

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(a) and 1270B (14 **Del.C.** §§122(a) & 1270B)  
14 **DE Admin. Code** 107A

### PROPOSED

### PUBLIC NOTICE

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

#### 107A Specialist 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 1270B, the Delaware Department of Education developed amendments to 14 **DE Admin. Code** 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The proposed amendments include revising Section 1.0, adding and striking terms in Section 2.0, replacing the term "Evaluator" with the term "Credentialed Administrator" throughout the regulation, and adding Section 11.0, which concerns waivers of DPAS II 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. The purposes of DPAS II are to help assure and support quality educators in every school building and classroom, continuous improvement of student outcomes, and educators' professional growth.
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. One of the components of DPAS II is Professional Practice and Delivery of Service and supporting the needs of 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. One of the components of DPAS II is Professional Practice and Delivery of Service and supporting the needs of all students.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation is intended to help to ensure that all students' legal rights are respected. One of the components of DPAS II is Professional Consultation and Collaboration, which addresses when a specialist needs to maintain student confidentiality.
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.** §1270B(f) provides that a local education agency may make application to the Department for a waiver of the provisions of DPAS II 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 DPAS II, 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.** §1270B(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 (DPAS II 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.** §1270B(b)), the Department, with the approval of the State Board of Education, promulgates the regulations to administer the 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 amended regulation is consistent with and not an impediment to the implementation of other state educational policies.
9. Is there a less burdensome method for addressing the purpose of the regulation? By statute (14 **Del.C.** §1270B(b) and 14 **Del.C.** §1270B(f)), the Department, with the approval of the State Board of Education, promulgates the regulations to administer the DPAS II and for waivers of the provisions of DPAS II. 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 credentialing or recredentialing training, the cost was included in the Department's budget. There is no cost to local school boards for compliance with this regulation.

## **107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised**

### **1.0 Effective-Date Content**

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

**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)**

**21 DE Reg. 38 (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:~~

**“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)~~ 30 minutes, to analyze the lesson and assess specialist performance.

**“Board”** means a local board of education or a charter school board of directors.

**“Credentialed Administrator”** means an administrator who is responsible for the specialist's summative evaluation.

**“Credentialed Observer”** means an individual, not always the supervisor of the specialist, who has successfully completed DPAS II credentialing in accordance with Section 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~~ Credentialed Administrators.

**“DASA”** means ~~the Delaware Association of School Administrators.~~

**“Department”** means the Delaware Department of Education.

**“DPAS II Revised Guide for Specialists”** means the manual that contains the prescribed forms, detailed procedures, specific details about the ~~five (5)~~ 5 components 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 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”** means a ~~specialist~~ Specialist who holds a valid and current Continuing or Advanced License, License issued pursuant to Chapter 12 of Title 14 of the ~~Delaware Code~~; or 14 Del.C. Ch.

~~12. a~~ Standard or Professional Status Certificate issued prior to August 1, 2003 ~~or holds 2003~~ or a valid and current license from his or her ~~the Specialist's~~ respective licensure body.

**"Improvement Plan"** means the plan that a specialist and Evaluator Credentialed Administrator mutually develop in accordance with Section 8.0.

**"Novice Specialist"** means a specialist who holds a valid and current ~~Provisional or Initial License~~ issued pursuant to ~~Chapter 12 of Title 14 of the Delaware Code~~ 14 Del.C. Ch. 12 or holds a valid and current license from his or her ~~the Specialist's~~ respective licensure body.

~~"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"** means 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~~ includes school counselors, school library media specialists, school nurses, school psychologists and school social workers.

**"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 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).

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

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)

21 DE Reg. 38 (07/01/17)

### 3.0 Appraisal Cycles

3.1 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)~~ 1 Announced or Unannounced Observation each year with a Summative Evaluation at least once every ~~two (2)~~ 2 years.

3.2 Experienced Specialists who are not otherwise included in subsection 3.1 shall receive a minimum of ~~one (1)~~ 1 Announced Observation and ~~one (1)~~ 1 Unannounced Observation with a Summative ~~evaluation~~ Evaluation at the end of the ~~one (1)~~ 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*.

