

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(a) and 1270A (14 **Del.C.** §§122(a) & 1270A)  
14 **DE Admin. Code** 106A

### PROPOSED

### PUBLIC NOTICE

#### Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

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

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §122(a) and 1270A, the Delaware Department of Education developed amendments to 14 **DE Admin. Code** 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The proposed amendments change the regulation to the Delaware Teacher Growth and Support System (DTGSS) in order to align the regulation with 14 **Del.C.** §1270A. Specifically, the proposed amendments include revising the title of the regulation, adding and striking terms in Section 2.0, revising language around performance ratings and summative evaluation ratings, replacing the term "Evaluator" with "Credentialed Administrator," replacing the term "Improvement Plan" with "Directed Growth Plan," and adding Section 11.0, which concerns waivers of the DTGSS provisions. The proposed amendments are consistent with House Substitute 1 for House Bill 291 of the 151st General Assembly, which was signed into law on February 16, 2022. The applicable statutory changes are effective July 1, 2023. Other proposed amendments to this regulation include updates to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before June 2, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

#### C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation is intended to help improve student achievement as measured against state achievement standards. DTGSS is a tool for coaching and development. Administrators and teachers use the framework to align expectations for high-quality teaching and learning. The framework is designed from research-based practices that have proven to impact student learning.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is intended to help ensure that all students receive an equitable education. Equitable access is one indicator and each performance area has an essential question that applies to all students.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation is intended to help to ensure that all students' health and safety are adequately protected. The proposed performance area #1 Performance Area #1, which is the learning environment, teaches respectful interactions and reinforces positive classroom climate.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation is not designed to help to ensure that all students' legal rights are respected.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? By statute, 14 **Del.C.** §1270A(f) provides that a local education agency may make application to the Department for a waiver of the provisions of DTGSS if the request is based on a locally developed evaluation process that is demonstrated to be the product of a collective bargaining process pursuant to 14 **Del.C.** Ch. 40 and community review and is as rigorous and as educationally sound as DTGSS, provides for evaluating educator performance by measuring student growth using multiple measures over the course of a curricular year, and contains a mechanism for certifying evaluators and for quality control. Proposed section 11.0 is consistent with 14 **Del.C.** §1270A(f).
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon

decision makers at the local board and school levels? The requirements in Sections 12.0 (Evaluation of Process) and 13.0 (DTGSS Monitoring) apply to the Department, not local board and schools

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? By statute (14 **Del.C.** §1270A(b)), the Department, with the approval of the State Board of Education, promulgates the regulations to administer the DTGSS.
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 amended regulation is consistent with and not an impediment to the implementation of other state educational policies. In developing the amendments to the regulation, the Department's Workforce Support Team worked with Academic Support Team to align DTGSS with academic curriculum.
9. Is there a less burdensome method for addressing the purpose of the regulation? By statute (14 **Del.C.** §1270A(b) and 14 **Del.C.** §1270A(f)), the Department, with the approval of the State Board of Education, promulgates the regulations to administer the DTGSS and for waivers of the provisions of DTGSS. There is no less burdensome method for addressing the purpose of the amended regulation.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Although there is a cost associated with new training materials, the cost was included in the Department's budget. There is no cost to local school boards for compliance with this regulation.

## **106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised Delaware Teacher Growth and Support System (DTGSS)**

### **1.0 Effective Date Content**

The ~~Teacher Appraisal Process, Delaware Performance Appraisal System (DPAS II) Revised~~ teacher appraisal process is known as the Delaware Teacher Growth and Support System (DTGSS) and shall be effective for all school districts and charter schools beginning with the ~~2017-2018~~ 2023-2024 school year, ~~unless another teacher appraisal system has been approved by the Department pursuant to Chapter 12 of Title 14 of the Delaware Code. Pursuant to 14 Del.C. §§1270A(b) and 1270A(f), this regulation sets forth the administration of the DTGSS and the process for obtaining a waiver of the provisions of DTGSS.~~

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

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

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

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

**21 DE Reg. 37 (07/01/17)**

### **2.0 Definitions**

In this regulation, the following words and terms shall have the following meaning ~~unless the context clearly indicates otherwise:~~

**"Administrator"** means a licensed educator with administration certification.

~~**"Announced Observation"** means an observation by a Credentialed Observer at a date and time that has been previously arranged, using the associated formative conferences and reports, 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.~~

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

**"Credentialed Administrator"** means an administrator who is responsible for the teacher's summative evaluation. A teacher's required observations as part of the appraisal cycle shall be conducted by the assigned Credentialed Administrator or by the Credential Administrator's appointed credentialed designee. The assigned Credentialed Administrator may designate a school administrator who is also a Credentialed Observer to conduct the required observations.

