

## **District Personnel Evaluation System Ruling Q&A – August 2012**

1. What does the recent Division of Administrative Hearings (DOAH) ruling mean?
  - a. The Department received the final order regarding the challenge to proposed revisions to Rule 6A-5.030, F.A.C., “Instructional Personnel and School Administrator Evaluation Systems.” While the final order indicates that the revised rule is currently invalid, the judge’s ruling is based solely on the construction and format of the rule, not on the substance.
  
2. Why was the rule invalidated?
  - a. The rule was found invalid based on technical rulemaking grounds, specifically, in the manner that documents referred to in the rule were incorporated into the rule and accompanying form.
  
3. What does this mean for school districts?
  - a. The ruling will not affect school district’s continued implementation of evaluation systems that have been developed and approved. Given the timeframe of the receipt of this ruling and additional processes that the Department will be working through, the approval of each district’s 2011-12 instructional personnel evaluation system is extended through the 2012-13 school year. For district’s that have expressed a wish to make improvements to existing evaluation systems for 2012-13, they may still do that and submit those changes to the Department for review and approval under existing law, State Board rule and the Race to the Top grant (if they are a participating district).
  
4. Will Florida teachers still be evaluated?
  - a. Yes, districts will continue to implement and improve upon the ground-breaking and collaborative evaluation systems they put in place last year based on Race to the Top and the Student Success Act (SB 736). Even without State Board of Education rule, this legislation and Florida’s Race to the Top grant mandate development and use of teacher evaluation systems.
  
5. What’s next in the rulemaking process?
  - a. The Department is working to make the necessary revisions to the rule format and will continue with the rulemaking process. The Department will also continue to work with and seek valuable input from educators and education stakeholders to finalize this rule.
  
6. Will the FDOE appeal the judge’s decision to invalidate the rule?
  - a. The Department is considering all options; however, at this time, no decision has been made about an appeal.
  
7. Will this affect the confidentiality of teacher evaluations?
  - a. No, as set forth in Florida Statute, teacher evaluations are confidential for one school year after the evaluation is given.