3.3 Novice Specialists shall receive a minimum of ~~one (1)~~ 1 Announced Observation and ~~one (1)~~ 1 Unannounced Observation with a Summative Evaluation at the end of the ~~one-year~~ one-year period. Novice ~~specialists~~ 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*.

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

3.5 A Specialist's required observations as part of the appraisal cycle shall be conducted by the assigned Credentialed Administrator or by the Credentialed 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.

**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)**

**21 DE Reg. 38 (07/01/17)**

#### **4.0 DPAS II Guide for Specialists**

4.1 All districts and charter schools shall use the manual ~~entitled~~ titled *DPAS II Revised Guide for Specialists* 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)~~ 5 Appraisal Components 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. 38 (07/01/17)**

#### **5.0 Appraisal Components and Appraisal Criteria**

5.1 The following ~~five (5)~~ 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)~~ 4 Appraisal Components, a school district or charter school may waive ~~one (1)~~ 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 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~~ 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~~ 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~~ the Specialist's 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~~ the Specialist's 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 ~~Improvement~~ -
  - 5.1.5.1 Measuring Student Improvement: Students collectively demonstrate appropriate levels of ~~Student Growth~~ student growth as benchmarked against standards set by the Secretary based on input from stakeholder groups. For the purpose of this regulation, "student growth" means the change in student achievement data for an individual student between two points in time and may include other measures that are as rigorous and comparable across classrooms. For non-tested grades and subjects, student achievement data means 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, developed in partnership with input from relevant specialist organizations or licensure bodies and the Delaware State Education Association (DSEA) and approved by the Department. For tested grades and subjects, student achievement data means student scores on the State assessment system and, as appropriate, other measures of student learning, such as those specified for non-tested grades and subjects, provided they are rigorous and comparable across classrooms.

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)

21 DE Reg. 38 (07/01/17)

## 6.0 Summative Evaluation Ratings

- 6.1 Each of the ~~five (5)~~ 5 Appraisal Components (~~Component(s)~~) shall be equally weighted and assigned a rating of "Highly Effective," "Effective," "Needs Improvement" or "Ineffective" on the Summative Evaluation. The

rating for each of the ~~five (5)~~ 5 Appraisal Components shall reflect the standards as described in the *DPAS II Revised Guides for Specialists*.

- 6.1.1 Each Component rating shall be equal to an assigned point value. A "Highly Effective" Component rating shall earn ~~four (4)~~ 4 points, an "Effective" Component rating shall earn ~~three (3)~~ 3 points, a "Needs Improvement" Component rating shall earn ~~two (2)~~ 2 points, and an "Ineffective" Component rating shall earn ~~one (1)~~ 1 point. No partial points shall be awarded.
- 6.1.2 Once all Component ratings are assigned, a Summative Evaluation rating is determined by the sum of all ~~five (5)~~ 5 Components.
- 6.1.3 Satisfactory performance on a component of the evaluation is a rating equivalent to "Highly Effective" or "Effective."
- 6.1.4 Unsatisfactory performance on a component of the evaluation is a rating equivalent to "Needs Improvement" or "Ineffective."
- 6.2 The Summative Evaluation rating shall also include ~~one 1~~ of ~~four 4~~ overall ratings: "Highly Effective", "Effective", "Needs Improvement" or "Ineffective".
  - 6.2.1 A "Highly Effective" Summative Evaluation rating shall mean that the ~~specialist~~ Specialist has earned a sum of 19 or 20 Component rating points.
  - 6.2.2 An "Effective" Summative Evaluation rating shall mean that the ~~specialist~~ Specialist has earned a sum of 14 to 18 Component rating points.
  - 6.2.3 A "Needs Improvement" Summative Evaluation rating shall mean that the ~~specialist~~ Specialist has earned a sum of 9 to 13 Component rating points.
  - 6.2.4 An "Ineffective" Summative Evaluation rating shall mean that the ~~specialist~~ Specialist has earned a sum of 5 to 8 Component rating points.
  - 6.2.5 Experienced Specialists receiving a Summative Evaluation every ~~two 2~~ 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 Specialists*.
  - 6.2.6 If a ~~specialist's~~ 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".
  - 6.2.7 Satisfactory performance on the overall evaluation is a rating equivalent to "Highly Effective" or "Effective" as it pertains to Specialists seeking a Continuing License.
  - 6.2.8 Unsatisfactory performance on the overall evaluation is a rating equivalent to "Needs Improvement" or "Ineffective" as it pertains to Specialists seeking a Continuing License.

