

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))  
14 **DE Admin. Code** 108A

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised

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

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on May 1, 2014, in the form hereto attached as *Exhibit "A"*. The Department received comments from the Delaware Association of School Administrators, Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. Each comment was reviewed and changes were made in response, including clarification in sections 2.0 and 6.2.2. The Delaware Association of School Administrators expressed support for all revisions. Comments specifically outlined the major revisions believed to strengthen the administrator appraisal system and noted the intensive stakeholder involvement and collaboration to arrive at these revisions.

###### II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised which 1) provides that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provides that the Department will create up to four Guides differentiated by administrator role; 3) replaces the formative process with the required components of the Annual Appraisal Cycle; 4) clarifies that student achievement data from new state assessments in ELA and Mathematics will not be used as part of the Annual Appraisal Cycle during the 2014-15 school year; 5) replaces appraisal cycles differentiated by administrator experience with an Annual Appraisal Cycle (new definition) for all administrators; 6) removes Appraisal Criteria from the regulation to allow for the development of Appraisal Criteria differentiated by administrator role in the relevant Guides; 7) amends the language of the Appraisal Components to include revised descriptions; 8) clarifies that the differentiated Guides will include guidance on evidence collection, among other resources; 9) replaces the binary summative evaluation rating system with a four-level rating system that mirrors the Appraisal Component and Appraisal Criteria rating system; and 10) simplifies the description of the Improvement Plan and Challenge Process.

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

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

###### IV. Text and Citation

The text of 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised 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 **June 19, 2014**. 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 19<sup>th</sup> day of June 2014.

**Department of Education**

Mark T. Murphy, Secretary of Education

Approved this 19<sup>th</sup> day of June 2014

**State Board of Education**

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

G. Patrick Heffernan

Barbara B. Rutt

Gregory B. Coverdale, Jr.

Terry M. Whittaker, Ed.D.

Randall L. Hughes II

**108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised**

**1.0 Effective Date**

- 1.1 ~~The Administrator Appraisal Process, Delaware Performance Appraisal System (DPAS II) Revised shall be effective for all school districts and charter schools beginning with the 2011-12 school year, and shall, at such time, replace the current 14 DE Admin. Code 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). This regulation shall be effective for all school districts and charter schools beginning with the 2014-15 school year, unless another administrator appraisal system has been approved by the Department pursuant to Chapter 12 of Title 14 of the Delaware Code.~~
- 1.2 For purposes of this regulation, an administrator shall be a professional employee authorized by a board to serve in a supervisory capacity involving the oversight of an instructional program(s).

**15 DE Reg. 836 (12/01/11)**

**2.0 Definitions**

The following definitions shall apply for purposes of this regulation:

**"Annual Appraisal Cycle"** means the administrator appraisal process that occurs within one school year.

**"Board"** shall mean the local board of education or charter school board of directors.

**"Credentialed Evaluator"** shall mean the individual, usually the supervisor of the administrator, who has successfully completed the evaluation training in accordance with 10.0. A superintendent **[or head of charter school]** shall be evaluated by member(s) of the ~~local school board of education~~ **Board** who shall also have successfully completed the evaluation training in accordance with 10.0. The Credentialed Evaluator may also be referred to as "Evaluator".

**"DASA"** shall mean the Delaware Association of School Administrators.

**"Department"** shall mean the Delaware Department of Education.

**"DPAS II Revised Guides for Administrators"** shall mean the manuals that contains the prescribed forms, detailed procedures, evaluation criteria and other relevant documents that are used to implement the appraisal process. The Department shall create up to four (4) manuals differentiated by administrator role. The DPAS II Revised Guides for Administrators may also be referred to collectively as "Guides" or individually as "Guide."

**"DSBA"** shall mean the Delaware School Boards Association.

**"DSEA"** shall mean the Delaware State Education Association.

~~**"Experienced Administrator"** shall mean an administrator who has three (3) or more years of service as an administrator.~~

~~**"Formative Process"** shall consist of the Goal Setting Conference, self evaluation, a survey of staff that are supervised by the administrator, and formative conferences and reports as outlined in the DPAS II Guide for Administrators.~~

**"Goal-Setting Conference"** shall mean a meeting that occurs between the administrator and the Credentialed Evaluator at the beginning of the Annual Appraisal Cycle, which typically is in the summer or fall. The meeting shall include but not be limited to establishing goals for the year and discussing areas of support, as described in the DPAS II Revised Guides for Administrators.

