

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET
2 KENTUCKY BOARD OF EDUCATION

3 (Amendment)

4 704 KAR 3:370. Kentucky Framework for Personnel Evaluation.

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

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(2) and (5)(c), and (7) re-
8 quire the Kentucky Board of Education to promulgate administrative regulations to establish a
9 statewide framework for the purposes of supporting and improving the performance of all certi-
10 fied school personnel, to develop written guidelines for local school districts to follow in imple-
11 menting a system of evaluation for certified school personnel, and to establish an appeals proce-
12 dure for certified school personnel. This administrative regulation establishes a statewide frame-
13 work to support and improve the performance of all certified school personnel as well as an ap-
14 peals procedure for certified school personnel.

15 Section 1. Definitions. (1) "Assistant principal" means a certified school personnel who de-
16 votes the majority of employed time in the role of assistant principal, for which administrative
17 certification is required by the Education Professional Standards Board pursuant to 16 KAR
18 Chapter 3.

19 (2) "Certified administrator" means a certified school personnel, other than principal or assis-
20 tant principal, who devotes the majority of employed time in a position for which administrative
21 certification is required by the Education Professional Standards Board pursuant to 16 KAR

1 Chapter 3.

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

5 (4) "Certified school personnel" means a certified school employee, below the level of super-
6 intendent, who devotes the majority of employed time in a position in a district for which certifi-
7 cation is required by the Education Professional Standards Board pursuant to Title 16 KAR and
8 includes certified administrators, assistant principals, principals, other professionals, and teach-
9 ers.

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

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

15 (7) "Evaluation committee" means a group, consisting of an equal number of teachers and
16 administrators, who develop personnel evaluation procedures and forms for a local school dis-
17 trict pursuant to KRS 156.557(5)(c)(1).

18 (8) "Evaluator" means the primary evaluator pursuant to KRS 156.557(5)(c)2.

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

22 (10) "Formative evaluation" is defined by KRS 156.557(1)(a).

23 (11) "Job category" means a group or class of certified school personnel positions with close-

1 ly related functions.

2 (12) "Kentucky Framework for Personnel Evaluation" means the statewide framework a
3 school district uses to develop a local certified school personnel evaluation system.

4 (13) "Observation" means a data collection process conducted by a certified evaluator, in per-
5 son or through video, for the purpose of evaluation, including notes, professional judgments, and
6 examination of the data collected during one (1) or more classroom or worksite visits of any du-
7 ration.

8 (14) "Other professionals" means certified school personnel, except for teachers, administra-
9 tors, assistant principals, or principals for which certification is required by the Education Pro-
10 fessional Standards Board pursuant to Title 16 KAR.

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

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

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

18 (18) "Performance rating" means the rating for each performance measure for a teacher, other
19 professional, principal, or assistant principal as determined by the local district certified evalua-
20 tion plan aligned to the Kentucky Framework for Personnel Evaluation. Ratings shall be exem-
21 plary, accomplished, developing, and ineffective.

22 (19) "Personnel Evaluation System" or "system" means an evaluation system to support and
23 improve the performance of certified school personnel that meets the requirements of KRS

1 156.557 and that uses clear and timely formative feedback to guide professional growth.

2 (20) "Principal" means a certified school personnel who devotes the majority of employed
3 time in the role of principal, for which administrative certification is required by the Education
4 Professional Standards Board pursuant to Title 16 KAR.

5 (21) "Sources of evidence" or "source of evidence" means the district-approved evidence
6 aligned to the performance measure and used by evaluators to inform performance measure rat-
7 ings listed in Section 8 of this administrative regulation.

8 (22) "Summative evaluation" is defined by KRS 156.557(1)(d).

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

12 (24) "Teacher" means a certified school personnel who has been assigned the responsibility
13 for student learning in a classroom, grade level, subject, or course and holds a teaching certificate
14 pursuant to Title 16 KAR.

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

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

21 (a) The district certified evaluation plan may require the use of additional trained administra-
22 tive personnel to observe and provide information to the evaluator.

23 (b) Peer observations may be used as a source of evidence to inform a summative rating only

1 if requested by the teacher or other professional being evaluated.

2 (c) The district certified evaluation plan shall establish uniform requirements for the length,
3 frequency, and nature of observations conducted by an evaluator for the purpose of evaluation.
4 The district certified evaluation plan shall require a conference between the evaluator and the
5 evaluatee within five (5) working days following each observation.

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

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

13 (f) The district certified evaluation plan shall require a summative evaluation at least once
14 every three (3) years for a teacher, other professional, principal, or assistant principal who has at-
15 tained continuing service status pursuant to KRS 161.740 or continuing status pursuant to KRS
16 156.800(7).

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

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

23 (i) All evidence used to produce certified school personnel's overall performance rating shall

1 be included in the documentation of the summative evaluation.

2 (j) The district certified evaluation plan shall provide an opportunity for the evaluatee to sub-
3 mit a written statement in response to the summative rating and require the response to be in-
4 cluded in the official personnel record.

5 Section 3. District Personnel Evaluation Policies. (1) Each local school district shall establish
6 a written policy for implementing the certified evaluation plan for all certified school personnel
7 below the level of superintendent in the district, consistent with the requirements of KRS
8 156.557 and this administrative regulation. The local board of education shall develop, adopt,
9 and submit to the department for approval a policy and procedure for evaluation of the district
10 superintendent.

11 Section 4. Department Approval of District Personnel Evaluation Plan. The department shall
12 review each local school district's certified evaluation plan and approve a certified evaluation
13 plan that is consistent with the requirements of KRS 156.557 and this administrative regulation.

