluatee and require the response to be included in the official personnel record.]~~

Section 6. Training and Testing of Evaluators~~[and Observers]~~. (1) The district shall include evaluation and observation training in the district's certified evaluation~~[system]~~ plan~~[and procedures]~~ submitted to the department for approval pursuant to Section 3 of this administrative regulation.

(2) The district shall ensure an evaluator meets the requirements in~~[of]~~ the district's evaluation~~[system]~~ plan~~[and procedures]~~ prior to conducting a formative or summative evaluation~~[evaluating a certified school personnel]~~.

(3) An evaluator shall be trained, tested, and approved according to this administrative regulation and the district's certified evaluation plan~~[on a four (4) year cycle]~~.

(4) Evaluator training shall include~~[Year one (1) of the district's evaluator training cycle shall include the following training requirements]:~~

(a) Initial certified evaluation training and testing provided by the Kentucky Department of Education or a provider approved by the department;

1 ~~(b)(a)~~ Training on KRS 156.557 and the requirements of this administrative regulation;  
 2 ~~(c)(b)~~ Training in~~[identifying effective teaching and management practices, in]~~ effective  
 3 observation and conferencing techniques,~~[in development of student growth goals,]~~ in providing  
 4 clear and timely feedback, in establishing and assisting with a professional growth plan, and in  
 5 summative decision techniques;~~[(e) Training provided by the department for all certified~~  
 6 ~~administrator evaluators who have never evaluated certified school personnel. Other certified~~  
 7 ~~administrators who have not received training in the skill areas listed in paragraph (b) of this~~  
 8 ~~subsection may also be trained by the department;]~~ and  
 9 (d) A minimum of six (6) hours annually of personnel evaluation system training~~[Training, for~~  
 10 ~~all other evaluators, by a provider who has been]~~ approved by the~~[department as a trainer for~~  
 11 ~~the]~~ Effective Instructional Leadership Act~~[Improvement Program]~~ established in 704 KAR  
 12 3:325. ~~[(5) Year one (1) of the district's evaluator training cycle shall include the testing~~  
 13 ~~requirements established in this subsection.~~  
 14 ~~(a) An evaluator shall successfully complete testing of research-based and professionally~~  
 15 ~~accepted teaching and management practices and effective evaluation techniques.~~  
 16 ~~(b) The testing shall be conducted by the department or an individual or agency approved by the~~  
 17 ~~department.~~  
 18 ~~(c) The testing shall include certification as an observer through the department approved~~  
 19 ~~observer certification process for an evaluator who is evaluating teachers or other professionals.~~  
 20 ~~(6) The department shall issue year one (1) approval as an evaluator upon the evaluator's~~  
 21 ~~successful completion of the required evaluation training and testing program and successful~~  
 22 ~~completion of observer certification.~~

~~(7) Years two (2) and three (3) of the district's evaluator training and testing cycle shall include a minimum of six (6) hours in each year and shall include:~~

~~(a) Observer calibration training, in the department approved technology platform, for all evaluators who observe teachers or other professionals for the purpose of evaluation;~~

~~(b) Update training on professional growth and effectiveness statutes and administrative regulations; and~~

~~(c) Training for evaluators on any changes to the Professional Growth and Effectiveness System and certified evaluation plan, policies, or procedures.~~

~~(8) Year four (4) of the district's evaluator training and testing cycle shall include refresher evaluator training and, if evaluating teachers or other professionals, recertification training and testing.~~

~~(9) The district shall require peer observers to complete the department approved peer observer training at least once every three (3) years.~~

~~(10) The district shall designate a contact person responsible for monitoring evaluator training and for implementing the system.]~~

Section 7. Training of Peer Observers. (1) The district shall require peer observations be performed by individuals who are trained in peer observation techniques and responsibilities prior to the first peer observation.

(2) Peer observation training shall include training in effective observation and conferencing techniques as well as roles and responsibilities.

