

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1106**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-105, Idaho Code, Section 33-107, Idaho Code, and Section 33-1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Tuesday, October 18, 2011  
at 4:00 p.m. (MDT)**

**Idaho State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho**

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Students Come First laws require that parent input be included in teacher and school-based administrator evaluations and that at least fifty percent (50%) of administrator and teacher evaluations are based on growth in student achievement, as determined by the board of trustees. The changes to this rule further clarify the new parent input and growth in student achievement requirements. The domains and components of the teacher evaluation framework have been made more consistent with Charlotte Danielson's Framework for Teaching Second Edition (as referenced in the rule), and citations to Idaho Code have been corrected.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed language is clarifying existing law and was crafted around public feedback requesting the clarification.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder at (208) 332-6886.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, October 26, 2011.

DATED this 31st Day of August, 2011.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education

650 West State Street, 2nd Floor  
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(208) 332-6812; fax: (208) 334-2228

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-1106

**120. LOCAL DISTRICT EVALUATION POLICY.**

Each school district board of trustees will develop and adopt policies for teacher performance evaluation in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators and teachers. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-29-10)

**01. Standards.** Each district evaluation model shall be aligned to state minimum standards that are based on Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. Those domains and components include: (3-29-10)

- a. Domain 1 - Planning and Preparation: (3-29-10)
  - i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)
  - ii. Demonstrating Knowledge of Students; (3-29-10)
  - iii. Setting Instructional Goals Outcomes; ~~(3-29-10)~~( )
  - iv. Demonstrating Knowledge of Resources; (3-29-10)
  - v. Designing Coherent Instruction; and (3-29-10)
  - vi. Assessing Designing Student Learning Assessments. ~~(3-29-10)~~( )
- b. Domain 2 - Learning The Classroom Environment: ~~(3-29-10)~~( )
  - i. Creating an Environment of Respect and Rapport; (3-29-10)
  - ii. Establishing a Culture for Learning; (3-29-10)
  - iii. Managing Classroom Procedures; (3-29-10)
  - iv. Managing Student Behavior; and (3-29-10)
  - v. Organizing Physical Space. (3-29-10)
- c. Domain 3 - Instruction and Use of Assessment: (3-29-10)
  - i. Communicating Clearly and Accurately with Students; ~~(3-29-10)~~( )
  - ii. Using Questioning and Discussion Techniques; (3-29-10)
  - iii. Engaging Students in Learning; (3-29-10)
  - iv. Providing Feedback to Students Using Assessment in Instruction; and ~~(3-29-10)~~( )
  - v. Demonstrating Flexibility and Responsiveness; and. ~~(3-29-10)~~( )
  - vi. Use Assessment to Inform Instruction and Improve Student Achievement. ~~(3-29-10)~~

- d. Domain 4 - Professional Responsibilities: (3-29-10)
- i. Reflecting on Teaching; (3-29-10)
- ii. Maintaining Accurate Records; (3-29-10)
- iii. Communicating with Families; (3-29-10)
- iv. ~~Contributing to the School and District~~ Participating in a Professional Community; ~~(3-29-10)~~ ( )
- v. Growing and Developing Professionally; and (3-29-10)
- vi. Showing Professionalism. (3-29-10)

**02. Parent Input.** For evaluations conducted on or after July 1, 2012, input from the parents and guardians of students shall be considered as a factor in the evaluation of any school-based certificated employees. For such certificated employees on a Category A, B or grandfathered renewable contract, this input shall be part of the first half of the evaluation that must be completed before February 1 of each year (Section 33-513 and 33-514, Idaho Code). ( )

**03. Student Achievement.** For evaluations conducted on or after July 1, 2012, all certificated employees must receive an evaluation in which at least fifty percent (50%) of the evaluation results are based on objective measures of growth in student achievement as determined by the board of trustees. This student achievement portion of the evaluation shall be completed by the end of the school year in which the evaluation takes place (Section 33-513 and 33-514, Idaho Code). ( )

**024. Participants.** Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 136, and each school nurse and librarian (~~Section 33-515, Idaho Code~~). Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (4-1-97)( )

**035. Evaluation Policy - Content.** Local school district policies will include, at a minimum, the following information: (4-1-97)

- a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. (4-1-97)
- b. Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. (4-1-97)
- c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated personnel performance. The individuals assigned this responsibility should have received training in evaluation. (4-1-97)
- d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For classroom teaching personnel, classroom observation should be included as one (1) source of data. (4-1-97)
- e. Procedure -- description of the procedure used in the conduct of certificated personnel evaluations. (4-1-97)
- f. Communication of results -- the method by which certificated personnel are informed of the results of evaluation. (4-1-97)
- g. Personnel actions -- the action, if any, available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate,

school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (4-1-97)

**h.** Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. (4-1-97)

**i.** Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (4-1-97)

**j.** Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system. (4-1-97)

**k.** Professional development and training -- a plan for ongoing training for evaluators/administrators and teachers on the districts evaluation standards, tool and process. (3-29-10)

**l.** Funding -- a plan for funding ongoing training and professional development for administrators in evaluation. (3-29-10)

**m.** Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development. (3-29-10)

**n.** A plan for how evaluations will be used to identify proficiency and define a process that identifies and assists teachers in need of improvement. (3-29-10)

**o.** A plan for including all stakeholders including, but not limited to, teachers, board members, and administrators in the development and ongoing review of their teacher evaluation plan. (3-29-10)

**046. Evaluation Policy - Frequency of Evaluation.** The evaluation policy should include a provision for evaluating all certificated personnel on a fair and consistent basis. *At a minimum, the policy must provide standards for evaluating the following personnel:* All contract personnel shall be evaluated at least once annually. (4-1-97)(    )

~~**a.** First, second, and third year nonrenewable contract personnel will be evaluated at least once prior to the beginning of the second semester of the school year. (4-1-97)~~

~~**b.** All renewable contract personnel will be evaluated at least once annually. (4-1-97)~~

**057. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). (4-1-97)