

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 106A

FINAL

REGULATORY IMPLEMENTING ORDER

106A Teacher 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 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. For ease of reading, the regulation has been provided in its entirety. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all teachers. This regulation is being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to ensure the shift to Annual Appraisal Cycles for all teachers (to begin in the 2017-2018 school year). The proposed revisions respond to stakeholder feedback, in particular the direction of the DPAS-II Advisory Committee, by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on April 27, 2015, in the form hereto attached as *Exhibit "A"*. Comments were received from Governor's Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities, and the Delaware State Education Association. Several teachers and the Supervisor of Instruction for Capital School District on behalf of the Capital District Administrator Association submitted comments relative to 106A and 107A, with those comments addressed in both orders.

The first comment was related to clarification potentially needed in the 2.0 definition of "Student Achievement." The suggestion was to clarify the exclusion of certain student test results from the performance appraisal of the teacher continued to the 2015-2106 school year if DOE obtains federal approval prior to the publication of a final regulation. The Department included the "may" language due to the fact that although it anticipated receiving it, and it does not know when or if federal approval will be granted. The Department intends to exercise its discretion to include the additional year of exemption upon receiving federal approval of its ESEA Flexibility Renewal Proposal.

The second comment notes the definition of "Interim Assessment" is not needed, as the term is not explicitly used in the regulation. The Department will delete this definition.

The third comment asks the Department to review the descriptions of Effective, Ineffective, and Needs Improvement in 6.0, noting that it appears the descriptions are the same. The Department notes that 6.0 describes how summative ratings are determined for teachers. Although the same general logic pattern is used throughout, the definitions of each are different, outlining different performance patterns on the first four Appraisal Components and the Student Improvement Component that result in different summative ratings.

The fourth comment requests the Department to define the charts in 7.0. The current text prior to the chart describes the pattern of ineffective teaching defined in that subsection.

The fifth comment requests the regulation be more specific with regard to Improvement Plans. It requests more specific detail within the regulation of what supports or intervention may be available when a plan is initiated or further developed. The Department notes that the required elements of an Improvement Plan are outlined in subsection 8.3. Additionally, further clarification is included in the DPAS-II Guides for Teachers and Specialists.

The sixth comment is relative to both 106A and 107A and expresses concern with moving to an annual appraisal cycle for all teachers for the 2016-2017 school year, notably due to the amount of time it may take to complete such appraisals. The Department notes the DPAS-II Advisory Committee recommended adopting an annual appraisal cycle with a change of date to 2017-2018, and the Department made that change in 3.5 of this regulation.

There was also concern expressed relating to changing the composition of the summative rating system (for Experienced Teachers) based upon only one year of observations and the result of multiple measures of Student Improvement for each teacher. Part of this concern was based upon the current minimum requirement of only one 30-minute observation per year. The Department notes that annual appraisals would not take effect until 2017-2018 under this proposal, so additional observations could be incorporated.

Relatedly, the comment also noted that a change to the DPAS II regulations should not be made at this time, as future changes to the DPAS II system may occur as a result of the Statewide Educator Engagement, Evaluation Systems Design

and Re-design project that the Department is considering. The Department notes that additional stakeholder engagement was requested by the DPAS-II Advisory Committee, and that such engagement immediately occurred with two groups of teachers in Spring 2015. Further, the Department plans to launch an 18-month educator engagement process to hear even more feedback on system design & implementation, via an RFP utilizing an "external facilitator", which has also been consistently requested by stakeholders.