Section 8. Performance Measure~~[Professional Practice Rating and Student Growth Rating for Teachers and Other Professionals]~~. (1) The district's certified evaluation plan~~[professional practice rating form]~~ shall utilize the Kentucky Framework for Personnel Evaluation~~[The~~

~~Framework for Teaching Evaluation Instrument, 2011 Edition, in conjunction with the Teacher and Other Professionals Evaluation Crosswalk,~~ in compliance with KRS 156.557 and the requirements of this administrative regulation and shall include the following performance measures:

- (a) Planning~~[and Preparation Domain]~~;
- (b)~~[Classroom]~~ Environment~~[Domain]~~;
- (c) Instruction~~[Domain]~~; and
- (d) Professionalism~~[Professional Responsibilities Domain]~~.

(2) The district's certified evaluation plan shall define criteria for each performance measure from the Kentucky Framework for Teaching, the Kentucky Framework for Teaching: Specialist Frameworks, and the Principal and Assistant Principal Performance

Standards ~~[professional practice rating evaluation form shall list, in each component, the performance criteria]~~ that characterize effective practice and apply to the evaluatee. ~~[(3) The district shall explain and discuss the professional practice rating domains, components, and performance criteria, and the evaluation process with an evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of reporting for employment each school year.~~

~~Amendments to local systems of teacher evaluation approved by the department after the end of the evaluatee's first thirty (30) calendar days of the school year shall not apply to the evaluatee until the following school year.~~

~~(4) A professional practice rating evaluation form shall be specific to the evaluatee's job category.~~

~~(5) The evaluator shall utilize The Framework for Teaching Evaluation Instrument, 2011 Edition, in conjunction with the Teacher and Other Professional Evaluation Crosswalk, in compliance~~



~~with KRS 156.557 and the requirements of this administrative regulation, to determine ratings for the evaluatee on each of the four (4) domains.]~~

~~(3)[(6)] The evaluator shall use sources of evidence[from professional growth plans and self-reflection, observation, and student voice surveys,] in combination with professional judgment, to inform the teacher's or other professional's rating on each of the four (4) performance measures[domains] listed in subsection (1) of this section. [(7) The evaluator may, if included in the district's approved evaluation plan, use additional district-determined sources of evidence to inform the teacher's or other professional's professional practice rating.]~~

~~(8) The evaluator shall utilize the decision rules in this subsection for determining the professional practice rating for a teacher or other professional.]~~

(a) The evaluator shall use the following ratings:

1. "Exemplary" shall be the rating for performance that consistently exceeds expectations for effective performance;

2. "Accomplished" shall be the rating for performance that consistently meets expectations for effective performance;

3. "Developing" shall be the rating for performance that inconsistently meets expectations for effective performance; and

4. "Ineffective" shall be the rating for performance that consistently fails to meet expectations for effective performance.

~~(b) At a minimum, the evaluator shall use the decision rules in this paragraph to determine a professional practice rating.~~

~~1. If a teacher or other professional is rated ineffective in the classroom environment domain or in the instruction domain, the teacher's or other professional's professional practice rating shall be not be exemplary or accomplished.~~

~~2. If a teacher or other professional is rated ineffective in the classroom environment domain and in the instruction domain, the teacher's or other professional's professional practice rating shall be ineffective.~~

~~3. If a teacher or other professional is rated ineffective in any domain, the teacher's or other professional's professional practice rating shall be accomplished, developing, or ineffective.~~

~~4. If a teacher or other professional is rated developing in two (2) domains and accomplished in two (2) domains, the teacher's or other professional's professional practice rating shall be accomplished.~~

~~5. If a teacher or other professional is rated developing in two (2) domains and exemplary in two (2) domains, the teacher's or other professional's professional practice rating shall be accomplished.~~

~~6. If a teacher or other professional is rated accomplished in two (2) domains and exemplary in two (2) domains, the teacher's or other professional's professional practice rating shall be exemplary.~~

~~(9) The district shall determine the teacher's or other professional's overall student growth rating as established in this subsection.~~