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

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

**"Department"** means the Delaware Department of Education.

**"Directed Growth Plan"** means the plan that is created and managed by the Credentialed Administrator in partnership with the teacher in accordance with Section 8.0.

~~"DPAS II Revised Guide for Teachers" "DTGSS Guide for Teachers"~~ means the manual that contains the prescribed forms, detailed procedures, specific details about the ~~five (5) components~~ 4 performance areas of evaluation and other relevant documents that are used to implement the appraisal process.

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

~~"Evaluator"~~ 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"~~ 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"~~ means any Novice Teacher or Experienced Teacher providing instruction in ELA and/or mathematics to a student enrolled in any grade four (4) through eight (8) as verified by the State's pupil accounting system.

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

~~"Non-Group 1 Teacher"~~ 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"~~ means a teacher who holds a valid and current Provisional or Initial License issued pursuant to Chapter 12 of Title 14 of the ~~Delaware Code~~.

~~"Observation"~~ means a minimum of a 15-minute classroom visitation wherein the Credentialed Administrator or Credentialed Observer collects evidence about what is observed.

~~"Professional Growth Plan"~~ means a plan teachers set at the beginning of the year, including reflection on past performance, professional growth priority, actions, benchmarks, supports needed, timeline and evidence.

~~"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"~~ 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"~~ 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.

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

~~"Unannounced Observation"~~ 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 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"~~ means a day when the employee would normally be working in that district or charter school.

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

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

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

21 DE Reg. 37 (07/01/17)

### 3.0 Appraisal Cycle

~~3.1 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 within the summative cycle and either an additional Announced or Unannounced Observation or the equivalent of observed time (30 minutes) through three (3) Short Observations with a Summative Evaluation at least once every two (2) years.~~

~~3.2 Experienced Teachers who are not otherwise included in subsection 3.1 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.~~

~~3.3 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.~~

~~3.4 Novice Teachers who have earned a minimum of three (3) consecutive "Highly Effective" or "Effective" ratings on their most recent Summative Evaluations may receive a minimum of one (1) Announced or Unannounced Observation each year with a Summative Evaluation at least once every two (2) years.~~

3.1 Each year, every teacher, regardless of novice or experienced status, will receive a minimum of 3 classroom observations of at least 15 minutes in length. After each observation, an observation debrief shall be held. For the purpose of this regulation, observation debrief means a time when feedback and questions from the observation is discussed with the Credentialed Administrator or Credentialed Observer and teacher, either in-person, by email, or through an online platform.

3.2 All teachers, regardless of novice or experienced status, shall receive a Summative Evaluation each year.

3.3 The mid-year conference shall be required if the teacher's performance is low or declining as defined in Section 7.0 of this regulation. The mid-year conference is the time for the teacher and the Credentialed Administrator to discuss and document progress towards goals. Credentialed Administrators have the right to change the type of growth plan at the mid-year conference. Credentialed Administrators shall indicate on the Mid-Year Conference Form that teacher performance is currently below expectations and cite evidence of performance. If a teacher's current Professional Growth Plan is either a collaborative or self-directed growth plan, the administrator shall change the growth plan type to Directed to establish a more formal role in providing support for the teacher. For the purpose of this regulation, a collaborative growth plan means a plan assigned by the Credentialed Administrator that is created collaboratively between the teacher and the administrator. A self-directed growth plan means a plan assigned by the Credentialed Administrator that is created and managed by the teacher.

3.4 Each year, every teacher has the option to participate in a mid-year conference unless the teacher's performance is low or declining as provided in subsection 3.3.

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

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

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

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

21 DE Reg. 37 (07/01/17)

22 DE Reg. 49 (07/01/18)

### 4.0 **DPAS II Guide for Teachers** DTGSS Guide for Teachers

4.1 All school districts and charter schools shall use the manual ~~entitled DPAS II Guide Revised for Teachers~~ titled DTGSS Guide for Teachers as developed and as ~~may be~~ amended by the Department of Education in collaboration with DASA the Delaware Association of School Administrators (DASA) and DSEA the Delaware State Education Association 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~~ 4 performance areas listed in subsection 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.

## 21 DE Reg. 37 (07/01/17)

### 5.0 ~~Appraisal Components and Appraisal Criteria Performance Areas and Indicators~~

~~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 (subsection 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.~~

5.1 The following 4 performance areas, including indicators specified for each in the *DTGSS Guide for Teachers*, shall be the basis upon which the performance of a teacher shall be evaluated by the Credentialed Administrator or the Credentialed Observer.

