

DEPARTMENT OF EDUCATION
14 DE Admin. Code 106, 107 & 108

REGULATORY IMPLEMENTING ORDER

**106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II);
107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II);
108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II)**

FINAL

I. Summary Of The Evidence And Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to adopt 14 **DE Admin. Code** 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II), 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) and 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The development of these regulations by the Department of Education was mandated in 14 **Del.C.** §1270(b). These regulations will replace the three existing regulations for the Delaware Performance Appraisal System (DPAS), 110 Teacher and Specialists Appraisal process, 112 Addendum to Teachers and Specialists Appraisal Process and 115 School level Administrator Appraisal Process on July 1, 2005. The new regulations 106, 107 and 108 have the specific component of student achievement as one of the evaluation criteria and they define a pattern of ineffectiveness for teachers, specialists and administrators. The Administrator Appraisal Process Delaware Performance Appraisal System regulation 108 includes all administrators.

These regulations were previously advertised in *Delaware Register of Regulations* on March 1, 2004 (Volume 7 Issue 9) and on May 1, 2004 (Volume 7 Issue 11).

Notice of the proposed regulation was published in the News Journal and the Delaware State News on June 22, 2004, in the form hereto attached as *Exhibit "A"*. Comments were received from the State Council for Persons with Disabilities and The Governor's Advisory Council for Exceptional Citizens. The comments and responses are as follows:

The Councils recommended that DOE substitute "or" for "and" since some persons may be either "licensed" or "certified". DOE has been implementing a new licensure and certification system regulated by the Professional Standards Board and the State Board of Education which requires most specialists to be both licensed and certified.

The Councils commented that the new proposal is less clear on the effective date of the pilot project. The May version clarified that the pilot project was effective July 1, 2004 which would atypically permit a teacher with a certificate for less than one year to be characterized as "experienced". The new proposal refers to the pilot project without a commencement date. Reading §1.0 together with the synopsis to the regulations it is possible that the regulations will only apply to pilot projects initiated on or after July 1, 2005. In any event, it is irregular to characterize a teacher with a certificate for less than 2 years as "experienced". Professional Status Certificates are no longer issued by the DOE as of August 1, 2003.

The Councils recommended increasing the new teacher observation time. The DOE effected no change. Council also recommended a different rating system. The DOE made some minor revisions to Section 106, §6.2. The DOE chooses to pilot the process as written and then determine if a change in the length of new teacher observation time is necessary. Data collected after the pilot will have to support any changes.

The Councils commented that the DOE may wish to reconsider §§5.2.5.1.2 and 5.2.5.1.3 in Sections 106 and 107. Literally, if students receive consistently high average scale scores, as juxtaposed to improving, the teacher would be penalized. The DOE will evaluate the criteria after a pilot.

The printing error in section 107 §5.2.5.1.2 has been corrected.

The Councils commented that the administrator appraisal includes assessment of students based on race, gender, socio-economic status, and language proficiency. The teacher and specialist assessment standards include not only these characteristics, but "special education" status as well. It would be logical to include "special education" within Section 108, §5.2.4.1.4. The omission error has been corrected.

II. Findings of Facts

The Secretary finds that it is appropriate to adopt 14 **DE Admin. Code** 106, 107 and 108 in order to comply with the requirements of 14 **Del.C.** §1270(b).

III. Decision to Adopt the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to adopt 14 **DE Admin. Code** 106, 107 and 108. Therefore, pursuant to 14 **Del C.** §122, 14 **DE Admin. Code** 106, 107 and 108 attached hereto as *Exhibit "B"* are hereby adopted. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 106, 107 and 108 hereby adopted 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** 106, 107 and 108 adopted hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulations shall be cited as 14 **DE Admin. Code** 106, 107 and 108 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 August 19, 2004. 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 19th day of August 2004.

DEPARTMENT OF EDUCATION

Valarie A. Woodruff, Secretary of Education

Approved this 19th day of August 2004.

STATE BOARD OF EDUCATION

Dr. Joseph A. Pika, President
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106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II)

1.0 The Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) shall be effective for only those districts participating in the pilot of this process.

1.1 For teachers participating in the pilot, any rating received on a Summative Evaluation conducted during the pilot period shall not be included in the determination of a pattern of ineffective teaching as defined in 7.0.

2.0 Definitions

"Announced Observation" shall consist of the Pre-Observation Form and conference with the evaluator, an observation by the evaluator at an agreed upon date and time, and the associated formative conferences/reports. The observation shall be of sufficient length, at least twenty (20) minutes, to analyze the lesson and assess performance.

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

"Certified Evaluator" shall mean the individual, usually the supervisor of the teacher, who has successfully completed the evaluation training in accordance with 9.0.

"DPAS" shall mean the Delaware Performance Appraisal System in effect prior to ~~July 1, 2005~~ DPAS II].

"Experienced Teacher" shall mean a teacher who holds valid and current Continuing or Advanced License, or Standard or Professional Status Certificate issued prior to August 1, 2003.

“Improvement Plan” shall be the plan that a teacher and evaluator mutually develop in accordance with section 8.0.

“Novice Teacher” shall mean a teacher who holds a valid and current Initial License.

“Satisfactory Component Rating” shall mean the teacher understands the concepts of the component and the teacher’s performance in that component is acceptable.

“Satisfactory Evaluation” shall be used to qualify for a continuing license and shall be equivalent to the overall “Effective” or “Needs Improvement” rating on the Summative Evaluation.

“Summative Evaluation” shall be the rating process at the conclusion of the appraisal cycle.

“Technical Assistance Document” shall mean the manual that contains the prescribed forms, detailed procedures, specific details about the 5 components of evaluation and other relevant documents that assist in the appraisal process.

“Unannounced Observation” shall consist of an observation by the evaluator at a date and time that has not been previously arranged and the associated formative conferences/reports. The observation shall be of sufficient length, at least twenty (20) minutes, to analyze the lesson and assess performance.