"**Improvement Plan**" shall be the plan that an administrator and evaluator mutually develop in accordance with 8.0.

~~"Inexperienced Administrator" shall mean an administrator who has less than three (3) years of service as an administrator.~~

"Mid-Year Conference" shall mean a meeting that occurs between the administrator and the Credentialed Evaluator as part of the Annual Appraisal Cycle, which typically occurs midway through the school year. The meeting shall include but not be limited to discussion of progress toward goals and areas of support, as described in the DPAS II Revised Guides for Administrators.

~~"Satisfactory Component Rating" shall mean the administrator's performance demonstrates an understanding of the concepts of the component.~~

"Satisfactory Evaluation" shall be equivalent to the overall "Highly Effective" or "Effective" or "Needs Improvement" rating on the Summative Evaluation.

~~"State Assessment" shall mean the Delaware Comprehensive Assessment System (DCAS).~~

"Student Achievement" shall mean

(a) For tested grades and subjects:

(1) Student[s] scores on the DCAS state assessment system; and, as appropriate,

(2) Other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across classrooms.

(b) For non-tested grades and subjects: alternative measures of student learning and performance such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measure of student achievement that are rigorous and comparable across classrooms.

Such alternative measures shall be approved by the Department and developed in partnership with the Delaware Association of School Administrators (DASA) and the Delaware School Boards Association (DSBA).

(c) ~~For the 2014-15 school year only, student scores on [statewide assessments in English Language Arts and Mathematics (i.e., Smarter ELA and Smarter Mathematics) shall not be incorporated into any administrator's performance appraisal]~~ the Smarter English Language Arts and Smarter Mathematics statewide assessments shall not be incorporated into any administrator's 2014-15 performance appraisal].

"Student Growth" shall mean the change in Student Achievement data for an individual student between two points in time. Growth may also include other measures that are rigorous and comparable across classrooms.

"Summative Evaluation" shall be the final evaluation at the conclusion of the Annual Appraisal Cycle.

~~"Unsatisfactory Component Rating" shall mean the administrator's performance does not demonstrate an understanding of the concepts of the component.~~

"Unsatisfactory Evaluation" shall be the equivalent to the overall "Needs Improvement" or "Ineffective" rating on the Summative Evaluation.

"Working Day" shall mean a day when the employee would normally be working in that district or charter school.

15 DE Reg. 836 (12/01/11)

### 3.0 Annual Appraisal Cycles

3.1 ~~Experienced All administrators who have earned a rating of "Highly Effective" on their most recent Summative Evaluation shall receive a yearly appraisal in all five (5) Appraisal Components, including Student Improvement, that includes a minimum of one (1) Formative Process Goal Setting Conference, one (1) Mid-Year Conference and one (1) Summative Evaluation each year with a Summative Evaluation at least once every two (2) years. The Student Improvement component for Highly Effective administrators shall be evaluated each year, regardless of whether or not a Summative Evaluation is conducted. If a Highly Effective administrator does not achieve a Satisfactory rating on the Student Improvement Component, the administrator shall receive a Summative Evaluation the following year, regardless of whether the administrator would otherwise be due for a Summative Evaluation pursuant to this section. The Annual Appraisal Cycle shall be led by the administrator's Credentialed Evaluator and may include other supports and opportunities for feedback from his or her Credentialed Evaluator or other Credentialed Evaluators, as outlined in the DPAS II Revised Guides for Administrators.~~

3.2 ~~Experienced administrators who have earned a rating of "Effective" and have earned Satisfactory ratings in four (4) of the Appraisal Components found in 5.0, including Student Improvement on his or her most recent Summative Evaluation shall receive a minimum of one (1) Formative Process each year with a Summative~~

Evaluation at least once every two (2) years. The Student Improvement component for Effective administrators shall be evaluated each year, regardless of whether or not a Summative Evaluation is conducted. If an Effective administrator does not achieve a Satisfactory rating on the Student Improvement Component, the administrator shall receive a Summative Evaluation the following year, regardless of whether the administrator would otherwise be due for a Summative Evaluation pursuant to this section.