14 Section 5. Revisions to Previously Approved District Evaluation Plan. (1) The local board of
15 education shall review, as needed, the district's certified evaluation plan to ensure compliance
16 with KRS 156.557 and this administrative regulation.

17 (2) If a source of evidence is added or removed from the certified evaluation plan or if a deci-
18 sion rule or calculation is changed in the summative rating formula, the revised certified evalua-
19 tion plan shall be reviewed and approved by the local board of education. If the local board of
20 education determines the changes do not meet the requirements of KRS 156.557, the certified
21 evaluation plan shall be returned to the certified evaluation committee for revision.

22 Section 6. Training and Testing of Evaluators. (1) The district shall include evaluator certifi-
23 cation and observation training in the district's certified evaluation plan submitted to the depart-

1 ment for approval pursuant to Section 3 of this administrative regulation.

2 (2) The district shall ensure an evaluator meets the requirements in the district's evaluation
3 plan prior to conducting a formative or summative evaluation.

4 (3) An evaluator shall be trained, tested, and approved according to this administrative regula-
5 tion and the district's certified evaluation plan.

6 (4) Evaluator training shall include:

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

9 (b) Training on KRS 156.557 and the requirements of this administrative regulation;

10 (c) Training in effective observation and conferencing techniques, in providing clear and
11 timely feedback, in establishing and assisting with a professional growth plan, and in summative
12 decision techniques; and

13 (d) A minimum of six (6) hours annually of personnel evaluation system training approved by
14 the Effective Instructional Leadership Act established in 704 KAR 3:325.

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

18 (2) Peer observation training shall include training in effective observation and conferencing
19 techniques and the roles and responsibilities of peer observers, evaluatees, and certified school
20 personnel.

21 Section 8. Performance Measure. (1) The district's certified evaluation plan shall utilize the
22 Kentucky Framework for Personnel Evaluation pursuant to KRS 156.557 and the requirements
23 of this administrative regulation and shall include the following performance measures:

- 1 (a) Planning;
- 2 (b) Environment;
- 3 (c) Instruction; and
- 4 (d) Professionalism.

5 (2) The district's certified evaluation plan shall define criteria for each performance measure
6 from the Kentucky Framework for Teaching, the Kentucky Framework for Teaching: Specialist
7 Frameworks, and the **Professional Standards for Educational Leaders** [~~Principal and Assistant~~
8 ~~Principal Performance Standards~~] that characterize effective practice and apply to the evaluatee.

9 (3) The evaluator shall use sources of evidence, in combination with professional judgment, to
10 inform the teacher's or other professional's rating on each of the four (4) performance measures
11 listed in subsection (1) of this section.

12 (a) The evaluator shall use the following ratings:

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

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

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

19 4. "Ineffective" shall be the rating for performance that consistently fails to meet expectations
20 for effective performance. Because individual education program (IEP) goals are student-
21 specific, IEP goals may inform, but shall not be used as a single source of evidence for any per-
22 formance measure.

23 Section 9. Summative Rating of Teachers, Other Professionals, Principals, and Assistant Prin-

1 principals. (1) The overall performance category for teachers or other professionals, principals, and
2 assistant principals shall be a district-determined rating by combining the four (4) performance
3 measures provided in Section 8.

4 Section 10. Evaluation of Certified School Personnel Assigned to the District Level for Pur-
5 poses of Evaluation. (1) The district's certified evaluation plan for certified school personnel as-
6 signed to the district level for purposes of evaluation shall:

7 (a) Utilize the performance criteria established in KRS 156.557(4), comply with KRS 156.557
8 and the requirements of this administrative regulation; and

9 (b) List the performance criteria applicable to the evaluatee that characterizes professional ef-
10 fectiveness.

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

13

14 Section 11. District Evaluation Appeals Panel. The district shall provide the following in its
15 system plan for an appeal to the district evaluation appeals panel:

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

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

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

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

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

2 (a) The Kentucky Board of Education shall appoint a committee of three (3) state board mem-
3 bers to serve on the state evaluation appeals panel (SEAP). The SEAP's jurisdiction shall be lim-
4 ited to procedural matters already addressed by the local appeals panel related to the district's al-
5 leged failure to implement an evaluation plan as approved by the department. The SEAP shall
6 not have jurisdiction of a complaint involving the professional judgment conclusion of an eval-
7 uation, and the SEAP's review shall be limited to the record of proceedings and documents there-
8 in, or lack thereof, at the local district level.

9 (b) No later than thirty (30) calendar days after the final action or decision at the local district
10 level, a certified school personnel may submit a written request to the chief state school officer
11 for a review before the SEAP. If a certified school personnel does not appeal within the time
12 frame listed in this paragraph, the request shall not be considered. A specific description of the
13 complaint and grounds for appeal shall be submitted with the request.

14 (c) A brief, written statement or other document that a party wishes to submit for considera-
15 tion by the SEAP shall be filed with the panel and served on the opposing party at least twenty
16 (20) days prior to the scheduled review.

17 (d) A decision of the SEAP shall be rendered within fifteen (15) working days after the re-
18 view.

19 (e) A determination of district noncompliance with the district evaluation plan or absence of a
20 district local evaluation plan shall render the evaluation void.

21 Section 13. Incorporation by Reference. (1) The following material is incorporated by refer-
22 ence:

23 (a) "Kentucky Framework for Teaching", February 2014;

1 (b) "Kentucky Framework for Teaching with Specialist Frameworks for Other Professionals",
2 June 2015; and

3 (c) **“Professional Standards for Educational Leaders” 2015** [~~"Principal and Assistant Prin-~~
4 ~~eipal Performance Standards", May 2014.]~~

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