5.1.1 Performance Area 1: Learning Environment: To what extent does the classroom environment support and engage all students?

5.1.2 Performance Area 2: Engagement in Learning: To what extent does the instruction support and engage all students?

5.1.3 Performance Area 3: Maximizing Learning: To what extent do all students retain and apply their learning with productive struggle?

5.1.4 Performance Area 4: Outcomes of Learning

5.1.4.1 In accordance with 14 **Del.C.** §1270A(c)(1), Performance Area 4 is dedicated to student improvement. Performance Area 4 assesses student learning through the creation and measurement of student improvement goals. All teachers set student improvement goals each year. Student improvement goals support the teacher and evaluator in assessing the teacher's impact on student learning and to incorporate this impact into a holistic picture of the teacher's performance. Student growth goals are established each year and student results are used as an indicator of student growth. These results are included in the evaluation within Performance Area 4.

5.1.4.2 Performance Area 4 also encompasses the extent to which the teacher is growing in their knowledge and skills. Professional growth priorities are set each year and guides efforts for development and support. While a professional growth priority is not directly assessed, the impact of efforts towards goals is assessed through the collection of evidence for Performance Areas 1, 2, and 3. Performance Area 4 is documented through the teacher's Professional Growth Plan.

**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)**

**21 DE Reg. 37 (07/01/17)**

## 6.0 Summative Evaluation Ratings

6.1 Each of the ~~five (5) Appraisal Components (Component(s))~~ 4 performance areas shall be equally weighted and assigned a rating of "Highly Effective," "Effective," "Needs Improvement" or "Ineffective" "Level 4," "Level 3,"

"Level 2," or "Level 1" on the Summative Evaluation. The rating for each of the five (5) Appraisal Components 4 performance areas shall reflect the standards as described in the DPAS II Revised Guide for Teachers DTGSS Guide for Teachers.

- 6.1.1 Each Component performance area rating shall be equal to an assigned point value. A "Highly Effective" Component rating shall earn four (4) points, an "Effective" Component rating shall earn three (3) points, a "Needs Improvement" Component rating shall earn two (2) points, and an "Ineffective" Component rating shall earn one (1) point. No partial points shall be awarded. A "Level 4" performance area rating shall earn 4 points, a "Level 3" performance area rating shall earn 3 points, a "Level 2" performance area rating shall earn 2 points, and a "Level 1" performance area rating shall earn 1 point. No partial points shall be awarded.
- 6.1.2 Once all Component performance area ratings are assigned, a Summative Evaluation rating is determined by the sum of all five (5) Components 4 performance area ratings.
- 6.1.3 Satisfactory performance on a performance area is a rating equivalent to "Level 3" or "Level 4" on the Summative Evaluation. An overall rating of "Level 2" may also be deemed as satisfactory performance using the discretion of the Credentialed Administrator. Discretion shall be based on the length of time in a position, change in assignment, or previous ratings.
- 6.1.4 Unsatisfactory performance on a performance area is a rating equivalent to the overall "Level 1" rating on the Summative Evaluation. An overall rating of "Level 2" may also be deemed an unsatisfactory evaluation using the discretion of the Credentialed Administrator. Discretion shall be based on the length of time in a position, change in assignment, or previous ratings.
- 6.2 The Summative Evaluation rating shall also include one of four overall ratings: "Highly Effective", "Effective", "Needs Improvement", or "Ineffective" "Level 4", "Level 3", "Level 2", "Level 1".
  - 6.2.1 A "Highly Effective" Summative Evaluation "Level 4" Summative Evaluation rating shall mean that the teacher has earned a sum of 19 or 20 Component 15 or 16 performance area rating points.
  - 6.2.2 An "Effective" Summative Evaluation "Level 3" Summative Evaluation rating shall mean that the teacher has earned a sum of 14 to 18 Component 11 to 14 performance area rating points.
  - 6.2.3 A "Needs Improvement" Summative Evaluation "Level 2" Summative Evaluation rating shall mean that the teacher has earned a sum of 9 to 13 Component 7 to 10 performance area rating points.
  - 6.2.4 An "Ineffective" Summative Evaluation "Level 1" Summative Evaluation rating shall mean that the teacher has earned a sum of 5 to 8 Component 4 to 6 performance area rating points.
  - 6.2.5 Experienced Teachers receiving a Summative Evaluation every two years in accordance with subsection 3.1 above shall earn an overall Student Improvement Component rating on the Summative Evaluation in accordance with the chart in the DPAS II Revised Guide for Teachers. All teachers, regardless of novice or experienced status, shall receive a Summative Evaluation each year.
  - 6.2.6 If a teacher's overall Summative Evaluation rating is determined to be "Needs Improvement" "Level 2" for the third consecutive year, the teacher's rating shall be re-categorized as "Ineffective." "low or declining performance." At least 2 consecutive ratings of "Level 1" or 3 consecutive ratings that are a combination of "Level 1" and "Level 2" shall be deemed as a pattern of low or declining performance.
  - 6.2.7 Satisfactory performance on the overall evaluation is a rating equivalent to "Level 3" or "Level 4" on the Summative Evaluation. An overall rating of "Level 2" may also be deemed as satisfactory performance using the discretion of the Credentialed Administrator. Discretion shall be based on the length of time in a position, change in assignment, or previous ratings as it pertains to educators seeking a Continuing License.
  - 6.2.8 Unsatisfactory performance on the overall evaluation is a rating equivalent to the overall "Level 1" rating on the Summative Evaluation. An overall rating of "Level 2" may also be deemed an unsatisfactory evaluation using the discretion of the Credentialed Administrator. Discretion shall be based on the length of time in a position, change in assignment, or previous ratings as it pertains to educators seeking a Continuing License.