- 3.3 Experienced administrators who are not otherwise included in 3.1 or 3.2 shall receive a minimum of one (1) Formative Process with a Summative Evaluation at the end of the one-year period. These administrators shall have an Improvement Plan which may require additional Formative Process(es) or other types of monitoring as outlined in the DPAS II Revised Guide for Administrators.
- 3.4 Inexperienced administrators shall have a minimum of one (1) Formative Process with a Summative Evaluation every year. Inexperienced administrators who have earned a rating of "Needs Improvement" or "Ineffective" on their most recent Summative Evaluation shall have an Improvement Plan which may require additional Formative Process(es) or other types of monitoring as outlined in the DPAS II Revised Guide for Administrators.

#### 15 DE Reg. 836 (12/01/11)

### 4.0 DPAS II Revised Guides for Administrators

- 4.1 All districts and charter schools shall use the manuals entitled DPAS II Revised Guides for Administrators as developed and as may be amended by the Department of Education in collaboration with DSEA administrators, which shall include but not be limited to representatives from DSBA and DASA to implement the appraisal system. For any administrator role for which a Guide is not available, Credentialed Evaluators shall use the Appraisal Components in Section 5.0 of this regulation for the purpose of the Annual Appraisal Cycle until such time as a Guide becomes available.
  - 4.1.1 The ~~manual~~ Guides shall contain at a minimum the following:
    - 4.1.1.1 Specific details about each of the five (5) Appraisal Components pursuant to 5.1, including the Appraisal Criteria within each Component that form the basis for ratings.
    - 4.1.1.2 All forms or documents needed to complete the requirements of the ~~appraisal process~~ Annual Appraisal Cycle.
    - 4.1.1.3 Specific procedures to implement the ~~appraisal system~~ Annual Appraisal Cycle, including information on the required Goal-Setting Conference, Mid-Year Conference and Summative Evaluation as well as other recommended supports and opportunities for feedback.
    - 4.1.1.4 Guidance related to evidence collection, including relevant definitions, samples of quality evidence and other resources.

### 5.0 Appraisal Components and Appraisal Criteria

- 5.1 The following five (5) Appraisal Components, including ~~any~~ Appraisal Criteria specified for each in the Guides, shall be the basis upon which the performance of an administrator shall be evaluated by a ~~certified evaluator(s): his or her Credentialed Evaluator; Appraisal Criteria for each Appraisal Component, as appropriate, shall be differentiated by administrator role in the DPAS II Revised Guides for Administrators.
  - 5.1.1 Vision and Goals: Focuses on the administrator's actions to establish, implement, promote and communicate the vision and goals of the school or district, including the use of data to establish goals aligned to the school or district success plan. The goals and strategies contained within the district or school success plan also align to an administrator's individual goals in Component Five.
    - 5.1.1.1 ~~Using Data: Administrator, in collaboration with others such as the school or district improvement team or board, uses multiple sources of information and assists in analyzing data to establish rigorous and concrete school or district improvement goals in the context of student achievement and instructional programs.~~
    - 5.1.1.2 ~~Implementing Vision and Goals: Administrator provides leadership for major initiatives and change efforts relative to the school or district improvement goals. Administrator is committed to doing the work required for continuous school and district improvement.~~
    - 5.1.1.3 ~~Promoting Vision and Goals: Administrator promotes high expectations for teaching and learning. Administrator is committed to ensuring that all students have the knowledge and skills necessary to become successful in future educational activities.~~
    - 5.1.1.4 ~~Communicating the Vision and Goals: Administrator communicates effectively to appropriate stakeholders about progress towards meeting the school or district improvement plan goals. Administrator participates in a process to regularly monitor, evaluate and revise school or district improvement goals.~~~~