DSEA commented that recently a DASA/DSEA DPASII Work Group proposal has been generated that is less burdensome than this amendment. The Work Group proposal was presented to the DPAS-II Advisory Committee on May 1, 2015, well after this proposed amended regulation had been sent to the Registrar for publication. The Department notes that only a few select DASA/DSEA members became part of this workgroup, which did not utilize any additional stakeholder engagement process. When the workgroup's proposal was made available in May, both the DPAS-II Advisory Committee and the Department of Education, through the members of its Teacher & Leader Effectiveness Unit (TLEU), encouraged the proposal, identified areas that needed further clarification, and were supportive. The DPAS-II Advisory Committee recommended the workgroup find local education agencies (LEA) willing to utilize this proposal as an alternative system for the 2015-2016 school year, thereby allowing the entire state to learn from early adopters. The Advisory Committee added they looked forward to a report on how the system fares in the field. The deadline for submitting an application for an alternative educator evaluation system for implementation in 2015-2016 was June 11, 2015.

Several educators also noted that ratings of "Highly Effective" are still restricted to those educators who receive an "Exceeds" rating on the Student Improvement Component and that instructional practices have a far greater influence on improving educator outcomes than how a student performs on a single test once a year. The Department recognizes that educator evaluation should not be dependent on a single assessment and requires the use of multiple measures. In addition, the Summative Evaluation Ratings outlined in 6.0 put greater weight on areas identified in several educator letters (e.g. planning, preparation, and instructional practices).

Finally, nearly all educator letters indicated they value the feedback performance appraisals provide and regularly utilize the suggestions offered by their evaluators. The Department recognizes the need for more educator feedback and a focus on planning, preparation, and instructional practices. The Department notes that the eventual shift to annual appraisals of all educators is for this very reason. Currently, Student Improvement Component meetings are required annually, however conversation focusing on planning and preparation, classroom environment, and instruction is not. The incorporation of annual appraisals will allow more opportunity for feedback and conversation related to these instructional areas, rather than focusing solely on the Student Improvement Component.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised in order to revise the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all specialists. This regulation is being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school year). The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 106A Teacher 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** 106A Teacher 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** 106A Teacher 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** 106A Teacher 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 18, 2015. 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 18th day of June 2015.

Department of Education

Mark T. Murphy, Secretary of Education

Approved this 18th day of June 2015

State Board of Education

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106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised

1.0 Effective Date

The Teacher Appraisal Process, Delaware Performance Appraisal System (DPAS II) Revised shall be effective for all school districts and charter schools beginning with the ~~2014-15~~ 2015-2016 school year, unless another teacher appraisal system has been approved by the Department pursuant to Chapter 12 of Title 14 of the Delaware Code.

15 DE Reg. 833 (12/01/11)

17 DE Reg. 205 (08/01/13)

18 DE Reg. 31 (07/01/14)

2.0 Definitions

The following definitions shall be applied for purposes of this regulation:

"Announced Observation" ~~shall consist of~~ means an observation form and conference with the Credentialed Observer, an observation by the Credentialed Observer at an agreed upon date and time, using the associated formative conferences and reports. The observation shall be of sufficient length, at least thirty (30) minutes, to analyze the lesson and assess teacher performance.

"Board" ~~shall~~ means a local board of education or charter school board of directors.

"Credentialed Observer" ~~shall~~ means an individual, not always the supervisor of the teacher, who has successfully completed DPAS II credentialing in accordance with 10.0. Credentialed Observer denotes any individual who may conduct observations as part of a teacher's appraisal process. The term Credentialed Observer encompasses those administrators who are Evaluators.

"DASA" ~~shall~~ means the Delaware Association of School Administrators.

"Department" ~~shall~~ means the Delaware Department of Education.

"DPAS II Revised Guide for Teachers" ~~shall~~ means the manual that contains the prescribed forms, detailed procedures, specific details about the five (5) components of evaluation and other relevant documents that are used to implement the appraisal process.

"DSEA" ~~shall~~ means the Delaware State Education Association.

"Evaluator" ~~shall~~ means a Credentialed Observer who is responsible for a teacher's Summative Evaluation. A teacher's required observations as part of the appraisal cycle shall generally be conducted by the assigned Evaluator; however, the assigned Evaluator may designate a school administrator who is also a Credentialed Observer to conduct the required observations.

