



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/16/2020 2:46 PM
Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education TITLE-SERIES: 126-142

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Performance Evaluation of Professional Personnel
and Athletic Coaches (Policy 5310)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

January 15, 2021

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

**Michele L Blatt -- By my signature, I certify that I am the person authorized to file
legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 142
PERFORMANCE EVALUATION OF PROFESSIONAL PERSONNEL
AND ATHLETIC COACHES (5310)**

§126-142-1. General.

1.1. Scope. -- This legislative rule establishes the process for evaluation of the employment performance of professional personnel and athletic coaches that shall be applied uniformly statewide.

1.2. Authority. -- W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-2-5, 18A-2-12, and 18A-3C et seq.

1.3. Filing Date. -- December 16, 2020.

1.4. Effective Date. -- January 15, 2021.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR142, West Virginia Board of Education (WVBE) Policy 5310, Performance Evaluation of School Personnel, filed July 11, 2014, and effective August 11, 2014.

§126-142-2. Purpose.

2.1. This policy promotes professional growth and development that advances student learning in West Virginia schools; defines and promotes high standards for professional personnel and their performance; provides data that indicates the effectiveness of professional personnel as one basis for sound personnel decisions; provides data for educator preparation programs to identify areas of need and to guide program improvement; and establishes county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.

§126-142-3. Authorities.

3.1. West Virginia Board of Education (WVBE). The WVBE shall: a) develop standardized evaluation components to be used by each county board of education in implementing the evaluation policy and related administrative procedures; b) review county boards of education employee evaluation administrative procedures if necessary; c) annually review a statewide report regarding county-level implementation and an analysis of the goals and outcomes of student learning as evidenced in the evaluation; and d) continually monitor and make recommendations to strengthen the framework of the evaluation system.

3.2. County Board of Education. Each county board of education shall establish written administrative procedures related to the requirements of this policy subject to the approval of the WVBE, upon request.

3.3. County Central Office Staff (CCOS). Each county central office shall implement the written administrative procedures established by the county board of education.

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§126-142-4. Definitions.

4.1. Athletic Coach. A member of a school faculty, substitute teacher, student teacher within a public school, or an authorized certified individual under contract with a county board of education who provides instruction, direction, or supervision to athletic teams for the purpose of developing ability or skill to perform in athletic contests.

4.2. Classroom Teacher. A professional educator who has a direct instructional relationship with pupils.

4.3. Conference. A scheduled meeting between the evaluator and educator focusing on the educator's performance.

4.4. Corrective Action Plan (CAP). Initiated when a Focused Support Plan (FSP) results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards or when certain instances of misconduct as specified in W. Va. Code §18A-2-8 may require immediate action and/or a CAP. The CAP may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards.

4.5. Educators. Professionals who engage in the evaluation process.

4.6. Evaluation Instruments. The approved evaluation form(s) containing the performance criteria.

4.7. Evidence for School Leaders. Observable practices and/or artifacts selected by the educator and/or the evaluator to support the determination of performance level ratings based on the nine leadership standards. The evidence may be collected by either/both the school leader and the evaluator for discussion during conference(s).

4.8. Evidence for Educators. Observable practices and/or artifacts selected by the educator and/or the evaluator to support the determination of performance level ratings based on the professional standards. The evidence may be collected by either/both the educator and the evaluator for discussion during the observation or the evaluation conference(s).

4.9. Focused Support Plan (FSP). A proactive, preventative measure that supports individual improvement and professional growth. The FSP may commence only after an observation and a purposeful conversation have been conducted between the evaluator and the educator and when there is documented evidence indicating an area of concern based on one or more of the performance standards. The plan may address a documented area of concern involving the student growth standard when in conjunction with one or more of the performance standards.

4.10. Goal Setting. The process of developing rigorous, measurable goals to improve student learning. Goals span a school year, semester, or quarter.

4.11. Immediate Supervisor. A professional educator identified by the county superintendent to conduct observations, complete evaluations, and write and monitor an FSP and CAP.

4.12. Observation. The opportunity to view educator practice and collect data to evaluate performance. Evidence collected during observation helps evaluators clarify strengths and identify areas

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for growth.

4.13. Orientation. An annual meeting to assure that all employees have a full understanding of the purposes, instruments, and procedures used in evaluating the performance of employees.

4.14. Performance Levels for Educators. A Distinguished, Accomplished, Emerging, or Unsatisfactory rating assigned to the performance of an educator.

4.15. Professional Support Personnel. An individual who provides educational services within the school including athletic trainer, education audiologist, school nurse, school psychologist, an individual who provides direct social and emotional support services to students including Communities in Schools (CIS) contact/facilitator, social worker, or an employee who works to address chronic absenteeism.

4.16. Progression. A designation earned by teachers based on the number of years of experience and used in the evaluation process to determine the number/frequency of observations. The progressions are as follows:

4.16.a. Initial Progression. Teachers in their first, second, or third year of experience.

4.16.b. Intermediate Progression. Teachers in their fourth or fifth year of experience.

4.16.c. Advanced Progression. Teachers in their sixth year of experience and beyond.

4.16.d. Teachers returning to the classroom.

4.16.d.1. Teachers who began their teaching careers in West Virginia, and are returning to the classroom after a hiatus of three or more years, are to be evaluated as a teacher in the Initial Progression for one school year. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of Accomplished or higher.

4.16.d.2. Teachers who began their teaching careers in states other than West Virginia shall be evaluated as a teacher in the Initial Progression. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of Accomplished or higher.