“Unsatisfactory Component Rating” shall mean that the teacher does not understand the concepts of the component and the teacher’s performance in that component is not acceptable.

“Unsatisfactory Evaluation” shall be the equivalent to the overall “Ineffective” rating on the Summative Evaluation.

3.0 Appraisal Cycles

3.1 Experienced teachers who have earned a rating of “Effective” on their most recent Summative Evaluation shall receive a minimum of one (1) Announced Observation each year with a Summative Evaluation at the end of the one year period. The minimum annual evaluation for an experienced teacher who has earned an effective rating, may be waived for the subsequent year but not for two (2) consecutive years. Up to one half of the experienced teachers in a building who received a rating of “Effective” or “Exemplary” on the most recent DPAS Performance Appraisal may have the annual Summative Evaluation waived.

3.2 Experienced teachers who have earned 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 at the end of the one year period. These teachers shall have an Improvement Plan which may require additional observations and other types of monitoring as outlined in the Technical Assistance Document.

3.3 Novice teachers 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 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 Technical Assistance Document.

4.0 Technical Assistance Document

4.1 All districts and charter schools shall use the document entitled *Delaware Performance Appraisal System (DPAS) II Technical Assistance Document* as developed by the Department of Education to assist in the implementation of the appraisal system. The Technical Assistance Document shall be reviewed biannually by the State Board of Education. Any recommendations for change shall be submitted to the Department of Education for consideration.

4.2 The Document shall contain, at a minimum, the following:

4.2.1 Specific details about each of the five (5) components listed in 5.1.

4.2.2 All forms or documents needed to complete the requirements of the appraisal process including Announced Observation, Unannounced Observation, Summative Evaluation, Improvement Plan and Challenge Form.

4.2.3 Specific procedures for observations, conferences, ratings, Summative Evaluation, Improvement Plan(s), and Challenges.

5.0 Appraisal Criteria

5.1 The following five (5) components shall be the basis upon which the performance of a teacher shall be evaluated by a certified evaluator:

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 available DSTP/district/school/program data. Goals are appropriate for the learners and reflect

high expectations consistent with DSTP levels of performance.

5.1.1.2 Designing Coherent Instruction: Teacher plans for learning activities that align with the goals and supports student learning. Instructional planning shows a structure and selection of materials and activities that support student learning relative to the DE content standards.

5.1.1.3 Demonstrating Knowledge of Content and Pedagogy: Teacher shows his/her knowledge of content and how to teach it to a variety of learners. The teacher's plans include natural connections between content areas that deepen student learning. The content that he/she teaches is aligned to the DE content standards.

5.1.1.4 Demonstrating Knowledge of Students: Teacher shows an awareness of his/her knowledge of student developmental characteristics, approaches to learning, knowledge, skills, interests, cultural heritage, and DSTP performance levels.

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 routine procedures 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-student and student-student interactions show rapport that is grounded in mutual respect.

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 make resources accessible to all students.

5.1.3 Instruction

5.1.3.1 Engaging Students in Learning: Content is appropriate, clear, and links to student knowledge and experience. Content is aligned with the DE content standards and informed by the DSTP instructional needs comments. Activities and assignments engage students in the exploration of the content. Instructional materials are suitable to the instructional goals. The instruction is coherent.

5.1.3.2 Demonstrating Flexibility and Responsiveness: Teacher has a repertoire of instructional strategies and makes modifications to lessons as needed. Teacher differentiates instruction based on learner characteristics and DSTP instructional needs comments.

5.1.3.3 Communicating Clearly and Accurately: Verbal and written communication is clear and appropriate to students' age, background, and level of understanding.

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.

5.1.4 Professional Responsibilities

5.1.4.1 Communicating with Families: Teacher shares information about the school's educational program, its alignment with the DE content standards, and expectations for student performance. Teacher develops two-way communication with families about student progress, behavior, and personal needs or concerns.

5.1.4.2 Developing a Student Record System: Teacher keeps records of attendance, emergency contact information, personal information (such as: allergies, medications, accommodations), and behavior. Shares relevant information with appropriate school personnel.

5.1.4.3 Growing and Developing Professionally: Teacher participates in professional development to increase his/her knowledge of content and pedagogy. Teacher chooses professional development that is aligned with the needs of the school/district/students.

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.

5.1.5 Student Improvement

5.1.5.1 Showing Improvement on the DSTP: Teacher uses DSTP data analysis to inform classroom improvement, curriculum and instruction decisions.

5.1.5.2 Aligning Assessments to Learning Goals and DSTP: Teacher creates dependable assessments and scoring criteria that accurately measure the learning goals based on the DE content standards and DSTP and classroom performance assessments and that yield data about student needs and progress relative to the content standards measured by the DSTP.

5.2 Each of the five (5) components shall be weighted equally and assigned a rating of Satisfactory or

Unsatisfactory on the Summative Evaluation.

5.2.1 Planning and Preparation

5.2.1.1 A satisfactory rating for this component shall mean the teacher demonstrates acceptable performance by meeting at least 4 of the following 5 criteria:

5.2.1.1.1 Selects goals that are clear, reflect high expectations, are consistent with DSTP levels of performance, focus on learning, align with Delaware content standards and available DSTP/district/school/program data, and are suitable for the class.

5.2.1.1.2 Designs instruction that has a clearly defined structure, is appropriate for students, and matches the selected goals.

5.2.1.1.3 Chooses materials and activities that match the goals and engage students in learning.

5.2.1.1.4 Displays solid content and pedagogy knowledge and makes connections within the content area and with other content areas that deepen student learning. Displays an understanding of prerequisite knowledge and anticipates student misconceptions.

5.2.1.1.5 Displays knowledge of student developmental characteristics, approaches to learning, knowledge, skills, interests, cultural heritage, and DSTP performance levels.

