



# Wyoming Department of Education

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## MEMORANDUM NO. 2011-006

**TO:** School District Superintendents

**FROM:** Cindy Hill

**DATE:** January 14, 2011

**SUBJECT:** Chapter 29 Rules – Certified Personnel Evaluation Systems

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### FOR YOUR INFORMATION

Please find enclosed the permanent rules for Chapter 29 Certified Personnel Evaluation Systems and the signed Certification Page. These rules were certified by the Governor and effective on December 30, 2010.

If you have any questions or need additional information, please contact Kathryn Lind at 307-777-3320.

CH:kl

Enclosures

## Chapter 29

### CERTIFIED PERSONNEL EVALUATION SYSTEMS

**Section 1. Authority.** These rules and regulations are promulgated pursuant to the Wyoming Education Code of 1969 as amended, W.S. 21-2-304.

**Section 2. Applicability.** These rules and regulations pertain to the development, assessment and approval of Certified Personnel Evaluation Systems.

**Section 3. Promulgation, Amendment, or Repeal of Rules.** Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through W.S. 16-3-115) and when signed by the Governor and filed with the Secretary of State's Office.

#### **Section 4. Definitions.**

(a) **Best Practice** – means practices that have produced outstanding, documented results in a similar situation and could be replicated.

(b) **Certified Personnel** – means all personnel, including classroom teachers and others who are required by the State of Wyoming to hold licensure through the Wyoming Professional Teaching Standards Board or a Wyoming professional licensing agency (counselors, media specialists, principals, etc., exclusive of extra-duty positions).

(c) **Department** – means the Wyoming Department of Education (WDE).

(d) **Equitable** – means dealing fairly and equally with all concerned.

(e) **Evaluation Cycle** – means the timelines and timeframes under which the various components of the evaluation process occur. Also included in the cycle will be the different activities and responsibilities that may occur in various stages of the Certified Personnel's career (such as action research one year, intensive assistance, clinical supervision cycles, etc.).

(f) **Evaluation System** – means a standard structure and set of procedures by which a school district initiates, designs, implements and uses evaluations of its Certified Personnel for the purposes of professional growth and continued employment.

(g) **Performance Criteria** means the areas on which Certified Personnel are to be evaluated.

(h) **Reliable** – means dependable; obtaining the same results in successive trials.

(i) **Research Based** – means basic or applied research that:

(i) Has been published in a peer-reviewed journal or approved by a panel of experts;

(ii) Has been replicated by other researchers; and

(iii) Has a consensus in the research community that the study's findings are supported by a critical mass of additional studies.

(j) Significantly Amended – means an Evaluation System that replaces in whole or in part an existing system or plan.

(k) Stakeholder – means an individual who will be directly impacted by the Evaluation System.

(l) "Student Performance Growth Data" means data which shows outcomes for students. This data may be student achievement test scores and other non-academic measures of student outcomes.

(m) Summative Evaluation – means the written summary of performance based on data collected during the Evaluation Cycle.

**Section 5. Certified Personnel Evaluation System.** The Evaluation Systems for each of the major certified job categories shall be designed to measure the effectiveness with which Certified Personnel in those categories perform their roles. Criteria on which these positions are evaluated shall be reflective of the nature of these positions. The Department shall review each Evaluation System on the criteria identified below:

(a) Was developed and/or adopted with the involvement of stakeholders;

(b) Defines the Performance Criteria on which Certified Personnel are evaluated and that the criteria are Research-Based and/or considered Best Practice;

(c) Facilitates professional growth and continuous improvement;

(d) Is Reliable and Equitable;

(e) Includes evaluation instruments and processes that support the ability to generate the required documentation to make employment decisions;

(f) Provides a description of evaluation procedures including how data will be collected to complete the Summative Evaluation. This may include analysis of observations of job performance, use of various types of data, employee-produced artifacts, etc;

(g) Includes Student Performance Growth Data, relevant to the nature of each Certified Personnel's position which is a measure of a significant function of the position,

and indicates how it is used by the Certified Personnel to improve teaching and/or learning; and

(h) Provides a description of the district's complete Evaluation Cycle, which includes frequency of evaluations for initial and continuing contract teachers and other Certified Personnel and may include cycles of clinical supervision, action research, intensive assistance, etc.