"Experienced Teacher" ~~shall~~ means a teacher who holds a valid and current Continuing or Advanced License, issued pursuant to Chapter 12 of Title 14 of the **Delaware Code**; or Standard or Professional Status Certificate issued prior to August 1, 2003.

"Group 1 Teacher" ~~shall~~ means any Novice Teacher or Experienced Teacher providing instruction in reading and/or mathematics to a student enrolled in any grade three (3) through ten (10) as verified by the State's pupil accounting system.

"**Improvement Plan**" shall ~~be~~ means the plan that a teacher and Evaluator mutually develop in accordance with 8.0.

~~["**Interim assessment**" shall means an assessment given at regular and specified intervals throughout the school year, and designed to evaluate students' knowledge and skills relative to a specific set of academic standards, and the results of which can be aggregated (e.g., by course, grade level, school, or school district) in order to inform teachers and administrators at the student, classroom, school, and district levels.]~~

"**Non-Group 1 Teacher**" shall means any Novice Teacher or Experienced Teacher that does not meet the definition of Group 1 Teacher as defined herein and explained in the Guide.

"**Novice Teacher**" shall means a teacher who holds a valid and current Initial License issued pursuant to Chapter 12 of Title 14 of the **Delaware Code**.

~~"**Satisfactory Component Rating**" shall mean the teacher's performance demonstrates an understanding of the concepts of the component under Chapter 12 of Title 14 of the **Delaware Code**.~~

"**Satisfactory Evaluation**" shall be equivalent to the overall "Highly Effective" or "Effective" rating on the Summative Evaluation and shall be used to qualify for a continuing license.

"**Short Observation**" shall ~~consist of~~ means an observation by a Credentialed Observer, using the associated conferences and forms, at a date and time that has not been previously arranged. The observation shall be no less than ten (10) minutes, and be limited to specified criteria. Such observations shall not substitute for required observations under Section 3.0.

"**Student Achievement**" shall means:

(a) For tested grades and subjects:

- (1) Student scores on the 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 measures of student achievement that are rigorous and comparable across classrooms. Such alternative measures must be approved by the Department and developed in partnership with DSEA and DASA.

(c) For the 2014-15 school year only, student scores on the Smarter English Language Arts and Smarter Mathematics statewide assessments shall not be incorporated into any teacher's 2014-15 performance appraisal. This may be extended by the Department for the 2015-16 school year.

"**Student Growth**" shall means 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 means the comprehensive, end-of-cycle appraisal and shall incorporate the results of the minimum required observations, any additional observations, and required component-level data. At the discretion of the Evaluator, it may also include additional Announced, Unannounced or Short observation data, beyond the required observation data, provided by other Credentialed Observers.

~~"**Unannounced Observation**" shall ~~consist of~~ means an observation by a Credentialed Observer at a date and time that has not been previously arranged using the associated formative conferences and reports, and which may include the use of an observation form. The observation shall be of sufficient length, at least thirty (30) minutes, to analyze the lesson and assess teacher performance.~~

~~"**Unsatisfactory Component Rating**" shall mean the teacher'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 as it pertains to educators seeking a continuing license.

