

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

PROPOSED

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

110 Teachers and Specialists Appraisal Process

A. Type of Regulatory Action Required

Repeal Regulation

B. Synopsis of Subject Matter of the Regulation

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

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before Thursday, July 3, 2008 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

2. Will the amended regulation help ensure that all students receive an equitable education? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

4. Will the amended regulation help to ensure that all students' legal rights are respected? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

9. Is there a less burdensome method for addressing the purpose of the regulation? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

10. What is the cost to the State and to the local school boards of compliance with the regulation? The regulation is being repealed and is replaced by 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) and 14 **DE Admin. Code** 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II).

~~110 Teachers and Specialists Appraisal Process~~

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

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

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

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

- ~~1.3.1 Instructional Planning and Planning and Preparation~~
- ~~1.3.2 Organization and management of classroom and organization and management~~
- ~~1.3.3 Instructional Strategies and Strategies and Techniques~~
- ~~1.3.4 Teacher and Student Interaction and Specialist and Student and Staff Interaction~~
- ~~1.3.5 Evaluation of Student Performance and Monitoring and Evaluating performance~~
- ~~1.3.6 Related Responsibilities~~

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

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

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

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

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

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

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

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

11 DE Reg. 1538 (06/01/08) (Prop.)