4.17. School Counselor. An individual with appropriate certification who serves as a counselor within a school(s).

4.18. School Leader. Principals and assistant principals responsible for the collective success of their school including the learning, growth, and achievement of students, staff, and self.

4.19. Standards and Elements. Indicators of professional practice used to evaluate the performance of an employee.

4.19.a. Performance Standards. Standards of professional practice that are used to demonstrate what educators know and are able to do.

4.19.b. Student Growth Standard. Standard that requires educators to demonstrate their students' success through increased student achievement.

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4.19.c. Professional Conduct Standard. Standard that sets clear criteria for those competencies and habits of mind without which professional teaching simply cannot occur.

4.20. Self-Reflection. A tool for educators to assess their professional practice as it relates to standards contained in the West Virginia Evaluation System and to assist in the development of personal professional learning goals.

4.21. Student Impact Goal. A goal that requires school counselors to document student changes as an outcome of the school counseling program. The school counselor, in collaboration with the school leader, sets a student impact goal in an identified area of need.

4.22. Summative Evaluation. The final annual assessment that measures levels of educator professional growth based on performance standard ratings and goals as documented in the online educator evaluation system.

4.23. Summative Rating. The summative rating for performance established by the educator evaluation process which will determine the overall performance level of the educator based upon performance and student growth.

4.24. Teacher of Record. The educator responsible for a significant portion of a student's instructional time.

4.25. Two Points in Time. Timeline established by the teacher in consultation with the principal when developing student learning goals.

4.26. West Virginia Educator Evaluation System. A statewide system for assessing educator performance using the Teacher Evaluation Standards and Elements, student growth, and the professional conduct standard.

4.27. West Virginia Professional Teaching Standards (WVPTS). Five professional standards for educator performance that define what teachers must know and be able to do. The WVPTS serve as the foundation for educator preparation, teacher assessment, and professional development throughout the state.

4.28. West Virginia Professional Leader Standards. Nine professional standards for educator performance that define what school leaders must know and be able to do.

4.29. West Virginia Professional School Counselor Standards. Five professional standards for educator performance that define what school counselors must know and be able to do.

4.30. Central Office Personnel. Professional personnel whose titles include, but are not limited to, the following: central office administrator, supervisor, director, coordinator, and program specialist.

4.31. Performance Levels for Professional Support Personnel, Central Office Personnel, and Athletic Coaches. Exemplary, Exceeds Standards, Meets Standards, or Unsatisfactory rating assigned to the performance of professional support personnel, central office personnel, and athletic coaches.

§126-142-5. Training.

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5.1. All evaluators shall be trained in management and evaluation skills in the current system.

5.2. The West Virginia Department of Education (WVDE) shall provide education and training in evaluation skills to administrative personnel who conduct evaluations. Professional evaluations may only be conducted by personnel who hold valid administrative certification and Evaluation Leadership Institute (ELI) certification.

§126-142-6. Principles of Operation.

6.1. County administrative procedures for conducting employee evaluations shall include: a) the identity of the immediate supervisor who conducts the observations and evaluations; b) the process to be used in improving an employee's performance based on the evaluation results; c) monitoring to assure evaluations are completed; and d) utilization of data from self-reflection results to determine county professional learning needs.

6.2. All monitoring and/or observations of the employee shall be conducted openly.

6.3. An employee whose performance evaluation is rated Unsatisfactory shall be given an opportunity to correct the deficiencies.

6.4. Each county's administrative procedures shall be implemented in conformity with grievance and other due process requirements.

6.5. To assure that all employees have a full understanding of the evaluation policy and procedures, an orientation meeting shall be conducted annually for all employees at the beginning of the employment period or within two weeks of an employee's reporting date. The evaluation process shall be initiated annually, regardless of the date of hire.

6.6. To assure that all employees have a meaningful opportunity to implement the evaluation policy, employees shall be provided access to the instruments and procedures and appropriate time for collaboration during the school day.

§126-142-7. Rating Structure.

7.1. Rating Structure for Educators. The four performance rating categories in the educator evaluation system for the performance and student growth standards are: a) Distinguished, b) Accomplished, c) Emerging, and d) Unsatisfactory. The scale for assessing the performance criteria is as follows:

7.1.a. Distinguished. Performance which is consistently exceptional.

7.1.b. Accomplished. Performance which demonstrates mastery of the standard.

7.1.c. Emerging. Performance which meets the basic standard and has an opportunity for professional growth.

7.1.d. Unsatisfactory. Performance which does not meet the basic standard.

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7.2. The three performance rating categories on the personnel evaluation form for employees for the professional conduct standard are: a) Meets Standard, b) Below Standard, and c) Unsatisfactory. The scale for assessing the criteria is articulated in the professional conduct rubric.

7.3. Rating Structure for Professional Student Support Personnel, Central Office Personnel, and Athletic Coaches. The four performance rating categories on the personnel evaluation form for employees are: a) Exemplary, b) Exceeds Standards, c) Meets Standards, and d) Unsatisfactory. The scale for assessing the performance criteria is as follows:

7.3.a. Exemplary. Performance is consistently exceptional in meeting performance criteria demonstrated by providing extraordinary opportunities for student success through instructional practices that confirm the employee's expertise and the ability to reach all students.

7.3.b. Exceeds Standards. Performance is consistently above average in meeting performance criteria demonstrated by going beyond the established standards and instructional practices in reaching all students.

7.3.c. Meets Standards. Performance is consistently adequate in meeting performance criteria.

7.3.d. Unsatisfactory. Performance is not consistently acceptable in meeting performance criteria.

§126-142-8. Educator Evaluation.