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

15 DE Reg. 833 (12/01/11)

15 DE Reg. 1586 (05/01/12)

17 DE Reg. 205 (08/01/13)

18 DE Reg. 31 (07/01/14)

- 3.1 Experienced Teachers who have earned a rating of "Highly Effective" on their most recent Summative Evaluation shall receive a minimum of one (1) Announced or Unannounced Observation each year with a Summative Evaluation at least once every two (2) years. The Student Improvement component for Highly Effective teachers shall be evaluated each year, regardless of whether or not a Summative Evaluation is conducted. If a Highly Effective teacher does not achieve a Satisfactory rating on the Student Improvement Component, the teacher shall receive a Summative Evaluation the following year, regardless of whether the teacher would otherwise be due for a Summative Evaluation pursuant to this section.
- 3.2 Experienced Teachers who have earned a rating of "Effective" and have earned "Satisfactory" ratings on at least four (4) of the components found in 5.0, including Student Improvement, on his or her most recent Summative Evaluation shall receive a minimum of one (1) Announced or Unannounced Observation each year with a Summative Evaluation at least once every two (2) years. The Student Improvement component for Effective teachers shall be evaluated each year, regardless of whether or not a Summative Evaluation is conducted. If an Effective teacher does not achieve a Satisfactory rating on the Student Improvement Component, the teacher shall receive a Summative Evaluation the following year, regardless of whether the teacher would otherwise be due for a Summative Evaluation pursuant to this section.
- 3.3 Experienced Teachers who are not otherwise included in 3.1 or 3.2 shall receive a minimum of one (1) Announced Observation and one (1) Unannounced Observation with a Summative Evaluation at the end of the one (1) year period. These teachers shall have an Improvement Plan which may require additional observations and other types of monitoring as outlined in the DPAS II Revised Guide for Teachers.
- 3.4 Novice Teachers shall receive a minimum of one (1) Announced Observation and two (2) Unannounced Observations with a Summative Evaluation every year. Novice teachers 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 observations or other types of monitoring as outlined in the DPAS II Revised Guide for Teachers.
- 3.5 Beginning in the [2016-2017 2017-2018] school year, all Teachers shall receive an annual appraisal subject to the following conditions:
 - 3.5.1 Experienced Teachers who have earned a rating of "Highly Effective" or "Effective" on their most recent Summative Evaluation shall receive a minimum of one (1) Announced or Unannounced Observation with a Summative Evaluation each year.
 - 3.5.2 Experienced Teachers who have received a rating of "Needs Improvement" or "Ineffective" on their most recent Summative Evaluation shall receive a minimum of one (1) Announced Observation and one (1) Unannounced Observation with a Summative Evaluation each year.
 - 3.5.3 Novice Teachers shall receive a minimum of one (1) Announced Observation and two (2) Unannounced Observations with a Summative Evaluation each year.

15 DE Reg. 833 (12/01/11)

17 DE Reg. 205 (08/01/13)

18 DE Reg. 31 (07/01/14)

4.0 DPAS II Guide for Teachers

- 4.1 All school districts and charter schools shall use the manual entitled DPAS II Guide Revised for Teachers as developed and as may be amended by the Department of Education in collaboration with DASA and DSEA to implement the appraisal system.
- 4.2 The manual shall contain, at a minimum, the following:
 - 4.2.1 Specific details about each of the five (5) components listed in 5.1.
 - 4.2.2 All forms or documents needed to complete the requirements of the appraisal process.
 - 4.2.3 Specific procedures to implement the appraisal system.

5.0 Appraisal Components and Appraisal Criteria

- 5.1 The following five (5) Appraisal Components, including any Appraisal Criteria specified for each, shall be the basis upon which the performance of a teacher shall be determined. In each academic year, for each of the first four (4) Appraisal Components, a school district or charter school may waive one (1) criterion identified as optional below. In addition, for the Professional Responsibilities Component (5.1.4), a school district or charter school may substitute a locally determined alternative Appraisal Component, which must be approved by the Department no later than the last day of July of each year. Final notification of any such waiver or substitution shall be provided to all teachers in a school district or charter school and the Department of Education by the last day in August of each year:
 - 5.1.1 Planning and Preparation