5.2.2 Classroom Environment

5.2.2.1 A satisfactory rating for this component shall mean the teacher demonstrates acceptable performance by meeting at least 8 of the following 11 criteria:

5.2.2.1.1 Posts classroom procedures/rules stated in student friendly terms.

5.2.2.1.2 Encourages students in assuming responsibility for following procedures.

5.2.2.1.3 Uses transitions appropriately to maximize learning time.

5.2.2.1.4 Posts behavioral expectations and consequences in student friendly terms.

5.2.2.1.5 Monitors and responds to behavior in effective ways that minimize disruptions.

5.2.2.1.6 Discusses classroom procedures/rules with students in ways that show shared valuing of procedures/rules.

5.2.2.1.7 Interacts with students and encourages student-student interactions in ways that show rapport and mutual respect.

5.2.2.1.8 Displays student work.

5.2.2.1.9 Organizes, allocates, and manages physical space in ways that create a safe learning environment.

5.2.2.1.10 Uses physical resources in ways that contribute to effective instruction.

5.2.2.1.11 Makes resources available to all students.

5.2.3 Instruction

5.2.3.1 A satisfactory rating for this component shall mean the teacher demonstrates acceptable performance by meeting at least 7 of the following 9 criteria:

5.2.3.1.1 Selects content that is aligned with the DE content standards, is appropriate, clear, and links to student knowledge and experience and the DSTP instructional needs comments.

5.2.3.1.2 Selects and designs activities and assignments that engage students in the exploration of the content.

5.2.3.1.3 Uses instructional materials that are suitable to the instructional goals.

5.2.3.1.4 Delivers coherent instruction.

5.2.3.1.5 Uses a repertoire of instructional strategies and makes adjustments to lessons as needed.

5.2.3.1.6 Differentiates instruction based on learner characteristics and DSTP instructional needs comments.

5.2.3.1.7 Communicates clearly in writing and verbally. Communicates in ways appropriate to students' age, background, and level of understanding.

5.2.3.1.8 Asks questions that are appropriate to the content and level of students' understanding. Encourages students to pose their own questions and is responsive to student questions.

5.2.3.1.9 Facilitates student-led discussions.

5.2.4 Professional Responsibilities

5.2.4.1 A satisfactory rating for this component shall mean the teacher demonstrates acceptable performance by meeting at least 5 of the following 7 criteria:

5.2.4.1.1 Shares information, in a variety of ways, about the school's educational program, its alignment with the DE content standards, and expectations for student performance.

5.2.4.1.2 Develops two-way communication with families about student progress, behavior, and personal needs or concerns.

5.2.4.1.3 Responds to families in a timely and appropriate way.
5.2.4.1.4 Develops and maintains a record keeping system that is up-to-date, well-organized, accurate, and complete.

5.2.4.1.5 Shares relevant student information with appropriate school personnel.
5.2.4.1.6 Participates in professional development to increase knowledge of content and pedagogy. Chooses professional development that is clearly aligned with the needs of the school/district/and students.

5.2.4.1.7 Engages in reflective thinking as an individual, as a team participant, or school/community member with the goal of improving instruction and learning.

5.2.5 Student Improvement

5.2.5.1 A satisfactory rating shall mean the teacher demonstrates acceptable performance in this component by meeting all of the criteria set forth below:

[5.2.5.1.1 ~~The state progress determination pursuant to 14 DE Admin Code 103 5.0 for the school in which the teacher teaches is Meets or Above Target. If the State Progress Determination is Below Target, the teacher shall meet this requirement by meeting 5.2.5.1.2, 5.2.5.1.3, 5.2.5.1.4 and 5.2.5.1.5. The teacher provides evidence of a positive contribution of the school's State Progress Determination.~~]

5.2.5.1.2 For the aggregate group of students taught by the teacher for the previous two years the average scale scores on the DSTP in reading and math have increased, excluding those students pursuant to 14 Del.C §1270(c).

5.2.5.1.3 The average scale score for the groups of students disaggregated by race/ethnicity, LEP, Special education and low income have increased for the previous two (2) years on the DSTP in reading and math, provided that there were a minimum of ten (10) students in a subgroup, excluding those students pursuant to 14 Del.C §1270(c). If there were ~~less fewer~~ than ten (10) students in a subgroup, the subgroup shall not be considered for these criteria.

5.2.5.1.4 The students currently being instructed in the teacher's classroom in the aggregate have shown improvement on classroom based assessments, excluding those students pursuant to 14 Del.C §1270(c).

5.2.5.1.5 The students currently being instructed in the teacher's classroom disaggregated by race/ethnicity, LEP, special education and low income have shown improvement on classroom based assessments, provided that there were a minimum of five (5) students in a subgroup, excluding those students pursuant to 14 Del.C §1270(c). If there were ~~less fewer~~ than five (5) students in a subgroup, the subgroup shall not be considered for these criteria.

6.0 Summative Evaluation Ratings

6.1 The Summative Evaluation shall include ratings of Satisfactory or Unsatisfactory on each of the five (5) components pursuant to 5.0.

6.2 The Summative Evaluation shall also include one of three overall ratings: "Effective", "Needs Improvement", or "Ineffective".

6.2.1 Effective shall mean that the teacher has received Satisfactory Component ratings in Component 5, Student Improvement and in at least three (3) of the other four (4) components of the appraisal criteria.

6.2.2 Needs Improvement shall mean that the teacher has received at least three (3) Satisfactory Component ratings out of the five (5) components of the appraisal criteria.

6.2.2.1 A teacher who has received an unsatisfactory rating on the student improvement component may have their next Summative Evaluation delayed until the Delaware Student Testing Program (DSTP) data is available for the current group of students the teacher is instructing.

6.2.3 Ineffective shall mean that the teacher has received three (3) or more Unsatisfactory Component ratings out of the five (5) components of the appraisal criteria.