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

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

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

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

**21 DE Reg. 38 (07/01/17)**

**22 DE Reg. 51 (07/01/18)**

## 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 For the purpose of this regulation, and as required by 14 Del.C. §1270B(b), "pattern of ineffective practice" means any of the following consecutive Summative Evaluation ratings on the most recent Summative Evaluations of a Specialist using the DPAS II process:~~

Year 1	Year 2	Year 3
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. 835 (12/01/11)
- 15 DE Reg. 1595 (05/01/12)
- 19 DE Reg. 38 (07/01/15)

## 8.0 Improvement Plan

- 8.1 An Improvement Plan shall be developed for a ~~specialist~~ Specialist who receives an overall rating of "Needs Improvement" or "Ineffective" on the Summative Evaluation or a rating of "Needs Improvement" or "Ineffective" on any component in Section 5.0 on the Summative Evaluation regardless of the overall rating.
- 8.2 An Improvement Plan may be developed if a ~~specialist's~~ Specialist's overall performance during an observation is unsatisfactory. In instances where an improvement plan is to be developed, the ~~evaluator~~ Credentialed Administrator shall first have noted the unsatisfactory performance on the required forms by noting "Performance 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)~~ 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 ~~specialist~~ Specialist 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 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~~ Credentialed Administrator. 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 The ~~specialist~~ Specialist shall be held accountable for the implementation and completion of the Improvement Plan.
- 8.7 Upon completion of the Improvement Plan, the ~~specialist~~ Specialist and ~~Evaluator~~ Credentialed Administrator 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)
- 19 DE Reg. 38 (07/01/15)
- 21 DE Reg. 38 (07/01/17)

## 9.0 Challenge Process

- 9.1 A ~~specialist~~ 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 Requires An Improvement Plan" has been included on the required ~~form(s)~~ forms. To initiate a challenge, a ~~specialist~~ Specialist 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 ~~specialist's~~ 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~~ Credentialed Administrator unless the supervisor of the ~~Evaluator~~ Credentialed Administrator 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~~ 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 ~~specialist~~ 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~~ Credentialed Administrator or the designated district or charter school level ~~Evaluator~~ Credentialed Administrator shall be final.

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

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

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

## **10.0 Credentialing**

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

10.2 Credentialed Observer credentials are earned upon successful completion of a credentialing assessment and related trainings. Credentialed Observer credentials are valid for ~~five~~ 5 years from the date of issue. 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 DPAS II.

~~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. 835 (12/01/11)**

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

**19 DE Reg. 1013 (05/01/16)**

## **11.0 Waiver of DPAS II Provisions**

11.1 In accordance with 14 Del.C. §1270B(f), a school district or charter school may submit an application to the Department for a waiver of the provisions of the DPAS II. 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 DPAS II.

11.1.3 The applicant's evaluation process provides for evaluating specialist 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.

## **41.0 12.0 Evaluation of Process**

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

**19 DE Reg. 1013 (05/01/16)**

**21 DE Reg. 38 (07/01/17)**

## **42.0 13.0 DPAS II Monitoring**

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

**13 DE Reg. 1445 (05/01/10)**

**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)**  
**19 DE Reg. 38 (07/01/15)**  
**19 DE Reg. 1013 (05/01/16)**  
**21 DE Reg. 38 (07/01/17)**  
**22 DE Reg. 51 (07/01/18)**  
**26 DE Reg. 921 (05/01/23) (Prop.)**