

# **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*

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

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*Governor*