- 5.1.2 Culture of Learning Teaching and Learning: Focuses on the administrator's actions to implement rigorous curricula, assessments and high-quality instructional practices and to monitor student progress to inform instructional practices.
  - 5.1.2.1 ~~Advocating a Culture of Learning: Administrator provides leadership for assessing, developing and improving the school or district culture and instructional program that is conducive to student learning. Administrator can articulate the desired school or district instructional program and shows evidence about how he or she reinforces the instructional program and culture.~~
  - 5.1.2.2 ~~Monitoring the Culture of Learning: Administrator participates in monitoring and evaluating the effectiveness of the curriculum, instruction or assessment of students. Administrator evaluates staff and provides on-going coaching for improvement. Administrator uses a variety of sources of information to make decisions.~~
  - 5.1.2.3 ~~Sustaining the Culture of Learning: Administrator helps to ensure that staff have professional development opportunities that enhance their performance and improve student learning. Administrator is accessible and approachable by staff, families, and community and is visible in the school or district community. Administrator supports the use of technology as appropriate in teaching and learning.~~
  - 5.1.2.4 ~~Maintaining the Culture of Learning: Administrator systematically and fairly recognizes accomplishments of staff and students towards a positive school or district culture. Administrator uses and analyzes data to instill the importance of continually developing programs and strategies to enhance opportunities for learning.~~
- 5.1.3 Management People, Systems and Operations: Focuses on the administrator's actions to create and implement a strategic plan, manage resources and organize time, ensuring alignment with mandated policies and creating a safe, efficient and effective environment in the school or district that supports student learning. Also focuses on the administrator's actions to attract, support, develop, evaluate and retain educators based upon performance indicators.
  - 5.1.3.1 ~~Solving Problems or Concerns: Administrator addresses and resolves issues as they arise in a timely manner and works to prevent potential problems. Operational procedures are designed and managed to maximize opportunities for learning for all students.~~
  - 5.1.3.2 ~~Managing Resources: Administrator manages fiscal and physical resources responsibly, efficiently and effectively. Administrator protects instructional time by managing operational procedures in such a way as to maximize learning. Administrator efficiently manages his or her time so that teaching and learning are a high priority.~~
  - 5.1.3.3 ~~Complying with Policies: Administrator complies with federal, state, and board policies. School or district contractual agreements are effectively managed. Administrator maintains confidentiality and privacy of school or district records, including student or staff information.~~
  - 5.1.3.4 ~~Protecting the Welfare and Safety of Students and Staff: Administrator works to ensure a safe and secure school or district environment and a culture that is conducive to teaching and learning. Challenges that could potentially interrupt teaching and learning are addressed and resolved.~~
- 5.1.4 Professional Responsibilities: Focuses on the administrator's personal leadership actions, including building trusting relationships, engaging in self-reflection and ongoing learning, problem solving with a constant focus on student learning, constructively managing change and effectively communicating with and engaging families and other stakeholders.
  - 5.1.4.1 ~~Maintaining Professional Relationships: Administrator fosters and maintains positive professional relationships with staff. Administrator is respectful of other's opinions and demonstrates an appreciation for and sensitivity to diversity in the school or district community.~~
  - 5.1.4.2 ~~Promoting Family and Community Involvement: Administrator collaboratively works to establish a culture that encourages and welcomes families and community members and seeks ways in which to engage them in student learning.~~
  - 5.1.4.3 ~~Demonstrating Fairness: Administrator is fair and consistent when dealing with students and staff. Administrator demonstrates values, beliefs and attitudes that inspire all students and staff to higher levels of performance.~~
  - 5.1.4.4 ~~Growing and Developing Professionally: Administrator chooses and participates in professional development that is aligned with his or her professional needs and aligned with the needs of the school or district.~~
- 5.1.5 Student Improvement

- 5.1.5.1 **Measuring Student Improvement:** Students collectively demonstrate appropriate levels of Student Growth as benchmarked against standards to be set by the Secretary based on input from stakeholder groups.

