

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 107A

FINAL

REGULATORY IMPLEMENTING ORDER

107A Specialist 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** 107A Specialist 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 specialists. 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 specialists (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 noted that the term "specialist" should also be defined to include an occupational, physical or speech therapist. The Department notes the regulation defines "specialist" to mean an educator other than a teacher or administrator and includes, but is not limited to, School Counselors, Library Media Specialists, School Psychologists, and School Nurses. There are many educator roles that may not be specifically listed but are inclusive of the definition.

The second comment was related to clarification potentially needed in the definition in 2.0 of "Student Achievement." The suggestion was to clarify the exclusion of certain student test results for the performance appraisal of the specialist continued to the 2015-2016 school year if the Department of Education 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, 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 third 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 fourth 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 specialists. Although the same general logic pattern is used throughout, the definitions of each are in-fact different, outlining different performance patterns on the first four Appraisal Components and the Student Improvement Component that result in different summative ratings.

The fifth 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 sub-section.

The sixth comment is relative to both 106A and 107A and expresses concern with moving to an annual appraisal cycle for all specialists 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 Specialists) based upon only one year of observations and the result of multiple measures of Student Improvement for each specialist. 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 and 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 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** 107A Specialist 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 specialists (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** 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 107A Specialist 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** 107A Specialist 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** 107A Specialist 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** 107A Specialist 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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107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised

1.0 Effective Date

The Specialist 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 specialist appraisal system has been approved by the Department pursuant to Chapter 12 of Title 14 of the Delaware Code.

15 DE Reg. 835 (12/01/11)

17 DE Reg. 216 (08/01/13)

18 DE Reg. 40 (07/01/14)

2.0 Definitions

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

"Announced Observation" ~~shall consist of~~ means the 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 for the specialist may be a collection of data over a specified period of time, up to four (4) weeks, or it may be an observation of sufficient length, at least thirty (30) minutes, to gather appropriate data and assess specialist performance.

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

"Credentialed Observer" ~~shall~~ means an individual, not always the supervisor of the specialist, 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 specialist'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 Specialists" ~~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 specialist's Summative Evaluation. A specialist'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 Specialist" ~~shall~~ means a specialist 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 or holds a valid and current license from his or her respective licensure body.

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

~~["Interim assessment" shall mean 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, administrators, and specialists at the student, classroom, school, and district levels.]~~

"Novice Specialist" shall mean a specialist who holds a valid and current Initial License issued pursuant to Chapter 12 of Title 14 of the *Delaware Code* or holds a valid and current license from his or her respective licensure body.

~~"Satisfactory Component Rating" shall mean the specialist'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.

"Specialist" shall mean an educator other than a teacher or administrator and includes, but is not limited to, School Counselors, Library Media Specialists, School Psychologists, and School Nurses.

"Student Achievement" shall mean:

(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 assessment; and other measures of student achievement that are rigorous and comparable across classrooms. Such alternative measures shall be approved by the Department of Education and developed in partnership with input from the relevant specialist organizations or respective licensure body and the Delaware State Education Association (DSEA).

(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 specialist's 2014-15 performance appraisal. This may be extended by the Department for the 2015-16 school year.

"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 mean the comprehensive, end-of-cycle appraisal and shall incorporate the results of the minimum required observations and required component-level data. At the discretion of the Evaluator, it may also include additional Announced or Unannounced 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 the observation form. The observation shall be of sufficient length, at least thirty (30) minutes, to gather appropriate data and assess specialist performance.

~~"Unsatisfactory Component Rating" shall mean the specialist'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 mean a day when the employee would normally be working in that district or charter school.

15 DE Reg. 835 (12/01/11)

17 DE Reg. 216 (08/01/13)

18 DE Reg. 40 (07/01/14)

3.0 Appraisal Cycles

- 3.1 Experienced Specialists who have earned a rating of Highly Effective on their most recent Summative Evaluation shall receive a minimum of (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 specialists shall be evaluated each year, regardless of whether or not a Summative Evaluation is conducted. If a Highly Effective specialist does not achieve a Satisfactory rating on the Student Improvement Component, the specialist shall receive a Summative Evaluation the following year, regardless of whether the specialist would otherwise be due for a Summative Evaluation pursuant to this section.