~~(a) The student growth measure shall consist of a state contribution, if available, and a local contribution.~~

~~(b) The Kentucky Board of Education shall determine the scale for low, expected, and high growth regarding the state contribution, and the department shall provide the scale to local school districts.~~

~~(c) Student growth goals shall be determined as established in this paragraph.~~

~~1. The teacher or other professional shall develop and implement a minimum of one (1) student growth goal each year.]~~

~~(b)[2.] Because individual[individualized] education program[plan] (IEP) goals are student-specific, IEP goals may inform, but shall not be used as a single source of evidence for any performance measure., ~~student growth goals.~~~~

~~3. The district shall ensure that student growth goals and measures of student growth are rigorous and comparable across schools in the local school district.~~

~~(d) The local school district shall determine the scale for low, expected, and high student growth goal ratings. In determining the scale, local school districts shall consider the definition of typical yearly growth contained in 703 KAR 5:200, Section 1(12).~~

~~(10) The local school district shall develop a process for using professional judgment and the following sources of evidence to determine the overall student growth rating:~~

~~(a) Growth trends consisting of the three (3) most recent years of student growth percentile data, if available, for teachers; and~~

~~(b) Growth trends consisting of the three (3) most recent years of student growth goal data, if available, for all teachers and other professionals.]~~

~~Section 9[8]. Summative Rating of Teachers, Other Professionals, Principals, and Assistant Principals[Overall Performance Category of Teachers or Other Professionals]. (1) The overall performance category for teachers or other professionals, principals, and assistant principals shall~~

be a district determined rating by combining the four (4) performance measures provided in Section 8. [teacher's or other professional's professional practice rating and overall student growth rating, as illustrated by the Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Teachers or Other Professionals.

(2) The district shall determine the teacher's or other professional's overall performance category with the decision rules established in this subsection.

(a) A teacher's or other professional's overall performance rating shall be exemplary if:

1. The professional practice rating is exemplary and the overall student growth rating is high;

2. The professional practice rating is exemplary and the overall student growth rating is

expected; or

3. The professional practice rating is accomplished and the overall student growth rating is high.

(b) A teacher's or other professional's overall performance rating shall be accomplished if:

1. The professional practice rating is accomplished and the overall student growth rating is

expected; or

2. The professional practice rating is developing and the overall student growth rating is high;

(c) A teacher's or other professional's overall performance category shall be developing if:

1. The professional practice rating is exemplary and the overall student growth rating is low;

2. The professional practice rating is accomplished and the overall student growth rating is low;

3. The professional practice rating is developing and the overall student growth rating is

expected;

4. The professional practice rating is developing and the overall student growth rating is low; or

5. The professional practice rating is ineffective and the overall student growth rating is high.

(d) A teacher's or other professional's overall performance category shall be ineffective if:

~~1. The professional practice rating is ineffective and the overall student growth rating is expected; or~~

~~2. The professional practice rating is ineffective and the overall student growth rating is low.]~~

Section 10[9]. Evaluation of Certified Personnel Assigned to the District Level for Purposes of Evaluation. (1) The district's certified evaluation plan for certified personnel assigned to the district level for purposes of evaluation shall:

(a) Utilize the performance criteria outlined in KRS 156.557(4), in compliance with KRS 156.557 and the requirements of this administrative regulation; and

(b) List the performance criteria applicable to the evaluatee that characterizes professional effectiveness.