15 DE Reg. 836 (12/01/11)

6.0 **Summative Evaluation Ratings**

- 6.1 Each of the first four (4) Appraisal Components shall be assigned a rating of ~~Satisfactory or Unsatisfactory~~ Highly Effective, Effective, Needs Improvement or Ineffective on the Summative Evaluation. The rating for the Student Improvement Component shall be assigned a rating of Exceeds, Satisfactory or Unsatisfactory on the Summative Evaluation. The rating for each of the five (5) Appraisal Components shall reflect the standards as described in the DPAS II Revised Guides for Administrators.
- 6.1.1 ~~A satisfactory rating~~ Ratings for each of the first four (4) Appraisal Components shall mean ~~the administrator demonstrates acceptable performance by meeting at least three (3) of the four (4) Appraisal Criteria specified in each of the components be informed by Criteria-level ratings, as described in the DPAS II Revised Guides for Administrators. Each Appraisal Criterion shall be assigned a rating of Highly Effective, Effective, Needs Improvement or Ineffective on the Summative Evaluation.~~
- 6.1.2 ~~A satisfactory rating for the Student Improvement component shall mean that the administrator has demonstrated acceptable performance by meeting the standards set by the Secretary pursuant to 5.1.5.1.~~
- 6.2 The Summative Evaluation shall also include one of four overall ratings: "Highly Effective", "Effective", "Needs Improvement" or "Ineffective".
- 6.2.1 **"Highly Effective"** shall mean that the administrator has ~~a Satisfactory Component Rating earned an Effective or Highly Effective rating in the first four (4) of the five (5) Appraisal Components in accordance with 5.0, including and~~ an Exceeds rating in the Student Improvement Component meaning that the students collectively demonstrate high rates of student growth, as defined in the *DPAS II Revised Guide for Administrators*, as the same may be amended from time to time, developed pursuant to 4.0.
- 6.2.2 **"Effective"** shall mean that: the administrator has earned an Effective or Highly Effective rating in at least three (3) of the first four (4) Appraisal Components with zero (0) Ineffective ratings and a Satisfactory [or Exceeds] rating in the Student Improvement Component.
- 6.2.2.1 ~~The administrator has earned a Satisfactory Component Rating in at least three (3) Appraisal Components, including a Satisfactory rating in the Student Improvement Component, and~~
- 6.2.2.2 ~~The administrator does not meet the requirement for a "Highly Effective" rating found in 6.2.1.~~
- 6.2.3 **"Needs Improvement"** shall mean that:
- 6.2.3.1 ~~The administrator has earned one (1) or two (2) Satisfactory Component Ratings out of the five (5) Effective or Highly Effective ratings in one (1) or two (2) of the first four (4) Appraisal Components in accordance with 5.0, including with zero (0), one (1) or two (2) Ineffective ratings and a Satisfactory or Exceeds rating in the Student Improvement Component, or~~
- 6.2.3.2 ~~The administrator has earned three (3) or four (4) Satisfactory Component Ratings out of the five (5) Effective or Highly Effective ratings in three (3) or four (4) of the first four (4) Appraisal Components in accordance with 5.0 and the administrator has earned an Unsatisfactory rating in the Student Improvement Component.~~
- 6.2.4 **"Ineffective"** shall mean that:
- 6.2.4.1 ~~The administrator has earned zero (0), one (1), or two (2) Satisfactory Component Ratings out of the five (5) Effective or Highly Effective ratings in zero (0), one (1), or two (2) of the first four (4) Appraisal Components in accordance with 5.0, and an Unsatisfactory rating in the Student Improvement Component, or~~
- 6.2.4.2 ~~The administrator has earned an Unsatisfactory Component Rating~~ Effective or Highly Effective ratings in zero (0) of the first four (4) Appraisal Components and Satisfactory or Exceeds rating in the Student Improvement Component; or
- 6.2.4.3 The administrator has earned Ineffective ratings in three (3) or four (4) of the first four (4) Appraisal Components.
- 6.2.5 If an administrator's overall Summative Evaluation rating is determined to be "Needs Improvement" for the third consecutive year, the administrator's rating shall be re-categorized as "Ineffective".

15 DE Reg. 836 (12/01/11)

7.0 **Pattern of Ineffective Administrative Performance**

- 7.1 A pattern of ineffective administrative performance shall be based on the most recent Summative Evaluation ratings of an administrator using the DPAS II process. Two consecutive ratings of "Ineffective" shall be deemed as a pattern of ineffective administration. The following chart shows the consecutive Summative Evaluation ratings determined to be a pattern of ineffective administrative performance:

Year 1	Year 2	Year 3
Ineffective	Ineffective	
<u>Needs Improvement</u>	<u>Needs Improvement</u>	<u>Needs Improvement</u>
Needs Improvement	Ineffective	Needs Improvement
Needs Improvement	Needs Improvement	Ineffective
Ineffective	Needs Improvement	Ineffective
Ineffective	Needs Improvement	Needs Improvement
Needs Improvement	Ineffective	Ineffective