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

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

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

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

**21 DE Reg. 37 (07/01/17)**

**22 DE Reg. 49 (07/01/18)**

## **7.0 Pattern of Ineffective Teaching Low or Declining Performance Defined**

7.1 ~~A pattern of ineffective teaching~~ For the purpose of this regulation, and as required by 14 **Del.C. §1270A(b)**, "pattern of ineffective teaching" means a pattern of low or declining performance and shall be based on the most recent Summative Evaluation ratings of a teacher using the DPAS- II DTGSS process. Two consecutive ratings of "Ineffective" "Level 1" shall be deemed as a pattern of ineffective teaching of low or declining performance. The following chart shows the consecutive Summative Evaluation ratings that shall be determined to be a pattern of ineffective teaching: Three consecutive ratings that are a combination of "Level 1" and "Level 2" shall be deemed as a pattern of low or declining performance.

<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Ineffective	Ineffective	
Needs Improvement	Needs Improvement	Needs Improvement
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)

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

## 8.0 **Improvement Plan Directed Growth Plan**

8.1 ~~An Improvement Plan A Directed Growth Plan~~ shall be developed for a teacher who receives an overall rating of "Needs Improvement" or "Ineffective" "Level 1" on the Summative Evaluation ~~or a rating of "Needs Improvement" or "Ineffective"~~ on any Appraisal Component Performance Area in Section 5.0 on the Summative Evaluation regardless of the overall rating.

8.2 ~~An Improvement A Directed Growth Plan~~ may be developed if ~~a teacher's overall performance during an observed lesson is unsatisfactory~~ evidence from an observed lesson aligns with descriptors from a "Level 1". In instances where ~~an improvement plan a Directed Growth Plan~~ is to be developed, the ~~Evaluator Credentialed Administrator~~ shall first have noted the ~~unsatisfactory low or declining performance~~ on the required forms by noting "Performance Requires an Improvement a Directed Growth Plan" and initialing the statement.

8.2.1 Teachers with low or declining performance shall have the opportunity to understand and discuss their performance with their administrator prior to the summative conference in order to engage in growth and development efforts.

8.2.2 The mid-year conference is the formal opportunity for the Credentialed Administrator to document low or declining performance and to make recommendations about next steps. The mid-year conference is not optional if a Directed Growth Plan is required. The mid-year conference is optional if a Directed Growth Plan is not required.

8.3 The ~~Improvement Directed Growth Plan~~ shall contain the following:

8.3.1 Identification of the specific deficiencies and recommended ~~area(s)~~ areas 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)~~ specialists, subject area ~~specialist(s)~~ specialists, instructional ~~specialist(s)~~ specialists, 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 Administrator, 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 Directed Growth Plan~~ is in effect must directly relate to areas identified as needing improvement.

8.5 The ~~Improvement Directed Growth Plan~~ shall be ~~developed cooperatively by the teacher and Evaluator~~ created and managed by the Credentialed Administrator in partnership with the teacher. If the plan cannot be cooperatively developed, the ~~Evaluator Credentialed Administrator~~ shall have the authority and responsibility to determine the plan as specified in subsections 8.1 and 8.2 above.



8.6 8.5.1 The teacher shall be held accountable for ~~the implementation and completion of the Improvement Plan~~ understanding the professional goals and completing the work to improve professional practice.

8.5.2 The Credentialed Administrator shall be held responsible for identifying goals and metrics and in monitoring progress.