(2) The district certified evaluation plan for certified personnel assigned to the district level for purposes of evaluation shall be specific to the evaluatee's job category.~~[Professional Growth~~

~~Plan and Cycle for Tenured Teachers or Other Professionals. A teacher or other professional shall be placed on an appropriate plan and summative evaluation cycle based on the professional practice rating and the overall student growth rating, as illustrated by the Kentucky Professional~~

~~Growth Plan and Cycle for Tenured Teachers or Other Professionals. (1) A teacher or other professional whose professional practice rating is exemplary or accomplished and who has an expected or high overall student growth rating shall have a professional growth plan that includes: goals set by the teacher or other professional, with evaluator input; activities that are evaluatee 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.~~

~~(2) A teacher or other professional whose professional practice rating is accomplished or exemplary, with a low overall student growth rating, or developing, with a high overall student~~

~~growth rating, shall have a professional growth plan that includes: goals set by the teacher or other professional with evaluator input; if there is a low student growth rating, one (1) goal shall focus on low student growth outcome; an annual formative review; and a summative evaluation that occurs at the end of year three (3) of the evaluation cycle.~~

~~(3) A teacher or other professional whose professional practice rating is developing, with an expected overall student growth rating, shall have a professional growth plan that includes: goals set by the teacher or other professional with evaluator input; one (1) goal that addresses professional practice or student growth; activities that are evaluatee directed and implemented with colleagues; an annual formative review; and a summative evaluation that occurs at the end of year three (3) of the evaluation cycle.~~

~~(4) A teacher or other professional whose professional practice rating is developing, with a low overall student growth rating, or whose professional practice rating is ineffective, with an expected or high overall student growth rating, shall have a professional growth plan that includes 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.~~

~~(5) A teacher or other professional whose professional practice rating is ineffective, with a low overall student growth 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.~~

~~Section 10. Professional Practice Rating and Overall Student Growth Rating for Principals and Assistant Principals. (1) The district's professional practice rating form shall utilize the Principal~~

~~and Assistant Principal Performance Standards and the Principal and Assistant Principal Performance Standards Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation, and shall include the performance standards and descriptors established in this subsection.~~

~~(a) Instructional Leadership Performance Standard. This standard shall be met if the evaluatee 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 Performance Standard. This standard shall be met if the evaluatee fosters the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate.~~

~~(c) Human Resources Management Performance Standard. This standard shall be met if the evaluatee 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 Performance Standard. This standard shall be met if the evaluatee 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 Performance Standard. This standard shall be met if the evaluatee fosters the success of all students by communicating and collaborating effectively with stakeholders.~~

~~(f) Professionalism Performance Standard. This standard shall be met if the evaluatee fosters the success of all students by demonstrating professional standards and ethics, engaging in continuous professional learning, and contributing to the profession.~~

~~(2) The district's professional practice rating evaluation form for assistant principals and principals shall list, in each standard, the performance criteria that characterize professional effectiveness and apply to the evaluatee.~~

~~(3) The district shall explain and discuss the professional practice rating standards, indicators, and performance criteria, and the evaluation process to assistant principal and principal evaluatees no later than the end of the evaluatee's first thirty (30) calendar days of the school year. Amendments to local systems of certified personnel evaluation approved by the department after the end of an evaluatee's first thirty (30) calendar days of the school year shall not apply to the evaluatee until the following school year.~~

~~(4) The district's professional practice rating evaluation form shall be specific to the evaluatee's job category. The district, at its discretion, may utilize forms for pre and post evaluation conferences.~~

~~(5) The evaluator shall utilize the Principal and Assistant Principal Performance Standards and the Principal and Assistant Principal Performance Standards Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation, to determine ratings for an assistant principal or principal evaluatee on each of the performance standards.~~

~~(6) The evaluator shall use evidence from professional growth plans and self reflection, the department approved survey of perception of superintendents, district personnel, and teachers on principal practice; and the department approved working conditions survey goal. The evaluator shall also use evidence from site visits, for principals only. The evaluator may, if included in the~~



district's approved evaluation plan, use additional district-determined sources of evidence to inform the evaluatee's rating on each of the six (6) standards listed in subsection (1) of this section.

(7) At a minimum, the evaluator shall use the decision rules in this subsection to determine a professional practice rating.

(a) If the evaluatee is rated exemplary in at least four (4) of the standards and no standard is rated developing or ineffective, the professional practice rating shall be exemplary.

(b) If the evaluatee is rated accomplished in at least four (4) standards and no standard is rated ineffective, the professional practice rating shall be accomplished.