- 3.2 Experienced Specialists who have earned a rating of Effective and have earned Satisfactory ratings on at least 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) Announced or Unannounced Observation each year with a Summative Evaluation at least once every two (2) years. The Student Improvement component for Effective specialists shall be evaluated each year, regardless of whether or not a Summative Evaluation is conducted. If an Effective specialist does not achieve a Satisfactory rating on the Student Improvement Component, the specialist shall receive a Summative Evaluation the following year, regardless of whether the specialist would otherwise be due for a Summative Evaluation pursuant to this section.
- 3.3 Experienced Specialists 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 specialists shall have an Improvement Plan which may require additional observations and other types of monitoring as outlined in the *DPAS II Revised Guide for Specialists*.
- 3.4 Novice Specialists shall receive a minimum of one (1) Announced Observation and one (1) Unannounced Observation with a Summative Evaluation at the end of the one year period. Novice specialists 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 Specialists*.
- 3.5 Beginning in the ~~[2016-2017]~~ 2017-2018 school year, all Specialists shall receive an Annual Appraisal subject to the following conditions:
- 3.5.1 Experienced Specialists 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 Specialists 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 Specialists shall receive a minimum of one (1) Announced Observation and one (1) Unannounced Observation with a Summative Evaluation each year.

15 DE Reg. 835 (12/01/11)

17 DE Reg. 216 (08/01/13)

18 DE Reg. 40 (07/01/14)

4.0 DPAS II Guide for Specialists

- 4.1 All districts and charter schools shall use the manual entitled *DPAS II Revised Guide for Specialists* 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) Appraisal 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 specialist 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 specialists 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 Designing Coherent Programs or Services: Specialist designs activities and plans for services that support the needs of the students or clients served.
- 5.1.1.2 Demonstrating Knowledge of Best Practice and Models of Delivery: Specialist uses practices and models of delivery that are aligned with local and national standards. (Optional)

- 5.1.1.3 Demonstrating Knowledge of Students or Clients: Specialist shows knowledge of the needs and characteristics of the students or clients, including their approaches to learning, knowledge, skills, and interests.(Optional)
- 5.1.1.4 Demonstrating Knowledge of Resources: Specialist selects appropriate resources, either within or outside of the school, that support the needs of students or clients.
- 5.1.1.5 Demonstrating Knowledge of How to Design or Use Student Assessments: Specialist creates and or selects assessments that are congruent with instructional goals, criteria and standards. The specialist plans for the use of formative and summative assessments of the specialist's students.
- 5.1.2 Professional Practice and Delivery of Services
 - 5.1.2.1 Creating an Environment to Support Student or Client Needs: Specialist creates an environment in which student or client needs are identified and valued. Specialist and student or client interactions show rapport that is grounded in mutual respect.
 - 5.1.2.2 Demonstrating Flexibility and Responsiveness: Specialist has a repertoire of instructional or professional strategies and makes modifications to services based on needs of the students or clients. (Optional)
 - 5.1.2.3 Communicating Clearly and Accurately: Verbal and written communication is clear and appropriate to students' or clients' ages, backgrounds, needs, or levels of understanding. (Optional)
 - 5.1.2.4 Delivering Services to Students or Clients: Specialist is responsive to the identified needs of the students or clients and meets standards of professional practice. The resources and materials are suitable and match the needs of the students or clients. The delivery of service is coherent.
- 5.1.3 Professional Collaboration and Consultation
 - 5.1.3.1 Collaborating with Others: Specialist develops partnerships with school or district staff or external agencies to provide integrated services that meet student or client needs. (Optional)
 - 5.1.3.2 Serving as a Consultant to the School Community: Specialist shares expertise with school staff to assist them in their work or to respond to school wide issues, problems, or concerns. (Optional)
 - 5.1.3.3 Providing Resources and Access: Specialist provides school, district or external based resources to appropriate staff, students, or clients or gives information about the effective use of the resources.
 - 5.1.3.4 Communicating with Families: Specialist shares information about district or school educational programs and expectations for student or client performance. Specialist develops a mechanism for two way communication with families about student or client progress, behavior, personal needs, or concerns.
 - 5.1.3.5 Use of Assessment in Planning and Delivery of Services: Specialist 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 Maintaining Standards of Professional Practice: Specialist adheres to his or her professional standards of practice, including issues surrounding confidentiality.
 - 5.1.4.2 Recording student data in a Record System: Specialist keeps student or client records relevant to their services and shares information with appropriate school personnel. (Optional)
 - 5.1.4.3 Growing and Developing Professionally: Specialist 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 students. (Optional)
 - 5.1.4.4 Reflecting on Professional Practice: Specialist engages in reflective thinking as an individual, as a team participant, or as a school and community member with the goal of improving professional practice and delivery of service.
- 5.1.5 Student Improvement
 - 5.1.5.1 Measuring Student Improvement: Students collectively demonstrate appropriate levels of Student Growth as benchmarked against standards set by the Secretary based on input from stakeholder groups.