8.1. As specified in W. Va. Code §18A-3C-2, educators shall complete a minimum of one summative evaluation annually.

8.1.a. Eighty percent of the educator evaluation shall be based on an appraisal of the educator's ability to perform the established professional performance standards.

8.1.b. Twenty percent of the evaluation shall be based upon student growth.

8.1.b.1. Twenty percent of the evaluation of all educators shall be based upon student growth as measured by two student learning goals. Progress toward meeting the two student learning goals shall be measured using multiple measures of student growth.

8.2. Self-reflection. Educators shall complete an annual Self-reflection based upon the performance standards on or before October 1. Evaluators review the educator Self-reflection, provide feedback, and collaborate with the educator to determine personal professional learning needs.

8.3. Educator Evidence. Evidence is utilized to support performance level determination.

8.3.a. Evidence must be noted in the system in order to support a Distinguished rating. This evidence can be located either in the Self-reflection or the summative evaluation, or both.

8.3.b. Evaluators record data using the online observation form.

8.3.c. If an evaluator disagrees with a rating in the Self-reflection, the individual being evaluated has the opportunity to provide evidence to support the Self-reflection rating.

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8.3.d. Any evidence collected or provided will be considered by the evaluator when determining the summative rating.

8.4. Goal Setting. Educators shall complete the goal setting process on or before November 1.

§126-142-9. Plans to Support Improvement.

9.1. Plans to Support Improvement. A plan to support improvement shall be developed by the evaluator and the educator when an educator's performance indicates an area of concern and/or the educator is rated Unsatisfactory in any area of the educator's responsibilities. There are two types of plans:

9.1.a. Focused Support Plan (FSP). A proactive measure that supports individual improvement and professional growth. The FSP, and its implementation, is an improvement process between the educator and the evaluator. The FSP may commence only after a purposeful conversation between the educator and the evaluator, and when there is documented evidence indicating an area of concern based on one or more of the performance standards, and after at least one observation and conference is complete for the educator. The FSP, and its implementation, is an improvement process between the educator and the evaluator. The FSP spans at minimum nine weeks and may commence at any time during the school year and may be repeated once per plan.

9.1.a.1. The FSP must include the following essential components: a) identified area of concern with reference to the standards to be addressed, b) expectations for change, c) nine week timeline for implementation, and d) resources for support.

9.1.a.2. The following supports may be considered to meet individual needs: a) professional development, b) coaching/instructional support, c) mentoring, d) peer observation, e) programs of study, and f) other supports and resources.

9.1.a.3. The FSP enacted for an educator may address an area of concern involving student learning goals when in conjunction with one or more of the performance standards. School-wide student growth performance levels cannot be considered in a FSP.

9.1.a.4. At the conclusion of the nine week FSP, if evidence demonstrates that the standard has been met, then the plan is successfully completed. If evidence demonstrates that adequate progress has been made but the standard has not been met, the FSP will continue for a second nine week period. In the event of inadequate progress on the standard related to the area of concern, an evaluation will be completed and a CAP will be initiated.

9.1.b. Corrective Action Plan (CAP). The CAP is initiated when a FSP results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards or when certain instances of misconduct as specified in W. Va. Code §18A-2-8 may require immediate action and/or a CAP. The CAP may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards. A minimum of one observation must be complete for the educator prior to the beginning of a CAP. The CAP spans 18 weeks and may commence at any time during the school year.

9.1.b.1. The CAP must include the following essential components: a) identified area of

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unsatisfactory performance with reference to the standard(s) to be addressed; b) timeline for implementation; and c) resources for support, including referral to other educators.

9.1.b.2. The CAP is determinative and may not be repeated. Evidence of adequate progress must be demonstrated by the conclusion of the 18 week CAP. If evidence does not demonstrate that adequate progress has been made at the conclusion of the 18 week period, termination for unsatisfactory performance shall ensue. The area of unsatisfactory performance, with reference to the standards, guides the choice of evidence within a CAP. This evidence may include observation, if appropriate.

9.1.b.3. Unsatisfactory performance related to a single element is addressed through quality sustained job-embedded professional development and support. Two consecutive Unsatisfactory performance-level summative ratings related to the same element are addressed through evaluation based on the rubrics associated with the standard that addresses the educator's professional responsibilities for self-renewal that stipulate professional self-renewal as a requirement. Unsatisfactory performance related to a single element cannot initiate a CAP.

9.2. If an educator transfers within the county, as determined by county policy, or to any other county within the state during the implementation of a FSP, the existence of a FSP shall be noted in the online system. The new supervisor will conduct a conference and an observation of the educator to determine the need and parameters of a continued FSP.

9.3. If an educator transfers within the county, as determined by county policy, or to any other county within the state during the implementation of a CAP, the plan is noted in the online system and transferred to the new supervisor for continuation.

9.4. Unsatisfactory performance in any area of the Professional Conduct Standard results in an Unsatisfactory rating of the standard.

9.4.a. Certain instances of misconduct as specified in W. Va. Code §18A-2-8 may require immediate disciplinary action and/or a CAP.

9.4.b. Instances of unsatisfactory Professional Conduct not specified in W. Va. Code §18A-2-8 shall result in either a FSP or CAP determined at the discretion of the evaluator.

9.5. Nothing in this section shall supersede the provisions of W. Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-10. Evaluation Process for School Leaders.

10.1. All school leaders shall participate in an annual summative evaluation conference on or before July 1 that is recorded in the online evaluation system.

10.2. The school leader's evaluator is responsible for monitoring performance and for preparing the online evaluation.

10.3. The purpose of the evaluation is to set high standards of performance for school leaders, ensure high-quality leadership focused on increasing student achievement, and encourage continuous growth and improvement through personal reflection and goal setting.

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10.4. The school leader and the evaluator will mutually establish annual written goals for the administrator's performance evaluation on or before November 1. The goals shall be related to student learning and the school leaders' job responsibilities as described in the leadership standards. The school leader shall review school-wide data to establish a student learning goal and identify strategies and measures that will be provided to document progress on the student learning goal. The second goal shall be derived from the Self-reflection based on the West Virginia Professional Leader Standards.

10.5. The school leaders will annually administer a stakeholder survey on the overall effectiveness of the school during the second semester. The surveys will provide the school leader(s) with perceptual data to share with the evaluator at the year-end conference.

10.6. The evaluator will document the performance rating on each standard using the online evaluation form and schedule a year-end evaluation conference with the school leader to share results on or before July 1. The school leader's signature in the online system denotes that the evaluator has reviewed the evaluation with the school leader. The school leader's signature does not imply concurrence with the evaluation and/or its rating. The school leader has the right to include a statement as an addendum to the evaluation. An addendum and the signature of the school leader must be submitted no later than five working days following the date of the conference.

§126-142-11. School Leader Evaluation Standards.

11.1. School leaders shall be evaluated based on their performance within the following nine standards which determine 80 percent of the summative evaluation rating:

11.1.a. Interpersonal and Collaborative Skills. The school leader demonstrates effective and professional interpersonal and collaborative skills.

11.1.b. Clear and Focused Learning Mission. The school leader facilitates the development of the strategic plan including a clear vision, mission, and goals.

11.1.c. Rigorous Curriculum, Engaging Instruction, and Balanced Assessments. The school leader provides instructional leadership to establish and support a student-centered learning environment.

11.1.d. Positive Learning Climate and Cohesive Culture. The school leader builds and sustains a safe and positive climate and cohesive culture.

11.1.e. Professional Growth and Retention of Quality Staff. The school leader identifies, supports, and participates in professional development.

11.1.f. Support Systems for Student Success. The school leader creates and supports practices that address students' physical, social-emotional, and academic needs.

11.1.g. Operations to Promote Learning. The school leader demonstrates a proactive approach in effectively managing the resources and operations of the school.

11.1.h. Family and Community Connections. The school leader communicates and creates partnerships to engage students, staff, families, and the community.

11.1.i. Continuous Improvement. The school leader ensures continuous improvement through

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the implementation and monitoring of the strategic plan.

11.2. Student Growth. School leaders shall be evaluated based on demonstration of their students' success through multiple measures which determines 20 percent of the summative evaluation rating as determined by the results of the school leader's two goals.

11.3. Professional Conduct. The Professional Conduct standard allows educators to address areas of concern without necessitating an improvement plan. The Professional Conduct performance standard does not, however, supplant code and policy to which educators remain fully accountable and is not determinative of whether behavior is correctable. Certain violations may be corrected by implementation of an improvement plan; others will require immediate action. The standard addresses the following areas: Adhering to Policy and Procedure; Professional Attendance; Adhering to Schedule; and Respect. An Unsatisfactory rating in any of these areas prompts a standard performance rating of Unsatisfactory.

§126-142-12. Evaluation Process for Teachers.

12.1. All teachers shall participate in an annual summative evaluation conference on or before the teacher's final day in the classroom for the school year, or on or before June 15 of the school year, whichever occurs first. The evaluation is recorded in the online evaluation system.

12.2. The teacher's evaluator is responsible for monitoring performance and for preparing the evaluation.

12.3. The purpose of the evaluation is to set high standards of performance for teachers, ensure high-quality instruction focused on increasing student achievement, encourage continuous growth and improvement through personal reflection and goal setting, and serve as a tool in developing coaching and mentoring programs for teachers.

12.4. Observations are to last the length of a lesson, but not less than 30 minutes. Evaluators record data using the Observation form. Teachers shall have access to the completed Observation form prior to the conference, which shall be scheduled and conducted within 10 days of the observation. Teachers and evaluators exchange reflection and feedback and identify strategies and resources. They likewise review any additional evidence presented at the conference. Evidence accumulated as part of the observation is considered in the determination of the summative performance rating.

12.4.a. Teachers in the Initial Progression will be observed a minimum of four times for the summative performance evaluation. Two observations shall be scheduled with the teacher and shall be conducted during an instructional activity.

12.4.a.1. The first instructional observation and conference shall be completed on or before November 1.

12.4.a.2. The second observation and conference shall be completed between November 1 and January 1.

12.4.a.3. The third observation and conference shall be completed between January 1 and March 1.

12.4.a.4. The final observation and conference shall be completed between March 1 and

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May 1.

12.4.b. Teachers in the Intermediate Progression will be observed a minimum of two times for the summative performance evaluation. The supervisor shall schedule one of the two observations with the teacher.

12.4.b.1. The first observation and conference shall be completed on or before November 1.

12.4.b.2. The second observation and conference shall be completed on or before May 1.

12.4.c. Teachers in the Advanced Progression may request an observation(s) be conducted by the evaluator. The evaluator shall conduct the requested observation(s) within a timeframe established through communication between the teacher and the evaluator.

12.5. Evaluators may observe teachers at any time.

12.6. Lesson plans may not be used as a substitute for observations.

12.7. Teachers annually develop two Student Learning Goals and submit them via the online system to their evaluator for review on or before November 1. The goals shall be related to improving student achievement. The determination of the goals shall be based on the identified needs of the students, which shall include a consideration of gaps in performance. All teachers in grades Kindergarten through Grade 3 shall include a goal to address increasing students' reading and math proficiency. Evaluators verify that the goals are rigorous, measurable, and comparable across classrooms. Evaluators may request goals be modified.

12.8. Teachers submit evidence for each goal to validate progress of student learning and briefly describe results on both Student Learning Goals. Evaluators review results and record a performance level for the Student Learning performance standard.

12.9. Itinerant teachers, not assigned a home school, shall be assigned an immediate supervisor by the county superintendent for purposes of evaluation.

12.10. The evaluator shall share the evaluation with the teacher during a scheduled conference and the educator will accept the evaluation rating on or before June 15 with the option to appeal.

12.11. The teacher's signature in the online system denotes that the evaluator has reviewed the evaluation with the teacher. The teacher's signature does not imply concurrence with the evaluation and/or its rating. The teacher has the right to include a statement as an addendum to the evaluation. An addendum and the signature of the teacher must be submitted no later than five working days following the date of the conference.

§126-142-13. Teacher Evaluation Standards and Elements.

13.1. West Virginia Professional Teaching Standards. Teachers shall be evaluated based on their performance within the following five standards which determine 80 percent of the summative evaluation rating:

13.1.a. Curriculum and Planning.

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13.1.a.1. Element 1.1. The teacher demonstrates a deep and extensive knowledge of the subject matter.

13.1.a.2. Element 1.2. The teacher designs standards-driven instruction using state-approved standards.

13.1.a.3. Element 1.3. The teacher uses a balanced assessment approach to guide student learning.

13.1.b. The Learner and the Learning Environment.

13.1.b.1. Element 2.1. The teacher understands and responds to the unique characteristics of learners.

13.1.b.2. Element 2.2. The teacher establishes and maintains a safe and appropriate learning environment.

13.1.b.3. Element 2.3. The teacher establishes and maintains a learner-centered culture.

13.1.c. Teaching.

13.1.c.1. Element 3.1. The teacher utilizes a variety of research-based instructional strategies.

13.1.c.2. Element 3.2. The teacher motivates and engages students in learning, problem solving and collaboration.

13.1.c.3. Element 3.3. The teacher adjusts instruction based on a variety of assessments and student responses.

13.1.d. Professional Responsibilities for Self-Renewal.

13.1.d.1. Element 4.1. The teacher engages in professional development for self-renewal that guides continuous examination and improvement of professional practice.

13.1.d.2. Element 4.2. The teacher actively engages in collaborative learning opportunities for self-renewal with colleagues.

13.1.e. Professional Responsibilities for School and Community.

13.1.e.1. Element 5.1. The teacher participates in school-wide collaborative efforts to support the success of all students.

13.1.e.2. Element 5.2. The teacher works with parents, guardians, families, and community entities to support student learning and well-being.

13.1.e.3. Element 5.3. The teacher promotes practices and policies that improve school environment and student learning.

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13.2. Student Growth. Teachers shall be evaluated based on demonstration of their students' success through multiple measures which determine 20 percent of the summative evaluation rating as determined by the results of the teacher's student learning goals.

13.3. Professional Conduct. The Professional Conduct standard allows educators to address areas of concern without necessitating an improvement plan. The Professional Conduct performance standard does not, however, supplant code and policy to which educators remain fully accountable and is not determinative of whether behavior is correctable. Certain violations may be corrected by implementation of an improvement plan; others will require immediate action. The standard addresses the following areas: Adhering to Policy and Procedure; Professional Attendance; Adhering to Schedule; and Respect. An Unsatisfactory rating in any of these areas prompts a standard performance rating of Unsatisfactory.

§126-142-14. Evaluation Process for School Counselors.

14.1. All school counselors shall participate in an annual evaluation conference on or before June 15 that is recorded in the online evaluation system.

14.2. The evaluator is responsible for monitoring performance and for preparing the online evaluation. When school counselors are in multiple schools, school counselors will consult with the county superintendent and the school leader at their home school to identify their evaluator(s).

14.3. The purpose of the evaluation is to set high standards of performance for school counselors, ensure high-quality instruction focused on increasing student achievement, and encourage continuous growth and improvement through personal reflection and goal setting.

14.4. School counselors annually develop two goals targeted at performance improvement and submit them electronically to their evaluator for review on or before November 1. Evaluators may request goals be modified. Goals account for 15 percent of a school counselor's annual evaluation.

14.5. School counselors may submit evidence for each goal to validate progress of student impact and briefly describe results on both goals. Evaluators review results and record a performance level for the goals.

14.6. Observations may be requested by the school counselor or the evaluator at any time for activities of a non-confidential nature. The evaluator shall conduct requested observations within a timeframe established through communication between the school counselor and the evaluator.

14.7. The school counselor's signature in the online system denotes that the evaluator has reviewed the evaluation with the school counselor. The school counselor's signature does not imply concurrence with the evaluation and/or its rating. The school counselor has the right to include a statement as an addendum to the evaluation. An addendum and the signature of the school counselor must be submitted no later than five working days following the date of the conference.

§126-142-15. School Counselor Evaluation Standards and Elements.

15.1. The following elements describe important competencies of effective school counselors based on observable behaviors and artifacts of practice. These elements reflect best practices as illustrated in the West Virginia School Counseling Model (found on the WVDE's website at <https://wvde.us/wv-school->

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counselors).

15.2. Standard 1. Program Planning, Design and Management.

15.2.a. Element 1.1. The school counselor assumes leadership in planning, designing and advocating for a balanced, comprehensive school counseling program aligned with the state model.

15.2.b. Element 1.2. The school counselor manages the school counseling program and documents alignment with the West Virginia School Counseling Model.

15.3. Standard 2. Program Delivery.

15.3.a. Element 2.1. The school counselor facilitates a coordinated, integrated approach to the delivery of the 126CSR44U, Policy 2520.19, West Virginia College- and Career-Readiness Dispositions and Standards for Student Success for Grades K-12.

15.3.b. Element 2.2. The school counselor utilizes research-based and best practices as reflected by state school counseling protocols.

15.3.c. Element 2.3. The school counselor facilitates the delivery of a continuum of interventions and responsive services.

15.3.d. Element 2.4. The school counselor coordinates a seamless, systematic approach to providing student support systems.

15.3.e. Element 2.5. The school counselor participates in and/or facilitates a coordinated approach to individual student academic and career planning.

15.4. Standard 3. Data Driven Accountability and Program Evaluation.

15.4.a. Element 3.1. The school counselor guides continuous program improvement through multiple forms of evaluation.

15.5. Standard 4. Leadership and Advocacy.

15.5.a. Element 4.1. The school counselor advocates for the success of all students by promoting equity and access.

15.5.b. Element 4.2. The school counselor collaborates with various stakeholders.

15.6. Standard 5. Professional Growth and Responsibilities.

15.6.a. Element 5.1. The school counselor seeks ongoing, relevant professional development.

15.6.b. Element 5.2. The school counselor demonstrates professional and ethical practices.

15.6.c. Element 5.3. The school counselor contributes to the growth of the profession.

165.7. Student Impact. School counselors shall be evaluated based on demonstration of their

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students' success through multiple measures which determines 15 percent of the summative evaluation rating.

15.8. Professional Conduct. The Professional Conduct standard allows educators to address areas of concern without necessitating an improvement plan. The Professional Conduct performance standard does not, however, supplant code and policy to which educators remain fully accountable and is not determinative of whether behavior is correctable. Certain violations may be corrected by implementation of an improvement plan; others will require immediate action. The standard addresses the following areas: Adhering to Policy and Procedure; Professional Attendance; Adhering to Schedule; and Respect. An Unsatisfactory rating in any of these areas prompts a standard performance rating of Unsatisfactory.

§126-142-16. Evaluation Process for Professional Support Personnel and Central Office Personnel.

16.1. Professional support and central office personnel shall receive a written evaluation a minimum of one time per year.

16.2. The immediate supervisor, as defined by the county superintendent, is responsible for monitoring performance and professional conduct and for preparing the written evaluation. When monitoring professional conduct, consideration should be given to the following: adhering to policy and procedure; professional attendance; adhering to schedule; and respect.

16.3. The purpose of the evaluation is to improve the professional support and central office employee's performance and professional growth. The professional support/central office employee and the immediate supervisor will mutually establish annual written goals for the professional support employee's performance evaluation on or before November 1. The goals shall be related to the professional support/central office employee's job responsibilities. In addition to the goal setting conference, the professional support/central office employee and the supervisor will meet at least once annually to review progress toward meeting the established goals. The supervisor will schedule an evaluation conference with the professional support/central office employee to share findings and prepare the written evaluation. The professional support/central office employee shall receive a copy of the evaluation within five working days.

16.4. The primary data source for the performance evaluation will be information and documentation related to the mutually established goals. The professional support/central office employee shall maintain a portfolio of materials that validate progress or completion of the mutually established goals. The professional support/central office employee's supervisor may also collect documentation relating to these goals. The supervisor will evaluate the professional support/central office employee's performance using a narrative description to document the progress made toward goal attainment or to document unsatisfactory performance. Because the mutually established goals will be unique to each professional support/central office employee, it follows that the evaluation narrative will focus on the professional support/central office employee's demonstration of those skills identified in the performance characteristics. Therefore, the evaluation will be goal directed and may incorporate the performance characteristics in the narrative description. The supervisor may include those performance characteristics appropriate to the mutually established goals. The performance characteristics should be identified during the goal setting conference. The portfolios maintained by the professional support/central office employee and the supervisor shall be included as part of the evaluation documentation.

16.5. The professional support/central office employee's signature on the evaluation form denotes that the supervisor has reviewed the evaluation with the professional support employee. The professional

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support employee's signature does not imply concurrence with the evaluation and/or its rating. The professional support employee shall receive a copy of the evaluation. The professional support employee has the right to include a written statement as an addendum to the evaluation. An addendum and the signature of the professional support employee must be affixed to the evaluation not later than five working days following receipt of the written evaluation.

§126-142-17. Improvement Plan for Professional Support Personnel and Central Office Personnel.

17.1. An improvement plan shall be developed by the supervisor and the professional support/central office employee when the professional support employee's performance is unsatisfactory in any area of responsibility as contained in section 19.

17.2. The improvement plan shall designate how the professional support/central office employee shall meet standards. The improvement plan shall:

17.2.a. identify the deficiency(ies),

17.2.b. specify the corrective action to remediate the deficiency(ies),

17.2.c. contain the time frame for monitoring and deadlines for meeting performance characteristics, and in no case shall the improvement plan be for more than 18 weeks in length, and

17.2.d. describe the resources and assistance available to assist in correcting the deficiency(ies).

17.3. After a professional support/central office employee has successfully corrected deficiencies the professional support/central office employee must continue to meet standards.

17.4. Nothing in this section shall supersede the provisions of W. Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-18. Improvement Team for Professional Support Personnel and Central Office Personnel.

18.1. A referral to an improvement team for the professional support/central office employee whose evaluation is Unsatisfactory may occur when the supervisor determines a need for such assistance. The professional support/central office employee may request the assistance of an improvement team.