(c) If the evaluatee is rated developing in at least five (5) standards, the professional practice rating shall be developing.

(d) If the evaluatee is rated ineffective in two (2) or more standards, the professional practice rating shall be ineffective.

(8) The overall student growth rating for principals and assistant principals shall be determined as established in this subsection.

(a) The student growth measure for principals and assistant principals shall consist of a state contribution and a local contribution.

(b) The state contribution for principals and assistant principals shall be based on the degree to which the evaluatee meets the next generation learners goal. A principal's next generation learners goal shall be the assistant principal's next generation learners goal as well. For schools that do not receive state assessment data, principals shall develop two (2) local student growth goals.

~~(c) The local contribution for the student growth measure for principals and assistant principals shall be a rating based on the degree to which the principal or assistant principal meets student growth goals. Assistant principals shall share the principal's student growth goals.~~

~~(d) All principals and assistant principals shall develop and implement a minimum of two (2) student growth goals each year, one (1) of which shall focus on school gap population data.~~

~~(e) One (1) goal shall be based on local student growth data.~~

~~(f) The district shall ensure that student growth goals are rigorous and comparable across schools in the local district.~~

~~(g) The scale for low, expected, and high student growth goal ratings shall be determined by the local school district. In determining the scale, local school districts shall consider the schools goals and measures of success in the comprehensive school improvement plan required in 703 KAR 5:225, Section 9.~~

~~(h) The district shall develop a process for using professional judgment and evidence from the following sources of evidence to determine the overall student growth rating:~~

- ~~1. Growth trends over the three (3) most recent years of next generation learners student growth data, calculated pursuant to 703 KAR 5:200; and~~
- ~~2. Growth trends over the three (3) most recent years of student growth goal data.~~

~~Section 11. Overall Performance Category of Principals and Assistant Principals. (1) The overall performance category for principals and assistant principals shall be determined by combining the principal or assistant principal's professional practice rating and overall student growth rating, as illustrated by the Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Assistant Principals and Principals.~~

~~(2) The district shall determine the overall performance category for principals and assistant principals with the decision rules established in this subsection.~~

~~(a) An evaluatee's overall performance category shall be exemplary if:~~

~~1. The professional practice rating is exemplary and the overall student growth rating is high;~~

~~2. The professional practice rating is exemplary and the overall student growth rating is expected; or~~

~~3. The professional practice rating is accomplished and the overall student growth rating is high.~~

~~(b) An evaluatee's overall performance category shall be accomplished if:~~

~~1. The professional practice rating is accomplished and the overall student growth rating is expected; or~~

~~2. The professional practice rating is developing and the overall student growth rating is high.~~

~~(c) An evaluatee's overall performance category shall be developing if:~~

~~1. The professional practice rating is exemplary and the overall student growth rating is low;~~

~~2. The professional practice rating is accomplished and the overall student growth rating is low;~~

~~3. The professional practice rating is developing and the overall student growth rating is expected; or~~

~~4. The professional practice rating is developing and the overall student growth rating is low.~~

~~(d) An evaluatee's overall performance category shall be ineffective if the professional practice rating is ineffective.~~

~~Section 12. Professional Growth Plan for Principals and Assistant Principals. The evaluator shall place an assistant principal or principal evaluatee on an appropriate professional growth plan based on the professional practice rating and the overall student growth rating, as illustrated by the Kentucky Professional Growth Plan for Assistant Principals and Principals. (1) An evaluatee~~

~~whose professional practice rating is exemplary, with an expected to high overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.~~

~~(2) An evaluatee whose professional practice rating is accomplished, with an expected to high student overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.~~

~~(3) An evaluatee whose professional practice rating is developing, with a high overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.~~

~~(4) An evaluatee whose professional practice rating is developing, with a low to expected overall student growth rating, shall have, at a minimum, a professional growth plan with goals determined by the evaluator and a summative evaluation at the end of each school year.~~