6.2.3.1 A teacher who has received an unsatisfactory rating on the student improvement component may have their next Summative Evaluation delayed until the Delaware Student Testing Program (DSTP) data is available for the current group of students the teacher is instructing.

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

7.0 A pattern of ineffective teaching shall be based on the most recent appraisal ratings of a teacher using the DPAS II process. Two consecutive ratings of Ineffective shall be deemed as a pattern of ineffective teaching. The following appraisal ratings shall be determined to be a pattern of ineffective teaching:

| | | |
|-------------------|-------------------|-------------------|
| Ineffective | Ineffective | |
| Needs Improvement | Ineffective | Needs Improvement |
| Needs Improvement | Needs Improvement | Ineffective |
| Ineffective | Needs Improvement | Ineffective |
| Ineffective | Needs Improvement | Needs Improvement |
| Needs Improvement | Ineffective | Ineffective |

8.0 Improvement Plan

8.1 An Improvement Plan shall be developed for a teacher who receives an overall rating of Needs Improvement or Ineffective on the Summative Evaluation or a rating of Unsatisfactory (Unsatisfactory Component Rating) on any component on the Summative Evaluation regardless of the overall rating.

8.1.1 An Improvement Plan shall also be developed if a teacher's performance during an observed lesson is unsatisfactory. This unsatisfactory performance shall be noted by the evaluator on the Formative Feedback form by typing "PERFORMANCE IS UNSATISFACTORY" and initialing the statement.

8.2 The Improvement Plan shall contain the following:

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

8.2.2 Measurable goals for improving the deficiencies to satisfactory levels;

8.2.3 Specific professional development or activities to accomplish the goals;

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

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

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

8.2.7 Procedures for determining satisfactory improvement.

8.3 The Improvement Plan shall be developed cooperatively by the teacher and evaluator. If the plan cannot be cooperatively developed, the evaluator shall have the authority and responsibility to determine the plan as specified in 8.2 above.

8.4 The teacher shall be held accountable for the implementation and completion of the Improvement Plan.

8.5 Upon completion of the Improvement Plan, the teacher and evaluator shall sign the documentation that determines the satisfactory or unsatisfactory completion of the plan.

9.0 Evaluator Credentials

9.1 Evaluators shall have completed the DPAS II training as developed by the Department of Education. Evaluators 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.

9.2 The training for the certificate of completion shall include techniques of observation and conferencing, content and relationships of frameworks for teaching training and a thorough review of the Technical Assistance Document. Activities in which participants practice implementation of DPAS II procedures shall be included in the training.

9.3 The credentialing process shall be conducted by the Department of Education.

10.0 Challenge Process

10.1 A teacher may challenge any rating on the Summative Evaluation, either a Component Rating or the Overall Rating, or a teacher may challenge the conclusions of a lesson observation if the statement "PERFORMANCE IS UNSATISFACTORY" has been included on the Formative Feedback form by submitting additional information specific to the point of disagreement in writing within ten (10) 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.

10.1.1 Within ten (10) working days of receiving the written challenge, the supervisor of the evaluator

shall review the record which consists of the Pre-observation Form(s), the Formative Feedback Form(s), the Summative Evaluation and the written challenge, and issue a written decision.

10.1.2 If the challenge is denied, the decision shall state the reasons for denial.

10.1.3 The decision of the supervisor of the evaluator shall be final.

107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II)

1.0 The Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) shall be effective for only those districts participating in the pilot of this process.

1.1 For specialists participating in the pilot, any rating received on a Summative Evaluation conducted during the pilot period shall not be included in the determination of a pattern of ineffective practice as defined in 7.0.

1.2 Specialist shall mean a licensed and certificated staff person who is part of the school team and delivers professional services to students, teachers, staff and/or families. Specialists include but are not limited to guidance counselors, instructional support specialists, library media specialists, school psychologists, school nurses, student support specialists, and therapeutic services specialists.

2.0 Definitions

“Announced Observation” shall consist of the Pre-Observation Form and conference with the evaluator, an observation by the evaluator at an agreed upon date and time, and the associated formative conferences/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 to gather appropriate data but not less than twenty (20) minutes.

“Board” shall mean a local board of education or a charter school board of directors.

“Certified Evaluator” shall mean the individual, usually the supervisor of the specialist, who has successfully completed the evaluation training in accordance with 9.0.

“DPAS” shall mean the Delaware Performance Appraisal System in effect prior to ~~July 1, 2005~~ DPAS II.

“Experienced Specialist” is a specialist who holds a valid and current Continuing or Advanced License, or Standard or Professional Status Certificate issued prior to August 1, 2003 or holds a valid and current license from their respective licensure body.

“Improvement Plan” shall be the plan that a specialist and evaluator mutually develop in accordance with section 8.0.

“Novice Specialist” is a specialist who holds a valid and current Initial License or holds a valid and current license from their respective licensure body and has less than three (3) years of experience as a specialist.

“Satisfactory Component Rating” shall mean the specialist understands the concepts of the component and the specialist’s performance in that component is acceptable.

“Satisfactory Evaluation” shall be used to qualify for a continuing license and shall be equivalent to the overall “Effective” or “Needs Improvement” rating on the Summative Evaluation.

“Summative Evaluation” shall be the rating process at the conclusion of the appraisal cycle.

“Technical Assistance Document” shall mean the manual that contains the prescribed forms, detailed procedures, evaluation criteria and other relevant documents that assist in the appraisal process.

“Unannounced Observation” shall consist of an observation by the evaluator at a date and time that has not been previously arranged and the associated formative conferences/reports. The unannounced observation for the specialist may be an observation of sufficient length to gather appropriate data but not less than twenty (20) minutes.

“Unsatisfactory Component Rating” shall mean that the specialist does not understand the concepts of the component and the specialist’s performance in that component is not acceptable.

“Unsatisfactory Evaluation” shall be the equivalent to the overall “Ineffective” rating on the Summative Evaluation.