**Section 6. Submission of Certified Personnel Evaluation Systems.** Each school district within the state shall submit a copy of its Evaluation Systems for all Certified Personnel to the Department. Once established and filed with the Department, the Evaluation System will stand unless changed or Significantly Amended by the district at which time the new system or Significantly Amended system must be resubmitted. Each district shall include in its submission the following documentation, corresponding to each criteria described in Section 5:

(a) A list of members of the committee that was used to develop and/or adopt the Evaluation System. The list contains appropriate representation of Stakeholders;

(b) A list of Performance Criteria on which the Certified Personnel are evaluated. The criteria are defined sufficiently so that an outside reader will clearly understand each criterion. Evidence is provided that each criterion is Research-Based or reflective of Best-Practice;

(c) A description of how the evaluation process is linked to individual and collective professional growth. The description must also include how and when the system provides feedback to each Certified Personnel member and provides opportunities to identify area(s) for improvement and suggestions for how improvement can occur;

(d) Evidence that evaluators are trained on the evaluation process and trained to view criteria similarly so that Certified Personnel across the district are evaluated with consistency;

(e) A description of how the Evaluation System provides for collection of data critical for use in making employment decisions, such as retention or termination. The evaluation instruments and types and amount of data to be collected must be sufficient to provide the required documentation;

(f) A list that details the types of data and how it will be collected in order to make decisions about the Summative Evaluations;

(g) Identification of the types of Student Performance Growth Data, specific to each Certified Personnel's position, that is used in the evaluation process. The Summative Evaluations will identify the outcome of reviewing Student Performance Growth Data, such as identification of a professional development goal, modification of instructional practice, or identification of groups of students that need remediation or enrichment; and

(h) The details of the Evaluation System include the differentiation in evaluations between initial-contract and continuing-contract teachers; the frequency of observations during

Evaluation Cycles; any type of assistance or remediation that is provided; and any other requirements of the Evaluation Cycles used by the district, such as action research or portfolios.

**Section 7. Approval Criteria.** The department shall determine the approval of the Evaluation System based upon the previous stated criteria. Approval shall be at the following levels:

- (a) Full approval;
- (b) Conditional approval with conditions noted for remediation;
- (c) Disapproval with deficiencies noted; and
- (d) Non Compliance.

**Section 8. Technical Assistance.** It is recognized that some districts may already have systems which are fully compliant. These may be submitted to the Department for assessment and consideration. Technical assistance will be made available to school districts by the Department to help them develop Evaluation Systems that comply with the requirements of this chapter.



**Certification Page  
Regular and Emergency Rules**

<b>1. General Information</b>		
e. Agency/Board Name <i>See attached list for references</i> <b>Wyoming Department of Education and the Wyoming State Board of Education</b>		
b. Agency/Board Address 2300 Capitol Avenue, Hathaway Building, 2nd Floor	c. Agency/Board City Cheyenne	d. Agency/Board Zip Code 82002
e. Name of Contact Person Teresa Canjar	f. Contact Telephone Number 777-6213	
g. Contact Email Address tcanje@educ.state.wy.us	h. Adoption Date: November 17, 2010	
i. Program(s) <i>See attached list for references</i> Chapter 29 Rules - Certified Personnel Evaluation Systems		
<b>2. Rule Type and Information</b>		
e. These rules are: <input type="checkbox"/> Emergency Rules <i>(After completing all of Section 2, proceed to Section 5 below)</i> <input checked="" type="checkbox"/> <b>Reguler Rules</b>		
b. Choose all that apply: <input type="checkbox"/> New Rules* <input checked="" type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules		
<small>* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.</small>		
If "New," provide the Enrolled Act number and year enacted:		
c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i>		
Chapter Number: 29	Short Title: Certified Personnel Evaluation Systems	
Chapter Number:	Short Title:	
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:		
<b>3. State Government Notice of Intended Rulemaking</b>		
e. Date on which the Notice of Intent containing all of the Information required by W.S. 16-3-103(e) was filed with the Secretary of State: <span style="float: right;">8/17/10</span>		
b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office: <span style="float: right;">8/17/10</span>		
c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General: <span style="float: right;">8/17/10</span>		

**STATE OF WYOMING**  
 Office of the Secretary  
 Filed the 30<sup>th</sup> day of December  
2010 at 1:15 P.M.  
 Max Maxfield  
 Secretary of State

**4. PUBLIC NOTICE OF RULES**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  Yes  No  N/A

b. A public hearing was held on the proposed rules.  Yes  No

If "Yes:"	Date:	Time:	City:	Location:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **11/19/10**

b. Date on which final rules were sent to the Legislative Service Office: **11/19/10**

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: **11/10/10**

**6. Agency Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	<i>DR. Jim M. McBride</i>	<i>Mary Kay Hill</i>
Printed Name of Signatory	Jim/McBride	Mary Kay Hill
Signature Title	Superintendent	Liaison to State Board of Education
Date of Signature	11/17/10	11/17/10

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	<i>W. Scott Pruitt</i>
Date of Signature	<b>12/22/10</b>

**Distribution List:**

- Attorney General**
1. Statement of Reasons;
  2. Original Certification Page;
  3. Summary of Comments (regular rules);
  4. Hard copy of rules: clean and strike/underscore; and
  5. Memo to Governor documenting emergency (emergency rules).

- LSO**
1. Statement of Reasons;
  2. Copy of Certification Page;
  3. Summary of Comments (regular rules);
  4. Hard copy of rules: clean and strike/underscore;
  5. Electronic copy of rules: clean and strike/underscore; and
  6. Memo to Governor documenting emergency (emergency rules).

- SOS**
1. PDF of clean copy of rules; and
  2. Hard copy of Certification Page as delivered by the AG.