

ROLE OF THE 50/50 COMMITTEE

We are in a period of transition to a new state-wide evaluation system which will be called the Professional Growth and Effectiveness System (PGES). This involves moving from the old statute on evaluation, with its administrative regulation, to the new statute on evaluation and a new administrative regulation. These changes concentrate on the elements of evaluation. The basic scheme of local design and control of the evaluation system, through a 50/50 Committee, remains the same.

Old Statute

The old statute governed evaluation systems from 2000 through 2013. (KRS 156.557) It directed that the development, implementation and revision of the evaluation system would be developed through a local 50/50 Committee – “A committee composed of an equal number of teachers and administrators.” [Section (3)(c)(1)] As a result, JCPS adopted its evaluation system which has been in place since 2001. The Kentucky Department of Education issued a regulation for this statute that more specifically outlined the standards and procedures that had to be incorporated into the local evaluation system by the 50/50 Committee: “An evaluation committee consisting of equal numbers of teachers and administrators shall develop evaluation procedures and forms for certified positions below the level of the district superintendent.” [704 KAR 3:345(4)(1)]

New Law

The statute was amended in 2013 to mandate that the KDE develop a framework for a state-wide personnel evaluation system that would be implemented in the 2014-15 school year. Most of the old law was preserved and carried forward. Additional criteria for the evaluation system were added to the statute.

A new administrative regulation [704 KAR 3:370] has been drafted to replace the former. This regulation, which is proposed to replace the prior one, will not be finalized and adopted by the legislature until early Fall 2014. While the new regulation has significantly expanded definitions and criteria for the evaluation system, the function of the local 50/50 Committee in the development, implementation and alteration of the District Evaluation Plan has remained the same.

The role of the Committee becomes crystal clear upon review of the Model Certified Evaluation Plan 3.0. The preamble states that the document was developed to serve “As a model plan for a District evaluation team (50/50 Committee) to revise their existing Certified Evaluation Plans to meet the assurances of the Professional Growth and Effectiveness System.” Virtually all of the model plan is directed at work which is vested in the Committee. For the local Board, the guidelines state: “Once all sections are completed, the District must submit the plan to the local Board for approval and adoption prior to submission to the KDE.”

Function of 50/50 Committee

Unlike most district committees that are created and empowered by the school board, the 50/50 Committee is mandated by statute to exist in each school district for the purpose of joint development, by teachers and administrators, of a local evaluation system that implements the state-wide standards contained in the statute and regulation. Like a Site Based Decision Making Council (SBDM), the Committee is authorized by statute to perform specific independent functions. The local evaluation plan must be created by the Committee. Any significant changes to the plan must be made by the Committee.

The relationship between the Committee and the local board of education is governed by the evaluation statute and the regulation that implements it. The existing administrative

regulation provides: “The local board of education shall review as needed the evaluation plan to ensure compliance with KRS 156.557 and this administrative regulation.” (Section 8) The same Section mandates that any changes to the evaluation plan must be by the 50/50 Committee to formulate the revision. The identical language is carried forward in the new proposed regulation in Section 14.

A 50/50 Committee has the statutory responsibility for developing the local evaluation procedure to implement the state-wide PGES system. Both teachers and the superintendent/administrators have equal voice in this consensus based model. The other party that has a legal role to play in the process is the local board of education. It is charged with reviewing the final work of the Committee to determine if it is in compliance with state standards. The Board’s authority is limited to review and approval. The only grounds for disapproval would be a finding that the District’s evaluation plan is not in compliance with KRS 156.557. Any substantive changes to the plan can only be made by the Committee.