15 DE Reg. 836 (12/01/11)

15 DE Reg. 1596 (05/01/12)

## 8.0 Improvement Plan

- 8.1 An Improvement Plan shall be developed for an administrator who receives an overall rating of "Needs Improvement" or "Ineffective" on the Summative Evaluation or a rating of ~~Unsatisfactory~~ Needs Improvement or Ineffective on any Appraisal Component in 5.0 on the Summative Evaluation regardless of the overall rating.
- 8.1.1 An Improvement Plan shall ~~may~~ also be developed if an administrator's ~~overall~~ performance during the ~~Formative Process~~ Annual Appraisal Cycle is unsatisfactory, ~~as outlined in the DPAS II Revised Guides for Administrators~~. This ~~unsatisfactory~~ performance shall be noted by the evaluator(s) on the Formative Feedback form by noting "PERFORMANCE IS UNSATISFACTORY" and initialing the statement.
- 8.2 The Improvement Plan shall contain the following:
- 8.2.1 Identification of the specific deficiencies and recommended area(s) for growth;
  - 8.2.2 Measurable goals for improving the deficiencies to satisfactory levels;
  - 8.2.3 Specific professional development or activities to accomplish the goals;
  - 8.2.4 Specific resources necessary to implement the plan, including but not limited to, opportunities for the administrator to work with curriculum specialist(s) or others with relevant experience;
  - 8.2.5 Procedures and evidence that must be collected to determine that the goals of the plan were met;
  - 8.2.6 Timeline for the plan, including intermediate check points to determine progress;
  - 8.2.7 Procedures for determining satisfactory improvement.
- 8.3 ~~Any state or federally funded professional development that is completed during the time that the Improvement Plan is in effect shall be certified by the Department and shall be directly related to areas identified as needing improvement.~~
- 8.4~~2~~ The Improvement Plan shall be developed cooperatively by the administrator and ~~evaluator~~ his or her Credentialed Evaluator. If the plan cannot be cooperatively developed, the ~~evaluator~~ administrator's Evaluator shall have the authority and responsibility to determine the plan as specified in ~~8.2~~ 8.1 above.
- 8.5~~3~~ The administrator shall be held accountable for the implementation and completion of the Improvement Plan.
- 8.6~~4~~ Upon completion of the Improvement Plan, the administrator and ~~evaluator(s)~~ his or her Credentialed Evaluator shall sign the documentation that determines the satisfactory or unsatisfactory performance of the plan.

15 DE Reg. 836 (12/01/11)

15 DE Reg. 1596 (05/01/12)

## 9.0 Challenge Process

- 9.1 An administrator may challenge any rating on the Summative Evaluation, either a an Appraisal Component Rating or the Overall Rating, or an administrator may challenge ~~the conclusions of the Formative Process if the statement "PERFORMANCE IS UNSATISFACTORY" has been included on the Formative Feedback form~~ unsatisfactory performance identified by his or her Credentialed Evaluator during the Annual Appraisal Cycle, pursuant to 8.1.1. To initiate a challenge, an administrator shall submit additional information specific to the point of disagreement in writing within fifteen (15) working days of the date of administrator's receipt of the Summative Evaluation. Such written response shall become part of the appraisal record and shall be attached to the Summative Evaluation. All challenges together with the record shall be forwarded to the supervisor of the evaluator, if any.

- 9.1.1 Within fifteen (15) working days of receiving the written challenge, the supervisor of the evaluator shall review the record which consists of all documents used in the appraisal and the written challenge, meet with the administrator, and issue a written decision.
- 9.1.2 If the challenge is denied, the written decision shall state the reasons for denial.
- 9.1.3 The decision of the supervisor of the evaluator shall be final.

**15 DE Reg. 836 (12/01/11)**

#### **10.0 Evaluator(s) Credentials**

- 10.1 Evaluators shall have successfully completed the DPAS II training as developed by the Department of Education. Evaluators shall receive a certificate of completion which is valid for five (5) years and is renewable upon completion of professional development focused on DPAS II as specified by the Department of Education.
  - 10.1.1 The Department of Education shall annually monitor ~~evaluation~~ implementation of DPAS II for Administrators.
- 10.2 The training shall occur no less than once every three (3) years and shall include techniques for observation and conferencing, content and relationships of ~~ISLLC~~ the state standards for administrators, and a thorough review of the DPAS II Revised Guides for Administrators. Activities in which participants practice implementation of DPAS II procedures shall be included in the training.
- 10.3 The credentialing process shall be conducted by the Department of Education.

**15 DE Reg. 836 (12/01/11)**

#### **11.0 Evaluation of Process**

The Department of Education shall conduct an annual evaluation of the ~~teacher~~ administrator appraisal process. The evaluation shall, at a minimum, include a survey of ~~teachers and evaluators~~ administrators and interviews with a sampling of ~~teachers and evaluators~~ administrators. Data from the evaluation and proposed changes to ~~the DPAS II Revised Guide for Administrators~~ shall be presented to the State Board of Education for review on an annual basis.

**13 DE Reg. 1072 (02/01/10)**

**15 DE Reg. 836 (12/01/11)**

**18 DE Reg. 48 (07/01/14) (Final)**

**~~DPAS II Revised Guides for Teachers, Specialists, and Administrators~~**