3.0 Appraisal Cycles

3.1 Experienced specialists who have earned a rating of “Effective” on their most recent Summative Evaluation shall receive a minimum of one (1) Announced Observation each year with a Summative Evaluation at the end of the one year period. This minimum annual evaluation for an experienced specialist who has earned an effective rating may be waived for the subsequent year but not for two (2) consecutive years. Up to one half of the experienced specialists in a building who received a rating of “Effective” or “Exemplary” on the most recent DPAS Performance

Appraisal Summative Evaluation may have the annual Summative Evaluation waived.

3.2 Experienced specialists who have earned 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 at the end of the one year period. These specialists shall have an Improvement Plan which may require additional observations and other types of monitoring as outlined in the Technical Assistance Document.

3.3 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 Technical Assistance Document.

4.0 Technical Assistance Document

4.1 All districts and charter schools shall use the document entitled *Delaware Performance Appraisal System (DPAS) II Technical Assistance Document* as developed by the Department of Education to assist in the implementation of the appraisal system. The Technical Assistance Document shall be reviewed biannually by the State Board of Education. Any recommendations for change shall be submitted to the Department of Education for consideration.

4.2 The Document shall contain, at a minimum, the following:

4.2.1 Specific details about each of the five (5) components listed in 5.1.

4.2.2 All forms or documents needed to complete the requirements of the appraisal process including Announced Observation, Unannounced Observation, Summative Evaluation, Improvement Plan and Challenge Form.

4.2.3 Specific procedures for observations, conferences, ratings, Summative Evaluation, Improvement Plan(s), and Challenges.

5.0 Appraisal Criteria

5.1 The following five (5) components shall be the basis upon which the performance of a specialist shall be evaluated by a certified evaluator:

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/clients/school/district.

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.

5.1.1.3 Demonstrating Knowledge of Students/Clients: Specialist shows knowledge of the needs and characteristics of the students/clients, including their approaches to learning, knowledge, skills, and interests.

5.1.1.4 Demonstrating Knowledge of Resources: Specialist selects appropriate resources, either within or outside of the school, that supports the goals of the program.

5.1.2 Professional Practice and Delivery of Services

5.1.2.1 Creating an Environment to Support Student/Client Needs: Specialist creates an environment in which student/client needs are identified and valued. Specialist/student/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/clients.

5.1.2.3 Communicating Clearly and Accurately: Verbal and written communication is clear and appropriate to students’/clients’ age, background, needs, or level of understanding.

5.1.2.4 Delivering Services to Students/Clients: Specialist is responsive to the identified needs of the students/clients and meets standards of professional practice. The resources and materials are suitable and match the needs of the students/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 staff or external agencies to provide integrated services that meet student/client needs.

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.

5.1.3.3 Providing Resources and Access: Specialist provides school-based resources to appropriate staff/students/clients or gives information about the effective use of the resources.

5.1.3.4 Maintaining Standards of Professional Practice: Specialist adheres to his/her professional

standards of practice, including issues surrounding confidentiality.

5.1.4 Professional Responsibilities

5.1.4.1 Communicating with Families and School Staff: Specialist shares information in a variety of ways about school programs available to students and families. Specialist develops two-way communication with school staff and families about student progress, behavior, personal needs, or concerns.

5.1.4.2 Developing a Record System: Specialist keeps student/client records relevant to their services and shares information with appropriate school personnel.

5.1.4.3 Growing and Developing Professionally: Specialist participates in professional development to increase his/her knowledge of professional practice and delivery of service. Specialist chooses professional development that is aligned with the needs of the school/district/students/clients.

5.1.4.4 Reflecting on Professional Practice: Specialist engages in reflective thinking as an individual, as a team participant, or as a school/community member with the goal of improving professional practice and delivery of service.

5.1.5 Student Improvement

5.1.5.1 Showing Improvement on the DSTP: Specialist uses DSTP data analysis to inform school improvement and program decisions and participates in school improvement work.

5.1.5.2 Using Assessments to Promote Student/Client Improvement: Specialist creates or uses dependable assessments that accurately measure student/client needs, status, or performance and uses the assessment results to design services or programs to promote improvement.

5.2 Each of the five (5) components shall be weighted equally and assigned a rating of Satisfactory or Unsatisfactory on the Summative Evaluation.

5.2.1 Planning and Preparation

5.2.1.1 A satisfactory rating for this component shall mean the specialist demonstrates acceptable performance by meeting at least 3 of the following 4 criteria:

5.2.1.1.1 Consistently designs activities and plans for service that support the needs of the students/clients/ school/district.

5.2.1.1.2 Effectively uses practices and models of delivery that are aligned with local and national standards.

5.2.1.1.3 Shows a deep knowledge of the needs and characteristics of the students/clients and their approaches to learning, knowledge, skills, and interests.

5.2.1.1.4 Selects appropriate resources, either within or outside of the school, that support the goals of the program.

5.2.2 Professional Practice and Delivery of Services

5.2.2.1 A satisfactory rating for this component shall mean the specialist demonstrates acceptable performance by meeting at least 5 of the following 7 criteria:

5.2.2.1.1 Creates an environment in which student/client needs are identified and valued.

5.2.2.1.2 Interacts with students/clients in ways that show rapport and that is grounded in mutual respect.

5.2.2.1.3 Has an extensive repertoire of instructional or professional strategies and makes effective modifications to services based on needs of the students/clients.

5.2.2.1.4 Communicates clearly and appropriately with regard to students'/clients' age, background, needs, or level of understanding.

5.2.2.1.5 Provides services that are responsive to the identified needs of the students/clients and meets standards of professional practice.

5.2.2.1.6 Selects resources and materials that are suitable and match the needs of the students/clients.

5.2.2.1.7 Delivers coherent services.

5.2.3 Professional Collaboration and Consultation

5.2.3.1 A satisfactory rating for this component shall mean the specialist demonstrates acceptable performance by meeting at least 4 of the following 5 criteria:

5.2.3.1.1 Develops partnerships with school staff or external agencies to provide integrated services that meet student/client needs.