- 5.1.1.1 Selecting Instructional Goals: Teacher selects instructional goals that are aligned with the DE content standards and the district or charter school's curricula. Goals are appropriate for the learners and reflect high expectations for all students, consistent with State Assessment levels of performance where applicable. (Optional)
- 5.1.1.2 Designing Coherent Instruction: Teacher plans for learning activities that align with the instructional goals and support student learning. Instructional planning shows a structure and selection of materials and activities that support student learning relative to the district or charter school's curricula.
- 5.1.1.3 Demonstrating Knowledge of Content and Pedagogy: Teacher shows his or her knowledge of content and how to teach it to a variety of learners. The teacher's plans include natural connections among content areas that deepen student learning. The content that he or she teaches is aligned to the district or charter school's curricula. (Optional)
- 5.1.1.4 Demonstrating Knowledge of Students: Teacher shows his or her knowledge of student developmental characteristics; approaches to learning, knowledge, and skills; interests; cultural heritage; and, where applicable, State Assessment performance levels.
- 5.1.1.5 Designing Student Assessments: Teacher creates and or selects assessments that are congruent with instructional goals, criteria and standards. The teacher plans for the use of formative and summative assessments of the teacher's students.
- 5.1.2 Classroom Environment
 - 5.1.2.1 Managing Classroom Procedures: Teacher has clearly defined procedures for managing learning time, transitions between learning events, and routines that maximize learning time.
 - 5.1.2.2 Managing Student Behavior: Teacher establishes behavioral expectations and consequences and monitors student conduct. Teacher responds to student behavior in appropriate and effective ways to minimize disruptions.
 - 5.1.2.3 Creating an Environment to Support Learning: Teacher creates an atmosphere in which learning is valued. Teacher-to-student and student-to-student interactions show rapport that is grounded in mutual respect. (Optional)
 - 5.1.2.4 Organizing Physical Space: Teacher organizes, allocates, and manages physical space to create a safe learning environment. Teacher uses physical resources to contribute to effective instruction and makes resources accessible to all students. (Optional)
- 5.1.3 Instruction
 - 5.1.3.1 Engaging Students in Learning: Content is appropriate, clear, and linked to student knowledge and experience. Content is aligned with the district or charter school's curricula. Activities and assignments engage all students. Instructional materials are suitable to the instructional goals. The instruction is coherent and paced appropriately for all students.
 - 5.1.3.2 Demonstrating Flexibility and Responsiveness: Teacher has a repertoire of instructional strategies and makes use of them to make modifications to lessons as needed. Teacher differentiates instruction based on learner characteristics and achievement data. (Optional)
 - 5.1.3.3 Communicating Clearly and Accurately: Verbal and written communication is clear and appropriate to students' ages, backgrounds, and levels of understanding. (Optional)
 - 5.1.3.4 Using Questioning and Discussion Techniques: Questions are appropriate to the content and level of students' understanding. Teacher encourages students to pose their own questions and is responsive to student questions. Teacher facilitates student led discussions.
 - 5.1.3.5 Using Assessment in Instruction: Teacher makes the criteria of the assessment known to the students, monitors the students' progress, provides descriptive feedback, and promotes student self-assessment and uses data to plan future instruction.
- 5.1.4 Professional Responsibilities
 - 5.1.4.1 Communicating with Families: Teacher shares information about the school's educational program and expectations for student performance. Teacher develops a mechanism for two way communication with families about student progress, behavior, and personal needs or concerns. (Optional)
 - 5.1.4.2 Recording student data in a Student Record System: Teacher keeps records of attendance, disciplinary actions, emergency contact information, and personal information. Teacher shares relevant information with appropriate school personnel.
 - 5.1.4.3 Growing and Developing Professionally: Teacher chooses and participates in professional development that is aligned with his or her professional needs and aligned with the needs of the school, district or charter school, or students. (Optional)

5.1.4.4 Reflecting on Professional Practice: Teacher engages in reflective thinking as an individual, as a team participant, or as a school community member with the goal of improving instruction and learning for all students.

