

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 2597

BY DELEGATES TONEY, VANCE, ELLINGTON, COOPER,

BROOKS, SHAMBLIN, FOGGIN, HECKERT, KIRBY AND

HARDY

[Passed March 3, 2023; in effect ninety days from passage.]

1 AN ACT to amend and reenact §18A-3C-2 of the Code of West Virginia, 1931, as amended,
2 relating to performance evaluations of professional educational personnel; requiring that
3 performance evaluations provide an explanation and data in support of any measure or
4 criterion in which the employee is rated less than accomplished.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3C. IMPROVING TEACHING AND LEARNING.

§18A-3C-2. Performance evaluations of professional personnel.

1 (a) The provisions of this section govern the performance evaluation of classroom
2 teachers, principals and assistant principals employed in public schools and school systems. To
3 the extent that this section conflicts with the provisions of §18A-2-12 of this code relating to
4 professional personnel performance evaluations, this section shall govern.

5 (b) Before July 1, 2018, the state board shall adopt a legislative rule in accordance with
6 §29A-3B-1 *et seq.* of this code, for annually evaluating the performance of each professional
7 person. The rule shall provide for performance evaluations of professional personnel to be
8 conducted in accordance with this section in each school and school system.

9 (c)(1) The process adopted by the state board for evaluating the performance of classroom
10 teachers shall incorporate at least the following:

11 (A) Alignment with the West Virginia Professional Teaching Standards adopted by the
12 state board that establish the foundation for educator preparation, teacher assessment, and
13 professional development throughout the state;

14 (B) Employment of the professional teaching standards to provide explicit and extensive
15 measures of the work of teaching and what teachers must know and be able to do and provide
16 evaluative measures of educator performance; and

17 (C) The use of two pieces of evidence at two points in time over the instructional term to
18 demonstrate student learning as an indicator of educator performance.

19 (2) Eighty percent of the evaluation shall be based on an appraisal of the educator's ability
20 to perform the critical standard elements of the professional teaching standards. The appraisal
21 shall include conferences with the evaluator reinforced through observation. Twenty percent of
22 the evaluation shall be based on evidence of the learning of the students assigned to the educator
23 in accordance with paragraph (C), subdivision (1) of this subsection.

24 (d)(1) The process adopted by the state board for evaluating the performance of principals
25 and assistant principals shall include at least the following:

26 (A) Alignment with the West Virginia Professional Leadership Standards adopted by the
27 state board establishing the responsibility of principals for the collective success of their school
28 including the learning, growth, and achievement of students, staff, and self;

29 (B) Employment of the professional leadership standards to provide explicit and extensive
30 measures of the work of school leadership focused on the continuous improvement of teaching
31 and learning. The process shall include conferences and goal setting with the superintendent or
32 his or her designee and the use of a survey of stakeholders to assist in identifying the needs and
33 establishing the goals for the school and the principal. The survey shall be distributed to at least
34 the following stakeholders: Students, parents, teachers, and service personnel. The evaluative
35 measures shall include the use of data, evidence, and artifacts to confirm the principal's
36 performance on achieving the goals established by the principal and superintendent; and

37 (C) The use of two pieces of evidence at two points in time over the instructional term to
38 demonstrate the growth in student learning at the school.

39 (2) Eighty percent of the evaluation shall be based on an appraisal of the principal's or the
40 assistant principal's ability to perform the critical standard elements of the professional leadership
41 standards and achieve the goals established for the principal and the school. Twenty percent of
42 the evaluation shall be based on evidence of the learning of the students assigned to the school
43 in accordance with paragraph (C), subdivision (1) of this subsection.

44 (e) Evaluations of the performance of professional personnel shall serve the following
45 purposes:

46 (1) Serve as a basis for the improvement of the performance of the professional personnel
47 in their assigned duties;

48 (2) Serve as the basis for providing professional development specifically targeted on the
49 area or areas identified through the evaluation process as needing improvement. If possible, this
50 targeted professional development should be delivered at the school site using collaborative
51 processes, mentoring or coaching or other approaches that maximize use of the instructional
52 setting;

53 (3) Serve as the basis for establishing priorities for the provision of county-level
54 professional development when aggregate evaluation data from the county's schools indicates
55 an area or areas of needed improvement;

56 (4) Serve as a basis for informing the teacher preparation programs in this state of an area
57 or areas of needed improvement in the programs, or informing a specific program of needed
58 improvement, when state-level aggregate evaluation data indicates that beginning teachers who
59 have graduated from the program have specific weaknesses;

60 (5) Provide an indicator of level of performance of the professional personnel and, if the
61 evaluation indicates any area, quality, skill, or level of performance is less than accomplished,
62 provide an explanation and data to support the evaluation;

63 (6) Serve as a basis for programs to increase the professional growth and development
64 of professional personnel; and

65 (7) Serve as documentation for a dismissal on the grounds of unsatisfactory performance.

66 (f) The rule adopted by the state board shall include standards for the performance of
67 professional personnel and the criteria to be used to determine whether their performance meets
68 the standards. The rule also shall include guidance on best practices for providing time within the
69 school day for teachers and leaders subject to performance evaluations under this section to

70 participate in the collaborative mentoring or coaching and planning processes necessary for
71 execution of the performance evaluation process and achieving advanced levels of performance.

72 (g) The rule adopted by the state board shall include provisions for written improvement
73 plans when necessary to improve the performance of the professional personnel. The written
74 improvement plan shall be specific as to what improvements are needed in the performance of
75 the professional personnel and shall clearly set forth recommendations for improvements
76 including recommendations for additional education and training of professionals subject to
77 recertification. Professional personnel whose performance evaluation includes a written
78 improvement plan shall be given an opportunity to improve his or her performance through the
79 implementation of the plan.

80 (h) A professional person whose performance is considered to be unsatisfactory shall be
81 given written notice of his or her deficiencies. A written improvement plan to correct these
82 deficiencies shall be developed by the employing county board and the employee. The
83 professional person shall be given a reasonable period of time, not exceeding 12 months, to
84 accomplish the requirements of the improvement plan and shall receive a written statement of the
85 resources and assistance available for the purposes of correcting the deficiencies. If the next
86 performance evaluation shows that the professional is now performing satisfactorily, no further
87 action may be taken concerning the original performance evaluation. If the evaluation shows that
88 the professional is still not performing satisfactorily, the evaluator either shall make additional
89 written recommendations for improvement or may recommend the dismissal of the professional
90 personnel in accordance with the provisions of §18A-2-8 of this code.

91 (i) No person may evaluate professional personnel for the purposes of this section unless
92 the person has an administrative certificate issued by the state superintendent and has
93 successfully completed education and training in evaluation skills approved by the state board
94 which will enable the person to make fair, professional, and credible evaluations of the personnel
95 whom the person is responsible for evaluating.

96 (j) Prior to implementation of the evaluation process pursuant to this section at a school,
97 each affected employee shall be given training to ensure that the employees have a full
98 understanding of the purposes, instruments, and procedures used in evaluating their
99 performance. Thereafter, this training shall be held annually at the beginning of the employment
100 term.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor