

**156.557 Definitions -- Statewide system of evaluation for all certified personnel -- Criteria for statewide plan -- Policy and procedures for evaluation -- Administrative regulations -- Use of alternative effectiveness and evaluation system -- Appeals -- Prohibition against disclosure of confidential information.**

- (1) As used in this section:
  - (a) "Formative evaluation" means a continuous cycle of collecting evaluation information and providing feedback with suggestions regarding the certified employee's professional growth and performance;
  - (b) "Local formative growth measures" means measures that are rigorous and comparable across schools in a local district;
  - (c) "Student growth" means the change in student achievement for an individual student between two (2) or more points in time including achievement on state assessments required per KRS 158.6453; and
  - (d) "Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data that:
    1. Occur at the end of an evaluation cycle; and
    2. Include a conference between the evaluator and the evaluated certified employee and a written evaluation report.
- (2) Prior to the beginning of the 2014-2015 school year, the Kentucky Department of Education, in consultation with the Kentucky teacher and principal steering committees and other groups deemed appropriate by the commissioner of education, shall develop a framework for a statewide personnel evaluation system. The Kentucky Board of Education shall promulgate administrative regulations to establish a statewide professional growth and effectiveness system for the purposes of supporting and improving the performance of all certified school personnel. The system shall promote the continuous professional growth and development of skills needed to be a highly effective teacher or a highly effective administrator in a school or district. The Kentucky Board of Education shall include parent surveys as a source of data once a valid and reliable survey tool becomes available for this purpose.
- (3) The professional growth and effectiveness system shall:
  - (a) Use multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;
  - (b) Include both formative and summative evaluation components;
  - (c) Measure professional effectiveness;
  - (d) Support professional growth;
  - (e) Have at least three (3) performance levels;
  - (f) Be used to inform personnel decisions;
  - (g) Be considerate of the time requirements of evaluators at the local level and shall not require that all certified school personnel have a formal summative evaluation each year; and

- (h) Rate teachers or administrators by multiple measures instead of a single measure.
- (4) The performance criteria by which teachers and administrators shall be evaluated shall include but not be limited to:
  - (a) Performance of professional responsibilities related to his or her assignment, including attendance and punctuality and evaluating results;
  - (b) Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;
  - (c) Demonstration of knowledge and understanding of subject matter content or administrative functions and effective leadership techniques;
  - (d) Promotion and incorporation of instructional strategies or management techniques that are fair and respect diversity and individual differences;
  - (e) Demonstration of effective interpersonal, communication, and collaboration skills among peers, students, parents, and others;
  - (f) Performance of duties consistent with the goals for Kentucky students and mission of the school, the local community, laws, and administrative regulations;
  - (g) Demonstration of the effective use of resources, including technology;
  - (h) Demonstration of professional growth;
  - (i) Adherence to the professional code of ethics; and
  - (j) Attainment of the teacher standards or the administrator standards as established by the Education Professional Standards Board that are not referenced in paragraphs (a) to (i) of this subsection.
- (5) The following provisions shall apply to the statewide professional growth and effectiveness system:
  - (a) Certified school personnel, below the level of superintendent, shall be evaluated by using the system developed by the Kentucky Department of Education;
  - (b) The evaluation system shall include formative evaluation and summative evaluation components; and
  - (c) The Kentucky Board of Education shall adopt administrative regulations incorporating written guidelines for a local school district to follow in implementing the professional growth and effectiveness system and shall require the following:
    - 1. All evaluations of certified school personnel below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;
    - 2. The immediate supervisor of the certified school personnel member shall be designated as the primary evaluator. At the request of a teacher, observations by other teachers trained in the teacher's

content area or curriculum content specialists may be incorporated into the formative process for evaluating teachers;

3. All monitoring or observation of performance of a certified school personnel member shall be conducted openly and with full knowledge of the personnel member;
  4. Evaluators shall be trained, tested, and approved in accordance with administrative regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school personnel. Evaluators shall receive support and resources necessary to ensure consistent and reliable ratings;
  5. The professional growth and effectiveness system shall include a plan whereby the person evaluated is given assistance for professional growth as a teacher or administrator. The system shall also specify the processes to be used when corrective actions are necessary in relation to the performance of one's assignment; and
  6. The training requirement for evaluators contained in subparagraph 4. of this paragraph shall not apply to district board of education members.
- (6) (a) Each superintendent shall be evaluated according to a policy and procedures developed by the local board of education and approved by the department.
- (b) The summative evaluation of the superintendent shall be in writing, discussed and adopted in an open meeting of the board and reflected in the minutes, and made available to the public upon request.
- (c) Any preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation shall be conducted in closed session.
- (7) Local districts may submit a written request to use an alternative effectiveness and evaluation system to the Kentucky Board of Education. The Kentucky Board of Education shall consider and approve a local district's use of an alternative effectiveness and evaluation system instead of the statewide system only if the Kentucky Board of Education determines the alternative system:
- (a) Is as rigorous, reliable, valid, and educationally sound as the statewide professional growth and effectiveness system;
  - (b) Uses multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;
  - (c) Includes both formative and summative evaluation components;
  - (d) Measures professional effectiveness;
  - (e) Supports professional growth;
  - (f) Has at least three (3) performance levels;
  - (g) Is used to inform personnel decisions;

- (h) Is considerate of the time requirements of evaluators at the local level and does not require that all certified school personnel have a formal summative evaluation each year; and
  - (i) Rates teachers and administrators by multiple measures instead of a single measure.
- (8) The Kentucky Board of Education shall establish an appeals procedure for certified school personnel who believe that the local school district failed to properly implement the evaluation system. The appeals procedure shall not involve requests from individual certified school personnel members for review of the judgmental conclusions of their personnel evaluations.
- (9) The local board of education shall establish an evaluation appeals panel for certified school personnel that shall consist of two (2) members elected by the certified employees of the local district and one (1) member appointed by the board of education who is a certified employee of the local board of education. Certified school personnel who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation.(10) The Kentucky Department of Education shall annually provide for on-site visits by trained personnel to a minimum of fifteen (15) school districts to review and ensure appropriate implementation of the evaluation system by the local school district. The department shall provide technical assistance to local districts to eliminate deficiencies and to improve the effectiveness of the evaluation system. The department may implement the requirement in this subsection in conjunction with other requirements, including, but not limited to, the scholastic audit process required by KRS 158.6455.
- (11) The disclosure, pursuant to KRS Chapter 61, of any data or information, including student growth data, that local school districts or the Department of Education collect on individual classroom teachers under the requirements of KRS 156.557 is prohibited.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 55, sec. 1, effective June 25, 2013. -- Amended 2010 Ky. Acts ch. 157, sec. 1, effective July 15, 2010. -- Created 2000 Ky. Acts ch. 527, sec. 4, effective July 14, 2000.

**Legislative Research Commission Note** (7/15/2010). The internal numbering of subsection (4) of this statute has been modified by the Reviser of Statutes from the way it appeared in 2010 Ky. Acts ch. 157, sec. 1, under the authority of KRS 7.136(1).