15 DE Reg. 835 (12/01/11)

15 DE Reg. 1595 (05/01/12)

17 DE Reg. 216 (08/01/13)

18 DE Reg. 40 (07/01/14)

6.0 Summative Evaluation Ratings

- 6.1 Each Appraisal Component shall be weighted equally and 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 Guides for Specialists.
- 6.1.1 A satisfactory "Highly Effective" or "Effective" rating for each of the first four Appraisal Components shall mean the specialist 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 specialist's Summative Evaluation.
- 6.1.2 A satisfactory rating for the Student Improvement Component shall mean that the specialist demonstrates 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 specialist 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 Specialists, as the same may be amended from time to time, developed pursuant to 4.0 of this regulation. "Highly Effective" shall mean that the specialist 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 specialist 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 specialist 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 Specialists, that the specialist has earned a "Highly Effective" rating in two of the first (four) Appraisal Components with zero (0) "Ineffective" ratings and an "Unsatisfactory" rating in the Student Improvement Component.~~
- 6.2.2.2 ~~The specialist 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 specialist 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 specialist 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 specialist has earned three (3) or four (4) Satisfactory Component Ratings out of the five (5) Appraisal Components in accordance with 5.0, and the specialist has earned an Unsatisfactory rating in the Student Improvement Component. The specialist 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 specialist has earned three "Effective" or "Highly Effective" ratings 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 specialist 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 specialist 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 specialist has earned an Unsatisfactory Component Rating in the School Improvement Component. The specialist 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 specialist has earned Ineffective ratings in three (3) or four (4) of the first four (4) Appraisal Components.~~

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

15 DE Reg. 835 (12/01/11)

15 DE Reg. 1595 (05/01/12)

17 DE Reg. 216 (08/01/13)

7.0 Pattern of Ineffective Practice Defined

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

Year 1	Year 2	Year 3
Ineffective	Ineffective	<u>Needs Improvement</u>
<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. 835 (12/01/11)

15 DE Reg. 1595 (05/01/12)

8.0 Improvement Plan

- 8.1 An Improvement Plan shall be developed for a specialist 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 component in 5.0 on the Summative Evaluation regardless of the overall rating.
- 8.2 An Improvement Plan may be developed if a specialist's overall performance during an observation 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 specialist 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, or lead specialist, 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 specialist 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 specialist shall be held accountable for the implementation and completion of the Improvement Plan.
- 8.7 Upon completion of the Improvement Plan, the specialist and Evaluator shall sign the documentation that determines the satisfactory or unsatisfactory performance of the plan.

15 DE Reg. 835 (12/01/11)

15 DE Reg. 1595 (05/01/12)

17 DE Reg. 216 (08/01/13)

9.0 Challenge Process

- 9.1 A specialist may challenge any rating on the Summative Evaluation, either a Component Rating or the Overall Rating, or a specialist may challenge the conclusions of an 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 specialist shall submit additional information specific to the point of disagreement in writing within fifteen (15) working days of the date of the specialist'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 specialist. 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 specialist, and issue a written decision.
- 9.1.2 If the challenge is denied, the 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 level Evaluator shall be final.

15 DE Reg. 835 (12/01/11)

17 DE Reg. 216 (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 for the certificate of completion shall include techniques for observation and conferencing, content and relationships of frameworks for practice and a thorough review of the *DPAS II Revised Guide for Specialists*. 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. 835 (12/01/11)

17 DE Reg. 216 (08/01/13)

11.0 Evaluation of Process

The Department of Education shall conduct an annual evaluation of the specialist appraisal process. The evaluation shall, at a minimum, include a survey of teachers, specialists and Evaluators and interviews with a sampling of teachers, specialists 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. 1445 (05/01/10)

15 DE Reg. 835 (12/01/11)

17 DE Reg. 216 (08/01/13)

18 DE Reg. 40 (07/01/14)

19 DE Reg. 38 (07/01/15) (Final)