

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1270 (14 **Del.C.** §1270)  
14 **DE Admin. Code** 110

### FINAL

#### Regulatory Implementing Order

#### 110 Teachers and Specialists Appraisal Process

##### I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to repeal 14 **DE Admin. Code** 110 Teachers and Specialists Appraisal Process. This regulation is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 107 **DE Admin. Code** Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II). The new Delaware Performance Appraisal System (DPAS II) has been phased in over the past two years and shall be effective for all public school districts and charter schools beginning with the 2008-2009 school year. This regulation is no longer needed.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Tuesday, June 3, 2008, in the form hereto attached as Exhibit "A". The Department did not receive comments on this regulation.

##### II. Findings of Facts

The Secretary finds that it is appropriate to repeal 14 **DE Admin. Code** 110 Teachers and Specialists Appraisal Process because it is being replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 107 **DE Admin. Code** Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

##### III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to repeal 14 **DE Admin. Code** 110 Teachers and Specialists Appraisal Process. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 110 Teachers and Specialists Appraisal Process attached hereto as Exhibit "B" is hereby repealed. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 110 Teachers and Specialists Appraisal Process hereby repealed with the effective date of this order as set forth in Section V. below.

##### IV. Text and Citation

The text of 14 **DE Admin. Code** 110 Teachers and Specialists Appraisal Process repealed hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** Repealed 110 Teachers and Specialists Appraisal Process in the *Administrative Code of Regulations* for the Department of Education.

##### V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on July 17, 2008. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 17th day of July 2008.

**DEPARTMENT OF EDUCATION**

Valerie A. Woodruff, Secretary of Education

Approved this 17th day of July 2008

**STATE BOARD OF EDUCATION**

Jean W. Allen, President

G. Patrick Heffernan

Barbara Rutt

Dr. Terry M. Whittaker

Richard M. Farmer, Jr., Vice President

Jorge L. Melendez

Dennis J. Savage

**~~110 Teachers and Specialists Appraisal Process~~**

**~~1.0 Teacher and Specialist Appraisal Process Effective September 1, 1990~~**

~~1.1 Tenured teachers and specialists (Certificated professional employees who have completed three (3) years of service in the State, two (2) years of which shall have been in the employ of the same board,) shall receive a minimum of three (3) formative conferences and reports and a performance appraisal and conference within a two (2) year appraisal cycle. A district can opt to shorten the length of the appraisal cycle for tenured teachers and specialists to one (1) year provided the performance appraisal is supported by a minimum of two (2) formative conferences and reports. Nontenured teachers and specialists shall receive a minimum of three (3) formative conferences and reports and a performance appraisal and conference each year.~~

~~1.2 The formative phase of the appraisal system shall consist of a preobservation conference, data collection and formative conferences and reports.~~

~~1.3 The following six (6) categories of criteria shall be the basis upon which, as a minimum, the performance of teachers and specialists shall be appraised.~~

~~1.3.1 Instructional Planning and Planning and Preparation~~

~~1.3.2 Organization and management of classroom and organization and management~~

~~1.3.3 Instructional Strategies and Strategies and Techniques~~

~~1.3.4 Teacher and Student Interaction and Specialist and Student and Staff Interaction~~

~~1.3.5 Evaluation of Student Performance and Monitoring and Evaluating performance~~

~~1.3.6 Related Responsibilities~~

~~1.4 The performance appraisal shall be the evaluation component and will complete the appraisal cycle. The ratings for the performance appraisal shall be as follows:~~

~~1.4.1 Exemplary: Performance in a category indicates that the teacher and specialist could serve as a model for other teachers and specialists.~~

~~1.4.2 Effective: Performance in a category consistently meets district expectations.~~

~~1.4.3 Needs Improvement: Performance in a category is not consistently effective.~~

~~1.4.4 Unsatisfactory: Performance in a category is not effective and jeopardizes continued employment.~~

~~1.5 An Individual Improvement Plan shall be developed when an individual's performance in any category has been appraised as Needs Improvement or Unsatisfactory on a Performance Appraisal.~~

~~1.6 Appraisers and teachers and specialists shall sign all appraisal instruments indicating that the documents have been reviewed and discussed. A teacher and specialist may submit additional information.~~

~~1.7 Local school districts shall follow the procedures and use forms developed by the Department of Education for the Teacher and Specialist Appraisal Process.~~

**12 DE Reg. 204 (08/01/08)**