8.78.6 Upon completion of the ~~Improvement~~ Directed Growth Plan, the teacher and ~~Evaluator~~ Credentialed Administrator shall sign the documentation that determines the satisfactory or unsatisfactory performance of the ~~plan~~ Directed Growth Plan.

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

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

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

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

**21 DE Reg. 37 (07/01/17)**

## 9.0 Challenge Process

9.1 A teacher may challenge any rating on the Summative Evaluation, either a ~~Component Rating~~ performance area rating or the ~~Overall Rating~~ overall rating, or a teacher may challenge the conclusions of a lesson observation if the statement "Performance Requires An ~~Improvement~~ A Directed Growth Plan" has been included on the required ~~form(s)~~ forms. To initiate a challenge, a teacher shall submit additional information specific to the point of disagreement in writing within ~~fifteen (15) working days~~ 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~~ Credentialed Administrator unless the supervisor of the ~~Evaluator~~ Credentialed Administrator 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~~ Credentialed Administrator.

9.1.1 Within ~~fifteen (15) working days~~ 15 Working Days of receiving the written challenge, the supervisor of the ~~Evaluator~~ Credentialed Administrator or the designated district or charter school level ~~Evaluator~~ Credentialed Administrator 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~~ Credentialed Administrator or the designated district or charter school's level ~~Evaluator~~ Credentialed Administrator shall be final.

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

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

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

## 10.0 Credentialing

10.1 Credentialing processes and ~~assessments~~ performance tasks shall be established and conducted by the Department of ~~Education~~ and developed in collaboration with school and district level ~~administrators~~ Credentialed Administrators.

10.2 ~~Evaluator~~ DTGSS credentials are earned upon successful completion of a ~~credentialing assessment~~ performance tasks and related trainings. ~~Evaluator~~ DTGSS credentials are valid for ~~five~~ 5 years from the date of issue. ~~Evaluators~~ Credentialed Administrators or Credentialed Observers may seek to renew their credentials within 24 months prior to the expiration date. If the educator does not renew the educator's credentials, the educator shall not complete the DTGSS.

10.2.1 ~~The Department shall establish an annual schedule during which the credentialing assessment will be offered in order to provide multiple opportunities for individuals to earn credentials. Individuals shall have the opportunity to sit for the assessment multiple times in order to earn credentials. The Department shall not limit the number of times individuals seeking credentials can sit for an assessment offered by the Department.~~

10.2.2 ~~The Department shall offer no less than six (6) opportunities annually to earn or renew a credential.~~

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

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

**19 DE Reg. 1011 (05/01/16)**

## **11.0 Waiver of DTGSS Provisions**

- 11.1 In accordance with 14 Del.C. §1270A(f), a school district or charter school may submit an application to the Department for a waiver of the provisions of the DTGSS. The waiver request shall be based on a locally developed evaluation process that meets all of the requirements in subsections 11.1.1 through 11.1.4.
  - 11.1.1 The applicant's evaluation process is demonstrated to be the product of the collective bargaining process pursuant to 14 Del.C. Ch. 40 and community review.
  - 11.1.2 The applicant's evaluation process is as rigorous and as educationally sound as DTGSS.
  - 11.1.3 The applicant's evaluation process provides for evaluating educator performance by measuring student growth using multiple measures over the course of a curricular year.
  - 11.1.4 The applicant's evaluation process contains a mechanism for certifying evaluators and for quality control.
- 11.2 The school district or charter school shall submit the application and supporting documentation to the Department's Educator Excellence Workgroup by March 1.
- 11.3 The Department will review the application to determine if it is complete. If the application is incomplete, the school district or charter school may resubmit the application. If the application is complete, the Department will determine whether to grant the application based on the rubric in the application.
- 11.4 The Department may grant an application for a waiver for up to 3 years.
- 11.5 If the school district or charter school is granted a waiver, and the waiver expires, the school district or charter school shall submit a new application in order for the Department to grant another waiver.

## **44.0 ~~12.0~~ Evaluation of Process**

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

**19 DE Reg. 1011 (05/01/16)**

**21 DE Reg. 37 (07/01/17)**

## **42.0 ~~13.0~~ DPAS II DTGSS Monitoring**

The Department of Education shall annually monitor implementation of ~~DPAS II~~ DTGSS for teachers.

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

**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)**

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

**19 DE Reg. 1011 (05/01/16)**

**21 DE Reg. 37 (07/01/17)**

**22 DE Reg. 49 (07/01/18)**

**26 DE Reg. 920 (05/01/23) (Prop.)**