~~(5) An evaluatee whose professional practice rating is ineffective shall have, at a minimum, an improvement 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 13. Evaluation of Certified Administrators Assigned to the District Level for Purposes of Evaluation. (1) The district's evaluation form for certified administrators assigned to the district level for purposes of evaluation shall:~~

~~(a) Utilize the performance criteria outlined in KRS 156.557(4), in compliance with KRS 156.557 and the requirements of this administrative regulation; and~~

~~(b) List the performance criteria that characterizes professional effectiveness and apply to the evaluatee.~~

~~(2) The district shall explain and discuss performance criteria and the evaluation process to an evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of the school year. Amendments to local systems of certified personnel evaluation approved by the department after the end of an evaluatee's first thirty (30) calendar days of the school year shall not apply to the evaluatee until the following year.~~

~~(3) The district evaluation form for certified administrators assigned to the district level for purposes of evaluation shall be specific to the evaluatee's job category. The district, at its discretion, may utilize forms for pre and post evaluation conferences.~~

~~(4) The evaluator shall use evidence from professional growth plans and self-reflection, one (1) site visit, student growth, and professional judgment to determine the overall performance of certified administrators assigned to the district level for purposes of evaluation.~~

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

~~(2) If a substantive change is made to the district's evaluation plan, the local board of education shall utilize the evaluation committee, described in KRS 156.557(5)(c)1, in formulating the revision. Examples of substantive change shall include changes in the evaluation cycle, observation frequency, forms, or appeal procedures.~~

~~(3) The local board of education shall review and approve revisions to the plan and submit the amended plan to the department for approval.~~

~~Section 15. Reporting. (1) Districts shall report to the department the percentage of principals, assistant principals, teachers, and other professionals in each professional practice rating category, student growth rating category and overall performance category listed in Sections 7, 8, 10, and 11 of this administrative regulation.~~

~~(2) The department shall publicly report, by district, the aggregate number of principals, assistant principals, teachers, including other professionals, in each overall performance category.~~

~~Section 16. Monitoring. A district implementing an alternative professional growth and effectiveness plan or system approved by the department pursuant to KRS 156.557(7) shall be monitored within three (3) years of the initial implementation of the alternative plan, and subsequently at the discretion of the department.]~~

Section 11[17]. District[~~Local~~] Evaluation Appeals Panel. The district shall provide the following in its system plan for an appeal to the district[~~local~~] evaluation appeals panel:

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

(2) An opportunity, five (5) days in advance of the hearing, for the evaluator and evaluatee to adequately review all documents that are to be presented to the district[~~local~~] evaluation appeals panel; and

(3) A right to have the evaluatee's chosen representative present at the hearing.

Section 12[18]. State Evaluation Appeals Panel. (1) A certified school personnel who believes that the local district is not properly implementing the district certified evaluation plan as approved by the department shall have the opportunity to appeal to the Kentucky Board of Education.

(2) The appeal procedures shall be as established in this subsection.

(a) The Kentucky Board of Education shall appoint a committee of three (3) state board members to serve on the state evaluation appeals panel (SEAP). The SEAP's jurisdiction shall be limited to procedural matters already addressed by the local appeals panel related to the district's alleged failure to implement an evaluation plan as approved by the department. The SEAP shall not have jurisdiction of a complaint involving the professional judgment conclusion of an evaluation, and the SEAP's review shall be limited to the record of proceedings and documents therein, or lack thereof, at the local district level.

(b) No later than thirty (30) calendar days after the final action or decision at the local district level, a certified school personnel may submit a written request to the chief state school officer for a review before the SEAP. If a certified school personnel does not appeal within the time frame listed in this paragraph, the request 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 or other document that a party wishes to submit for consideration by the SEAP 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 SEAP shall be rendered within fifteen (15) working days after the review.