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. 833 (12/01/11)

15 DE Reg. 1586 (05/01/12)

17 DE Reg. 205 (08/01/13)

18 DE Reg. 31 (07/01/14)

6.0 Summative Evaluation Ratings

6.1 ~~Each Appraisal Component shall be assigned a rating of Satisfactory or Unsatisfactory on the Summative Evaluation. Each of the first four (4) Appraisal Components shall be assigned a rating of "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 Guide for Teachers.~~

6.1.1 A ~~satisfactory~~ "Highly Effective" or "Effective" rating for each of the first four Appraisal Components shall mean the teacher has no more than one unacceptable rating on the Appraisal Criteria specified in each of the components. Appraisal Criteria observed shall be rated on each observation conducted and Appraisal Criteria also shall be assigned an overall rating in a teacher's Summative Evaluation.

6.1.2 A satisfactory rating for the Student Improvement component shall mean that the teacher 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 teacher has earned a Satisfactory Component rating in at least four (4) of the five (5) Appraisal Components in accordance with 5.0, including 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 Teachers, as the same may be amended from time to time, developed pursuant to 4.0 of this regulation. "Highly Effective" shall mean that the teacher has earned an "Effective" or "Highly Effective" rating in the first four (4) Appraisal Components and an "Exceeds" rating in the Student Improvement Component.~~

6.2.2 ~~"Effective" shall mean that:~~ "Effective" shall mean that the teacher 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 teacher has earned a Satisfactory Component Rating in at least three (3) Appraisal Components, including a Satisfactory rating in the Student Improvement Component, and "Effective" may also mean, in accordance with procedures outlined in the DPAS II Guide for Teachers, that the teacher has earned a "Highly Effective" rating in at least two (2) of the first four (4) Appraisal Components with zero (0) "Ineffective" ratings and an "Unsatisfactory" rating in the Student Improvement Component.~~

6.2.2.2 The teacher does not meet the requirements for a "Highly Effective" rating found in 6.2.1.

6.2.3 **"Needs Improvement"** shall mean that:

6.2.3.1 ~~The teacher has earned one (1) or two (2) Satisfactory Component Ratings out of the five (5) Appraisal Components in accordance with 5.0, including a Satisfactory rating in the Student Improvement Component, or The teacher has earned "Effective" or "Highly Effective" ratings in one (1) or two (2) of the first four (4) Appraisal Components 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 teacher has earned three (3) or four (4) Satisfactory Component Ratings out of the five (5) Appraisal Components in accordance with 5.0, and the teacher has earned an Unsatisfactory rating in the Student Improvement Component. The teacher has earned "Effective" or "Highly Effective" ratings in three (3) or four (4) of the first four (4) Appraisal Components and an "Unsatisfactory" rating in the Student Improvement Component, or~~

6.2.3.3 The teacher has earned three (3) "Effective" or "Highly Effective" and one (1) "Ineffective" rating on the first four Appraisal Components, and a "Satisfactory" or "Exceeds" rating in the Student Improvement Component.

6.2.4 **"Ineffective"** shall mean that:

6.2.4.1 ~~The teacher has earned zero (0), one (1), or two (2) Satisfactory Component Ratings out of the five (5) Appraisal Components in accordance with 5.0, and~~ The teacher has earned "Effective" or "Highly Effective" ratings in zero (0), one (1), or two (2) of the first four (4) Appraisal Components and an "Unsatisfactory" rating in the Student Improvement Component, or

6.2.4.2 ~~The teacher earned an Unsatisfactory Component Rating in the Student Improvement Component.~~ The teacher has earned "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 teacher has earned "Ineffective" ratings in three (3) or four (4) of the first four (4) Appraisal Components.

6.2.5 If a teacher's overall Summative Evaluation rating is determined to be "Needs Improvement" for the third consecutive year, the teacher's rating shall be re-categorized as "Ineffective."