18.2. The improvement team shall be comprised of the professional support/central office employee's immediate supervisor, one additional administrator preferably at the same school level, and one professional educator in the same or related specialization. The professional educator shall be selected by the professional support/central office employee and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to section 3.2.

18.3. The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

18.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the professional support/central office employee in meeting the responsibilities outlined in the plan, and c) identify additional resources. Release time may be

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provided for professional educators who serve on the improvement team.

§126-142-19. Professional Support Personnel Responsibilities.

19.1. In addition to established laws, policies, rules and regulations, job descriptions for professional support personnel may include the following responsibilities when appropriate:

19.1.a. plans, prepares and implements new programs or facilitates change in the existing program,

19.1.b. organizes, directs, and coordinates programs,

19.1.c. gathers and interprets data for individuals, groups or programs,

19.1.d. delivers services to students or others,

19.1.e. collaborates with school personnel and/or parents to coordinate the delivery of services to students or others,

19.1.f. facilitates professional development activities to achieve goals,

19.1.g. develops and improves individual competencies and skills to deliver services, and

19.1.h. demonstrates competency in the knowledge and implementation of technology standards.

§126-142-20. Professional Support Personnel Performance Characteristics.

20.1. Performance characteristics in this section are the state-adopted responsibilities for professional support personnel. The purpose is to clarify responsibilities of the professional support employee and to provide guidance to the professional support employee in understanding job expectations.

20.2. Planning, Preparation, and Implementation.

20.2.a. Engages in activities that prepare for implementation of new programs or facilitates change in existing programs and their implementation. Items that may be used to reflect planning and preparation:

20.2.a.1. identifies needs of students and others,

20.2.a.2. develops action plans based on identified needs,

20.2.a.3. evaluates ongoing programs/plans,

20.2.a.4. revises programs based on assessment,

20.2.a.5. implements ongoing program activities and revises activities as needed, and

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20.2.a.6. advises school personnel regarding available resources.

20.3. Administration/Management.

20.3.a. Organizes, directs, or coordinates programs that include responsibility for budgeting, staffing, reporting, and other similar activities. Items that may be used to reflect administration/management:

20.3.a.1. aids school administration in developing and providing policies and/or programs,

20.3.a.2. establishes and communicates practices and procedures to students, parents, community, and staff,

20.3.a.3. works to integrate program into total school curriculum,

20.3.a.4. prepares thorough and accurate reports in a timely manner, and

20.3.a.5. makes recommendations to modify the school program to meet individual students' needs.

20.4. Assessment/Evaluation.

20.4.a. Gathers and interprets data from individual, groups, or programs to evaluate needs and programs. Items that may be used to reflect assessment/evaluation:

20.4.a.1. explains nature and purpose of assessment in an understandable manner,

20.4.a.2. demonstrates knowledge of theories, techniques, and instruments used for assessment,

20.4.a.3. follows confidentiality procedures,

20.4.a.4. makes provisions for the attainment and evaluation of program goals, and

20.4.a.5. communicates effectively with school personnel, students, parents, and the community.

20.5. Intervention.

20.5.a. Delivers services to students and others to improve skills/functional abilities or inform recipients of services. Items that may be used to reflect intervention:

20.5.a.1. provides activities to foster the development of the whole child/student,

20.5.a.2. demonstrates positive interpersonal relationships with students, educational staff, parents, and the community,

20.5.a.3. assists teachers and students in implementing plans/strategies,

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20.5.a.4. involves students in setting objectives, and

20.5.a.5. uses systematic processes to assess needs, plan interventions, and evaluate outcomes.

20.6. Collaboration.

20.6.a. Collaborates with school personnel, parents, and the community to assist with and coordinate the delivery of services to students. Items that may be used to reflect collaboration:

20.6.a.1. presents information about services offered to students, school personnel, parents, and the community,

20.6.a.2. assists parents and students with individual needs to secure available services,

20.6.a.3. creates a positive climate during consultation,

20.6.a.4. serves on or leads multidisciplinary teams, and

20.6.a.5. respects values different from the employee's own.

20.7. Professional Development.

20.7.a. Facilitates professional development activities to achieve goals. Items that may be used to reflect professional development:

20.7.a.1. seeks input from staff,

20.7.a.2. plans, implements, and evaluates professional development programs,

20.7.a.3. disseminates information at meetings, and

20.7.a.4. develops procedures and provides training for school personnel, students, and parents.

20.8. Professional Responsibilities.

20.8.a. Develops and improves individual competence and skill in delivering services consistent with professional standards. Items that may be used to reflect professional responsibilities:

20.8.a.1. behaves in an ethical manner,

20.8.a.2. demonstrates understanding of own professional limitations,

20.8.a.3. continues professional development by keeping abreast of current trends,

20.8.a.4. keeps appointments and follows up with commitments,

20.8.a.5. adheres to established regulations, policies, rules, and laws, and

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20.8.a.6. commands respect by example in appearance, manners, behavior, and language.

20.9. Technology Standards.

20.9.a. Demonstrates competence and knowledge in the implementation of technology standards identified by the WVBE policies which are based on the International Society for Technology in Education (ISTE) Standards. Items that may be used to reflect instructional leadership competencies:

20.9.a.1. demonstrates a sound understanding of technology operations and concepts,

20.9.a.2. applies technology to facilitate a variety of effective assessment and evaluation strategies,

20.9.a.3. uses technology to enhance productivity and professional practice, and

20.9.a.4. understands the social, ethical, legal, and human issues surrounding the use of technology in pre-k-12 schools and applies that understanding in practice.

