

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Waiver of Section 2(2)(g) of 704 KAR 3:370, Kentucky framework for personnel evaluation

Date: October 2020

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the request to waive the requirement in 704 KAR 3:370, Section 2(2)(g) that the evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first 30 calendar days of reporting for employment.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends temporary waiver of the requirement in 704 KAR 3:370, Section 2(2)(g) that the evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first 30 calendar days of reporting for employment.

APPLICABLE STATUTE OR REGULATION:

KRS 156.160; KRS 156.557 and 703 KAR 3:370.

BACKGROUND:

Existing Policy:

KRS 156.160 provides the Kentucky Board of Education (KBE) with the authority to promulgate administrative regulations. The same statute specifically speaks to the KBE waiving administrative regulations it promulgates.

KRS 156.557 requires the KBE to promulgate administrative regulations to establish a statewide framework for the purposes of supporting and improving the performance of all certified school personnel, to develop written guidelines for local school districts to follow in implementing a system of evaluation for certified school personnel.

704 KAR 3:370 establishes the Kentucky Framework for Personnel Evaluations and Section 2(2)(g) provides that the evaluation criteria and process used to evaluate certified school

personnel shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first 30 calendar days of reporting for employment each school year.

Summary of Issue:

Given the uncertainty around when it may be safe to re-open schools to in-person classes, as well as the social distancing requirements that may be necessary upon return, districts are requesting operational flexibility for certified evaluations for the 2020-2021 school year. Specifically, districts need the ability to adjust certified evaluation plans to accommodate the changing instructional environments and the inability to meet in person. The requirement that the evaluation criteria and process be explained and discussed to evaluatees within the first 30 days of reporting for employment limits the ability of districts to make the necessary adjustments to perform certified evaluations in the COVID-19 instructional setting.

Therefore, staff is requesting that the KBE waive the 30 day requirement found in 704 KAR 3:370, Section 2(2)(g) for the 2020-2021 school year, to provide districts with flexibility to perform certified evaluations. Notice to the evaluatee on the evaluation criteria and process may then be provided in accordance with the determination of the local school board. Any changes to the certified evaluation plan would have to comply with the requirements of KRS 156.557 and all remaining requirements of 704 KAR 3:370.

Budget Impact:

There will be no budget impact to the Kentucky Department of Education (KDE) or school districts as a result of this temporary waiver.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Commissioner conducted numerous superintendent webcasts and discussed various forms of flexibility that the KDE would offer to districts in response to the COVID-19 emergency. Feedback was sought from KDE partners such the Kentucky Association of School Superintendents (KASS), Superintendent Advisory Council and regional educational cooperatives. Furthermore, the Commissioner convened the Education Continuation Task Force which is made up of various education partners. All groups are generally supportive of flexibility to school districts during this time.

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