5.2.3.1.2 Shares expertise with school staff to assist them in their work or responds to school-wide issues, problems, or concerns.

5.2.3.1.3 Provides school-based resources to appropriate staff/students/clients or gives appropriate information about the effective use of the resources.

5.2.3.1.4 Assists staff/students/clients in gaining access to resources outside of the school community that will meet identified needs.

5.2.3.1.5 Adheres to professional standards of practice, including issues surrounding confidentiality.

5.2.4 Professional Responsibilities

5.2.4.1 A satisfactory rating for this component shall mean the specialist demonstrates acceptable performance by meeting at least 5 of the following 7 criteria:

5.2.4.1.1 Shares information in a variety of ways about school programs available to students and families.

5.2.4.1.2 Develops two-way communication with school staff and families about student progress, behavior, personal needs, or concerns.

5.2.4.1.3 Keeps accurate and up-to-date student/client records relevant to provided services.

5.2.4.1.4 Shares information with appropriate school personnel.

5.2.4.1.5 Participates in professional development to increase knowledge of professional practice and delivery of service.

5.2.4.1.6 Chooses professional development that is aligned with the needs of the school/district/ students/clients.

5.2.4.1.7 Engages in reflective thinking as an individual, as a team participant, or as a school/community member with the goal of improving professional practice and delivery of service.

5.2.5 Student Improvement

5.2.5.1 A satisfactory rating shall mean the specialist demonstrates acceptable performance in this component by meeting all of the criteria set forth below:

[5.2.5.1.1 ~~The state progress determination pursuant to 14 DE Admin Code 103 5.0 for the school in which the specialist serves is Meets or Above Target. If the State Progress Determination is Below Target, the teacher shall meet this requirement by meeting 5.2.5.1.2, 5.2.5.1.3, 5.2.5.1.4. The specialist can demonstrate specific contributions to students and/or staff which contribute to improvement in the school or district's State Progress Determination.~~]

5.2.5.1.2 The average scale score for the aggregate group of students served by the specialist for the previous two (2) years on the DSTP in reading and math have increased, excluding those students pursuant to 14 Del.C. §1270(c).

5.2.5.1.3 The average scale score for the groups of students disaggregated by race/ethnicity, LEP, Special education and low income have increased for the previous two (2) years on the DSTP in reading and math, provided that there were a minimum of ten (10) students in a subgroup, excluding those students pursuant to ~~[14 DE Code 1270(c)]~~ 14 Del.C. §1270(c)]. If there were ~~[less fewer]~~ than ten (10) students in a subgroup, the subgroup shall not be considered for these criteria.

~~[5.2.5.1.4 The specialist can demonstrate specific contributions to students or staff which contribute to improved student achievement.]~~

6.0 Summative Evaluation Ratings

6.1 The Summative Evaluation shall include ratings of Satisfactory or Unsatisfactory on each of the five (5) components pursuant to 5.0.

6.2 The Summative Evaluation shall also include one of three overall ratings: "Effective", "Needs Improvement" or "Ineffective".

6.2.1 Effective shall mean that the specialist has received Satisfactory Component ratings in Component 5, Student Improvement and in at least three (3) of the other four (4) components of the appraisal criteria.

6.2.2 Needs Improvement shall mean that the specialist has received at least three (3) Satisfactory Component ratings out of the five (5) components of the appraisal criteria.

6.2.2.1 A specialist who has received an unsatisfactory rating on the student improvement component may have their next Summative Evaluation delayed until the Delaware Student Testing Program (DSTP) data is available for the current group of students being served by the specialist.

6.2.3 Ineffective shall mean that the specialist has received three (3) or more Unsatisfactory Component ratings out of the five (5) components of the appraisal criteria.

6.2.3.1 A specialist who has received an unsatisfactory rating on the student improvement component may have their next Summative Evaluation delayed until the Delaware Student Testing Program (DSTP) data is available for the current group of students being served by the specialist.

6.2.3.2 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.

7.0 A pattern of ineffective practice shall be based on the most recent appraisal 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 appraisal ratings shall be determined to be a pattern of ineffective practice:

| | | |
|-------------------|-------------------|-------------------|
| Ineffective | Ineffective | |
| Needs Improvement | Ineffective | Needs Improvement |
| Needs Improvement | Needs Improvement | Ineffective |
| Ineffective | Needs Improvement | Ineffective |
| Ineffective | Needs Improvement | Needs Improvement |
| Needs Improvement | Ineffective | Ineffective |

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 (Unsatisfactory Component Rating) on any component on the Summative Evaluation regardless of the overall rating.

8.1.1 An Improvement Plan shall also be developed if a specialist's performance during an observation is unsatisfactory. This unsatisfactory performance shall be noted by the evaluator on the Formative Feedback form by typing "PERFORMANCE IS UNSATISFACTORY" and initialing the statement.

8.2 The Improvement Plan shall contain the following:

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

8.2.2 Measurable goals for improving the deficiencies to satisfactory levels;

8.2.3 Specific professional development or activities to accomplish the goals;

8.2.4 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;

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

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

8.2.7 Procedures for determining satisfactory improvement.

8.3 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 8.2 above.

8.4 The specialist shall be held accountable for the implementation and completion of the Improvement Plan.

8.5 Upon completion of the Improvement Plan, the specialist and evaluator shall sign the documentation that determines the satisfactory or unsatisfactory completion of the plan.

9.0 Evaluator Credentials

9.1 Evaluators shall have completed the DPAS II training as developed by the Department of Education. Evaluators 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.

9.2 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 Technical Assistance Document. Activities in which participants practice implementation of DPAS II procedures shall be included in the training.