§126-142-21. Evaluation Process for Athletic Coaches.

21.1. The primary purpose of the evaluation is to provide information necessary to make an objective assessment of the performance of coaches and assistant coaches and to assure that quality coaching is provided to the student athlete.

21.2. A minimum of one written evaluation per coach's and assistant coach's contract period is required each year.

21.3. Principals, assistant principals, or athletic directors who hold an administrative certificate according to W. Va. Code §18A-2-12 shall evaluate coaches and assistant coaches. The evaluator is responsible for monitoring performance and professional conduct and for preparing the written evaluation. When monitoring professional conduct, consideration should be given to the following: adhering to policy and procedure; professional attendance; adhering to schedule; and respect.

21.4. The principal, assistant principal, or athletic director shall conduct observations and evaluations of head coaches. A minimum of two observations is required for each evaluation.

21.5. The principal, assistant principal, or athletic director, with input from the head coach, shall conduct observations and evaluations of assistant coaches. A minimum of two observations is required for each evaluation.

21.6. The principal, assistant principal, or athletic director shall share the evaluation with the coach/assistant coach during a scheduled conference and within a four week period at the conclusion of each sport's season as defined by West Virginia Secondary School Activities Commission (WVSSAC).

21.7. The coaches and assistant coaches have the right to include a written statement as an addendum to the evaluation.

21.8. The coach and/or assistant coach shall sign the evaluation form denoting that the supervisor

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has reviewed the evaluation and the coach and/or assistant coach has received a copy. The signature shall not imply concurrence with the findings.

§126-142-22. Improvement Plan for Athletic Coaches.

22.1. An improvement plan shall be developed by the principal, assistant principal, or athletic director who holds an administrative certificate, when a coach's performance is unsatisfactory in an area of coaching responsibility.

22.2. The improvement plan shall designate how the coach shall meet performance criteria. The improvement plan shall:

22.2.a. identify the deficiency(ies),

22.2.b. specify the corrective action to remediate the deficiency(ies),

22.2.c. contain the time frame for monitoring and deadlines for meeting the criteria, and in no case shall an improvement plan be for more than one semester in length, and

22.2.d. describe the resources and assistance available to assist in correcting the deficiency(ies).

22.3. After a coach has successfully corrected deficiency(ies) the coach must continue to meet standards.

22.4. Nothing in this section shall supersede the provisions of W. Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-23. Improvement Team for Athletic Coaches.

23.1. A referral to an improvement team for a coach whose evaluation is Unsatisfactory may occur when the supervisor determines the need for such assistance. The coach may request the assistance of an improvement team.

23.2. The improvement team shall be comprised of the coach's immediate supervisor, one additional administrator, and one coach in the same or related sport. The coach who will serve as a member of the improvement team shall be selected by the coach and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to section 3.2.

23.3. The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

23.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the coach in meeting the performance criteria outlined in the plan, and c) identify additional resources.

23.5. Release time may be provided for employees who serve on the improvement team.

§126-142-24. Athletic Coaches' Responsibilities.

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24.1. In addition to established laws, rules, policies, and regulations, job descriptions for coaching shall include the following responsibilities:

24.1.a. communicating with parents and the educational community (see section 25.2), and

24.1.b. implementing fundamental sports skills and sports management systems (see section 25.3).

§126-142-25. Athletic Coaches' Performance Criteria.

25.1. Performance criteria in this section are the state-adopted responsibilities for coaches. The purpose is to clarify coaching responsibilities and help provide guidance to the coach in understanding job expectations.

25.2. Professional and Interpersonal Relations.

25.2.a. Communicates with educational personnel, parents, students, and others. Items that may be used to reflect professional and interpersonal relations:

25.2.a.1. cooperates with building principal,

25.2.a.2. cooperates with athletic director,

25.2.a.3. develops rapport with coaching staff within the school,

25.2.a.4. organizes coaching staff,

25.2.a.5. develops positive relationship with participants,

25.2.a.6. develops positive relationship with student body,

25.2.a.7. develops positive relationship with faculty,

25.2.a.8. develops positive relationship with parents and community,

25.2.a.9. develops positive relationship with game officials,

25.2.a.10. develops positive relationship with news media,

25.2.a.11. develops positive relationship with opponents,

25.2.a.12. employs appropriate conduct during games,

25.2.a.13. employs appropriate conduct during practices,

25.2.a.14. attends league, conference, and WVSSAC meetings,

25.2.a.15. participate in activities that foster professional growth and development,

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25.2.a.16. motivates staff and players toward desired goals, and

25.2.a.17. commands respect by example in appearance, manners, behavior, and language.

25.3. Coaching and Related Areas.

25.3.a. Organizes strategies for teaching sports skills and sports management systems. Items that may be used to reflect coaching and related areas:

25.3.a.1. develops high caliber and quality instruction,

25.3.a.2. teaches fundamental skills,

25.3.a.3. handles athletic injuries,

25.3.a.4. cares for equipment,

25.3.a.5. supervises participants and disciplines team appropriately,

25.3.a.6. designs quality organization of practice sessions,

25.3.a.7. designs pre-season planning,

25.3.a.8. supervises managers and other support personnel,

25.3.a.9. manages budget,

25.3.a.10. follows purchasing procedures,

25.3.a.11. initiates game organization skills,

25.3.a.12. follows league, conference, and WVSSAC policies,

25.3.a.13. devotes time and energy to coaching duties, and

25.3.a.14. follows end of season procedures.

§126-142-26. Severability.

26.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.