(e) A determination of district noncompliance with the district~~local~~ evaluation plan or absence of a district local evaluation plan shall render the evaluation void~~[-, and the certified employee shall have the right to be reevaluated].~~

Section 13~~19~~. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Kentucky Framework for Teaching", February 2014~~["The Framework for Teaching Evaluation Instrument, 2011 Edition", May 2014]~~;

- (b) "Kentucky Framework for Teaching with Specialist Frameworks for Other Professionals", June 2015~~["Principal and Assistant Principal Performance Standards", May 2014"]~~; and
- (c) "Principal and Assistant Principal Performance Standards", May 2014~~["Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Teachers and Other Professionals", April 2015]~~;
- (d) ~~"Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Assistant Principals and Principals", May 2014~~;
- (e) ~~"Teacher and Other Professional Evaluation Crosswalk", April 2015~~;
- (f) ~~"Principal and Assistant Principal Performance Standards Crosswalk", May 2014~~;
- (g) ~~"Kentucky Professional Growth Plan and Cycle for Tenured Teachers and Other Professionals", April 2015~~; and
- (h) ~~"Kentucky Professional Growth Plan for Assistant Principals and Principals", July 2014~~].
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Office of Teaching and Learning, 300 Sower Blvd, 5th Floor~~[Office of Next Generation Learners, 18th Floor, Capital Plaza Tower, 500 Mero Street]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.



This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

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(Date)

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Stephen L. Pruitt, Ph.D.  
Commissioner of Education

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(Date)

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Mary Gwen Wheeler, Chairperson  
Kentucky Board of Education

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:370

Contact Person: Kevin C. Brown

Phone: 502-564-4474

Email: kevin.brown@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: Amends administrative regulation 704 KAR 3:370 by removing language related to the Professional Growth and Effectiveness System (PGES). The regulation aligns with KRS 156.557, a statute requiring the Kentucky Department of Education (KDE) to develop a statewide framework for teaching that promotes the continuous professional growth and development of skills necessary to become a highly effective teacher or a highly effective administrator in a school or district. Development of the framework occurs in consultation with Kentucky's teacher and principal steering committees and other groups identified by the commissioner of education.

(b) The necessity of this administrative regulation: This regulation amends 704 KAR 3:370 related to district personnel evaluation. The amendment ensures the development of a framework to provide multiple measures for the evaluation process of all certified school district employees below the superintendent level.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.060 and KRS 156.070.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation removes language related to PGES, including timelines, procedures and forms, teacher observer training cycle requirements, student growth ratings for teachers, overall performance category ratings and the professional growth plan.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment removes the state system for personnel evaluation of certified staff below the level of superintendent and allows district choice for personnel evaluation of certified staff below the level of superintendent within the framework described in the regulation.

(b) The necessity of the amendment to this administrative regulation: Senate Bill 1 (2017) requires the Kentucky Board of Education (KBE) to remove the single state evaluation system and replace it with a personnel evaluation framework to guide districts in development of their own personnel evaluation system.

(c) How the amendment conforms to the content of the authorizing statute: The amendment removes state directives on sources of evidence within the evaluation systems, but provides multiple measures as described in the statute.

(d) How the amendment will assist in the effective administration of the statutes: The amendment allows districts local control of their personnel evaluation systems within the framework as described in this regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this amendment are: all local school districts, schools, and certified school district employees below the superintendent level, as they are the intended audience for the Kentucky Framework for Personnel Evaluation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: This amendment changes the system of personnel evaluation for all certified school district employees below the level of superintendent, requiring local districts to establish their own evaluation systems for teachers, principals and other certified staff.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Amendment of this regulation establishes a Kentucky Framework for Personnel Evaluation based upon multiple evaluation measures that are the same for all personnel. Also, the amendment adds language to ensure districts establish their own systems related to the evaluation and rating of teachers, principals, assistant principals and other professionals.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: N/A

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts. N/A

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 704 KAR 3:370

Contact Person: Kevin C. Brown

Phone: 502-564-4474

Email: kevin.brown@education.ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? There will be no change to local district operations or fiscal impact.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.060 and KRS 156.070.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? The regulation is being amended and there will be no cost associated with the amendment.