9.3 The credentialing process shall be conducted by the Department of Education.

10.0 Challenge Process

10.1 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" has been included on the Formative Feedback form by submitting additional information specific to the point of disagreement in writing within ten (10) 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.

10.1.1 Within ten (10) working days of receiving the written challenge, the supervisor of the evaluator shall review the record which consists of the Pre-observation Form(s) the Formative Feedback Form(s), the Summative Evaluation and the written challenge, and issue a written decision.

10.1.2 If the challenge is denied, the decision shall state the reasons for denial.

10.1.3 The decision of the supervisor of the evaluator shall be final.

108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II)

1.0 The Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) shall be effective for only those districts participating in the pilot of this process.

1.1 For administrators participating in the pilot, any rating received on a Summative Evaluation conducted during the pilot period shall not be included in the determination of a pattern of ineffective administration as defined in 7.0.

1.2 For purposes of this regulation, an administrator is a professional employee of a board in a supervisory capacity involving the oversight of an instructional program(s).

2.0 Definitions

"Board" shall mean the local board of education or charter school board of directors.

"Certified Evaluator" shall mean the individual, usually the supervisor of the administrator, who has successfully completed the evaluation training in accordance with 9.0. A superintendent shall be evaluated by member(s) of the local school board of education who shall also have successfully completed the evaluation training in accordance with 9.0.

"DPAS" shall mean the Delaware Performance Appraisal System in effect prior to ~~July 1, 2005~~ **DPAS II**.

"Experienced Administrator" shall mean an administrator who has three (3) or more years of service as an administrator.

"Formative Process" shall consist of the Goal Setting Conference, self evaluation, a survey of staff that are supervised by the administrator, and formative conferences/reports.

"Improvement Plan" shall be the plan that an administrator and evaluator mutually develop in accordance with section 8.0.

"Inexperienced Administrator" shall mean an administrator who has less than three (3) years of service as an administrator.

"Satisfactory Component Rating" shall mean the administrator understands the concepts of the component and the administrator's performance in that component is acceptable.

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

"Summative Evaluation" shall be the rating component at the conclusion of the appraisal cycle.

"Technical Assistance Document" shall mean the manual that contains the prescribed forms, detailed procedures, evaluation criteria and other relevant documents that assist in the appraisal process.

"Unsatisfactory Component Rating" shall mean the administrator does not understand the concepts of the component and the administrator's performance in that component is not acceptable.

"Unsatisfactory Evaluation" shall be the equivalent to the overall "Ineffective" rating on the Summative Evaluation.

3.0 Appraisal Cycles

3.1 Experienced administrators who have earned a rating of "Effective" on their most recent Summative Evaluation shall go through a minimum of one (1) Formative Process each year with a Summative Evaluation at the end of the one year period. This minimum annual evaluation may be waived for the subsequent year but not for two (2) consecutive years. Up to one half of the experienced administrators in a building who received a rating of "Effective" or "Exemplary" on the most recent Summative Evaluation may have the annual Summative Evaluation waived.

3.2 Experienced administrators who have earned a rating of “Needs Improvement” or “Ineffective” on their most recent Summative Evaluation shall go through a minimum of two (2) Formative Process(es) with a Summative Evaluation at the end of the one year period. These administrators shall have an Improvement Plan which may require an administrator to go through additional Formative Process(es) or other types of monitoring as outlined in the Technical Assistance Document.

3.3 Inexperienced administrators shall go through a minimum of two (2) Formative Process(es) with a Summative Evaluation at the end of the one year period. Inexperienced administrators who have earned a rating of “Needs Improvement” or “Ineffective” on their most recent Summative Evaluation shall have an Improvement Plan which may require an administrator go through additional Formative Process(es) or other types of monitoring as outlined in the Technical Assistance Document.

4.0 Technical Assistance Document

4.1 All districts and charter schools shall use the document entitled *Delaware Performance Appraisal System (DPAS) II Technical Assistance Document* as developed by the Department of Education to assist in the implementation of the appraisal system. The Technical Assistance Document shall be reviewed biannually by the State Board of Education. Any recommendations for change shall be submitted to the Department of Education for consideration.

4.1.1 The Document shall contain at a minimum the following:

4.1.1.1 Specific details about each of the four (4) components pursuant to 5.0.

4.1.1.2 All forms or documents needed to complete the requirements of the appraisal process including the Formative Process, Summative Evaluation, Improvement Plan and Challenge Form.

4.1.1.3 Specific procedures for the Formative Process, conferences, ratings, Summative Evaluation, Improvement Plan(s), and Challenges.

5.0 Appraisal Criteria

5.1 The following four (4) components shall be the basis upon which the performance of an administrator shall be evaluated by a certified evaluator(s):

5.1.1 Assessment of Leader Standards: This relates to the Delaware Standards for School Leaders as defined in 14 DE Admin Code 1594.

5.1.2 Assessment of Goals and Priorities: Professional goals that have been established based on a variety of data sources related to the need of the school or district administrator and his/her job responsibilities.

5.1.3 Assessment on the School or District Improvement Plan: The various goals and objectives in the school or district improvement plan(s) and the contributions of the administrator in achieving those goals.

5.1.4 Assessment on Measures of Student Improvement:

5.1.4.1 Student improvement on the DSTP as determined by school or district accountability ratings, and student performance on the DSTP as reported in DSTP-OR.

5.1.4.2 Student learning on district-adopted norm and criterion-referenced assessments. Assessments selected by districts to measure quality and equity of student learning across all content areas.

5.1.4.3 Other measures of student performance that are used by teachers in the school are standards-based and DSTP-like.

5.2 Each of the four (4) components shall be equally weighted and assigned a rating of Satisfactory or Unsatisfactory on the Summative Evaluation.

5.2.1 Assessment of Leader Standards:

5.2.1.1 A satisfactory rating for this component shall mean the aggregated assessment on the Delaware Performance Appraisal System surveys from those individuals who the administrator supervises, the administrator himself/herself, and the supervisor reveal a pattern of proficient or accomplished skills on the Delaware Standards for School Leaders.