15 DE Reg. 833 (12/01/11)

15 DE Reg. 1586 (05/01/12)

17 DE Reg. 205 (08/01/13)

7.0 Pattern of Ineffective Teaching Defined

7.1 A pattern of ineffective teaching shall be based on the most recent Summative Evaluation ratings of a teacher using the DPAS II process. Two consecutive ratings of "Ineffective" shall be deemed as a pattern of ineffective teaching. The following chart shows the consecutive Summative Evaluation ratings that shall be determined to be a pattern of ineffective teaching:

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. 833 (12/01/11)

15 DE Reg. 1586 (05/01/12)

8.0 Improvement Plan

8.1 An Improvement Plan shall be developed for a teacher 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.

8.2 An Improvement Plan may be developed if a teacher's overall performance during an observed lesson is unsatisfactory. In instances where an improvement plan is to be developed, the Evaluator shall first have noted the unsatisfactory performance on the required forms by noting ~~"Performance is Unsatisfactory~~ Requires an Improvement Plan" and initialing the statement.

8.3 The Improvement Plan shall contain the following:

8.3.1 Identification of the specific deficiencies and recommended area(s) for growth;

8.3.2 Measurable goals for improving the deficiencies to satisfactory levels;

8.3.3 Specific professional development or activities to accomplish the goals;

8.3.4 Specific resources necessary to implement the plan, including but not limited to, opportunities for the teacher to work with curriculum specialist(s), subject area specialist(s), instructional specialist(s) or others with relevant expertise;

8.3.5 Procedures and evidence that must be collected to determine that the goals of the plan were met;

8.3.6 Timeline for the plan, including intermediate check points to determine progress;

- 8.3.7 Procedures for determining satisfactory improvement;
- 8.3.8 Multiple observations and opportunity for feedback provided by a Credentialed Observer, a mentor, a lead teacher, or an instructional coach.
- 8.4 Professional development that is completed during the time that the Improvement Plan is in effect must directly relate to areas identified as needing improvement.
- 8.5 The Improvement Plan shall be developed cooperatively by the teacher and Evaluator. If the plan cannot be cooperatively developed, the Evaluator shall have the authority and responsibility to determine the plan as specified in 8.1 and 8.2 above.
- 8.6 The teacher shall be held accountable for the implementation and completion of the Improvement Plan.
- 8.7 Upon completion of the Improvement Plan, the teacher and Evaluator shall sign the documentation that determines the satisfactory or unsatisfactory performance of the plan.

15 DE Reg. 833 (12/01/11)

15 DE Reg. 1586 (05/01/12)

17 DE Reg. 205 (08/01/13)

9.0 Challenge Process

- 9.1 A teacher may challenge any rating on the Summative Evaluation, either a Component Rating or the Overall Rating, or a teacher may challenge the conclusions of a lesson observation if the statement "~~PERFORMANCE IS UNSATISFACTORY~~ Performance Requires An Improvement Plan" has been included on the required form(s). To initiate a challenge, a teacher shall submit additional information specific to the point of disagreement in writing within fifteen (15) working days of the date of the teacher'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 unless the supervisor of the Evaluator is also in the same building as the teacher. In this situation, the challenge together with the record shall be forwarded to a designated district or charter school level Evaluator.
 - 9.1.1 Within fifteen (15) working days of receiving the written challenge, the supervisor of the Evaluator or the designated district or charter school level Evaluator shall review the record which consists of all documents used in the appraisal process and the written challenge, meet with the teacher, 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 or the designated district or charter school's level Evaluator shall be final.

15 DE Reg. 833 (12/01/11)

17 DE Reg. 205 (08/01/13)

10.0 Credentialing

- 10.1 Credentialed Observers shall have successfully completed the DPAS II training as developed by the Department of Education. Each 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.
- 10.2 The training shall occur no less than once every three (3) years and shall include techniques of observation and conferencing, content and relationships of frameworks for teaching, and a thorough review of the DPAS II Revised Guide for Teachers. 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. 833 (12/01/11)

17 DE Reg. 205 (08/01/13)

11.0 Evaluation of Process

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

13 DE Reg. 1067 (02/01/10)

17 DE Reg. 205 (08/01/13)

18 DE Reg. 31 (07/01/14)

19 DE Reg. 35 (07/01/15) (Final)