(d) How much will it cost to administer this program for subsequent years? The regulation is being amended and there will be no cost associated with the amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

Summary Page - Incorporation by Reference

704 KAR 3:370. Kentucky Framework for Personnel Evaluation

The following documents are incorporated by reference:

(a) “Kentucky Framework for Teaching”, February 2014. The document incorporated by reference consists of forty-seven (47) pages. This document provides guidance to define criteria for teacher evaluation for each performance area listed in a district’s certified evaluation plan.

(b) “Kentucky Framework for Teaching with Specialist Frameworks for Other Professionals”, June 2015. The document incorporated by reference consists of one hundred twenty-nine (129) pages. This document provides guidance to define criteria for teacher evaluation for each performance area listed in a district’s certified evaluation plan.

(c) "Principal and Assistant Principal Performance Standards", May 2014. The document incorporated by reference consists of three (3) pages. This document provides guidance to define criteria for teacher evaluation for each performance area listed in a district’s certified evaluation plan.

STATEMENT OF CONSIDERATION  
RELATING TO 704 KAR 3:370  
Kentucky Framework for Personnel Evaluation  
Kentucky Department of Education (KDE)

Amended After Comments

1. A public hearing was scheduled on the above regulation on November 21, 2017 at 10:00 a.m. Eastern Time, in Room 116, Kentucky Department of Education, 300 Sower Boulevard, 1<sup>st</sup> Floor, Frankfort, Kentucky. The hearing was canceled when no one registered to attend or presented at the noticed time to provide comments.

2. The following individuals submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Education Professional Standards Board	

3. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
Amanda Ellis, Associate Commissioner, Office of Teaching and Learning
Kevin Stull, Chief Strategic Advisor/Interim Policy Advisor, Office of Teaching and Learning
Todd G. Allen, Deputy General Counsel, Office of Legal, Legislative & Communication Services

Summary of Comments and Responses

1. Subject Matter: Definition
  - (a) Comment: The Education Professional Standards Board (EPSB) commented that “for which certification is required by the Education Professional Standards Board” should be add to the definition of “Other Professionals” at Section 1(14) for consistency of language.
  - (b) Response: Upon consideration, the agency agrees to make the change recommended by EPSB to make language in the definition section more consistent.
2. Subject Matter: Principal Standards
  - (a) Comment: The Education Professional Standards Board (EPSB) commented the KDE should change language from “Principal and Assistant Principal Performance Standards” to

“professional educational leadership standards approved by the Education Professional Standards Board”.

(b) Response: Upon consideration, the agency declines to make changes to the regulation. KDE recognizes the value in aligning standards for principals through the continuum of the principal’s career from preparation to evaluation. However, KDE prefers to identify the standards specifically. KDE will consider revisiting the principal standards in the Kentucky Framework for Evaluation once the professional educational leadership standards are approved by EPSB.

### 3. Subject Matter: Principal Standards incorporated by reference

(a) Comment: The Education Professional Standards Board (EPSB) commented the Kentucky Department of Education (KDE) should remove specific standards from incorporation by reference. EPSB is currently working on adopting new standards. EPSB argues this will allow the regulation to cover the EPSB approved standards with any future standard changes without opening the regulation.

(b) Response: Upon consideration, the agency declines to make changes to the regulation. KDE prefers to identify the standards specifically. KDE will consider revisiting the principal standards in the Kentucky Framework for Evaluation once the professional educational leadership standards are approved by EPSB.

### Summary of Statement of Consideration Action Taken by Promulgating Administrative Body

The Kentucky Department of Education received and responded to one comment from the public regarding proposed amendments to 704 KAR 3:370. Commenter advocated for adding language to the definition of “Other Professional” to make language more consistent. The agency agreed to make the suggested change.

The agency proposes the following amendments after comments to the administrative regulation:

Page 4

Section 1(14)

Line 5

After “principals” insert “for which certification is required by the Education Professional Standards Board”