5.2.2 Assessment of Goals and Priorities:

5.2.2.1 There is adequate progress on the administrator’s professional goals.

5.2.3 Assessment on the School or District Improvement Plan:

5.2.3.1 There is growth in the goals and objectives in the school or district improvement plan.

5.2.4 Assessment on Measures of Student Improvement:

5.2.4.1 A satisfactory rating for this component shall mean the administrator demonstrates acceptable performance by meeting 5.2.4.1.1 and 5.2.4.1.2 and by meeting at least 4 of the additional 5 criteria set forth below.

- 5.2.4.1.1 DSTP results show student performance has improved.
- 5.2.4.1.2 Based on the formula for obtaining the school accountability rating, there are consistent indicators of improvement in school accountability.
- 5.2.4.1.3 Makes progress on targets for student improvement on the DSTP.
- 5.2.4.1.4 There is improvement on goals established for the equitable distribution of learning outcomes based on race, gender, socio-economic status, [special education status] and language proficiency.
- 5.2.4.1.5 There is consistent evidence of improvement on district-adopted norm and criterion-referenced assessments.
- 5.2.4.1.6 There is improvement in the percent of students who are meeting the targets for school or district accountability.
- 5.2.4.1.7 There is improvement on student attendance or graduation rates.

6.0 Summative Evaluation Ratings

6.1 The Summative Evaluation shall include ratings of Satisfactory or Unsatisfactory on each of the four (4) components pursuant to 5.0.

6.2 The Summative Evaluation shall also include one of three overall ratings: “Effective”, “Needs Improvement” or “Ineffective”.

6.2.1 Effective shall mean that the administrator has received Satisfactory Component ratings in all four (4) components of the appraisal criteria.

6.2.2 Needs Improvement shall mean that the administrator has received one (1) Unsatisfactory Component rating out of the four (4) components of the appraisal criteria.

6.2.2.1 An administrator who has received an unsatisfactory rating on the student improvement component may have their next Summative Evaluation delayed until the Delaware Student Testing Program (DSTP) data is available.

6.2.3 Ineffective shall mean that the administrator has received two (2) or more Unsatisfactory Component ratings out of the four (4) components of the appraisal criteria.

6.2.3.1 An administrator who has received an unsatisfactory rating on the student improvement component may have their next Summative Evaluation delayed until the Delaware Student Testing Program (DSTP) data is available.

6.2.3.2 If an administrator’s overall Summative Evaluation rating is determined to be “Needs Improvement” for the third consecutive year, the rating shall be re-categorized as Ineffective.

7.0 A pattern of ineffective administrative performance shall be based on the most recent appraisal ratings of an administrator using the DPAS II process. Two consecutive ratings of Ineffective shall be deemed as a pattern of ineffective administration. The following appraisal ratings shall be determined to be a pattern of ineffective administration:

| | | |
|-------------------|-------------------|-------------------|
| Ineffective | Ineffective | |
| Needs Improvement | Ineffective | Needs Improvement |
| Needs Improvement | Needs Improvement | Ineffective |
| Ineffective | Needs Improvement | Needs Improvement |
| Ineffective | Needs Improvement | Ineffective |
| Needs Improvement | Ineffective | Ineffective |

8.0 Improvement Plan

8.1 An Improvement Plan shall be developed for an administrator who receives an overall rating of Needs Improvement or Ineffective on the Summative Evaluation or a rating of Unsatisfactory (Unsatisfactory Component Rating) on any component on the Summative Evaluation regardless of the overall rating.

8.1.1 An Improvement Plan shall also be developed if an administrator’s performance during the Formative Process is unsatisfactory. This unsatisfactory performance shall be noted by the evaluator(s) on the Formative Feedback form by typing “PERFORMANCE IS UNSATISFACTORY” and initialing the statement.

8.2 The Improvement Plan shall contain the following:

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

8.2.2 Measurable goals for improving the deficiencies to satisfactory levels;

8.2.3 Specific professional development or activities to accomplish the goals;

8.2.4 Specific resources necessary to implement the plan, including but not limited to, opportunities for the administrator to work with curriculum specialist(s) or other administrator(s) with relevant experience;

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

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

8.2.7 Procedures for determining satisfactory improvement.

8.3 The Improvement Plan shall be developed cooperatively by the administrator and evaluator. If the plan cannot be cooperatively developed, the evaluator shall have the authority and responsibility to determine the plan as specified in 8.2 above.

8.4 The administrator shall be held accountable for the implementation and completion of the Improvement Plan.

8.5 Upon completion of the Improvement Plan, the administrator and evaluator(s) shall sign the documentation that determines the satisfactory or unsatisfactory completion of the plan.

9.0 Evaluator(s) Credentials

9.1 Evaluators shall have completed the DPAS II training as developed by the Department of Education. Evaluators 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.

9.2 The training for the certificate of completion shall include techniques for observation and conferencing, content and relationships of ISLLC standards, and a thorough review of the Technical Assistance Document. Activities in which participants practice implementation of DPAS II procedures shall be included in the training.

9.3 The credentialing process shall be conducted by the Department of Education.

10.0 Challenge Process

10.1 An administrator may challenge any rating on the Summative Evaluation, either a Component Rating or the Overall Rating, or an administrator may challenge the conclusions of the Formative Process if the statement "PERFORMANCE IS UNSATISFACTORY" has been included on the Formative Feedback form by submitting additional information specific to the point of disagreement in writing within ten (10) working days of the date of administrator'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.

10.1.1 Within ten (10) working days of receiving the written challenge, the supervisor of the evaluator shall review the record which consists of information from the Formative Process, the Summative Evaluation and the written challenge, and issue a written decision.

10.1.2 If the challenge is denied, the decision shall state the reasons for denial.

10.1.3 The decision of the supervisor of the evaluator shall be final.