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RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 19]

Educator Effectiveness Rating Tool for Classroom Teachers, Principals and Nonteaching Professional Employees

[51 Pa.B. 1653]

[Saturday, March 27, 2021]

The Department of Education (Department) amends Chapter 19 (relating to educator effectiveness rating tool) by deleting §§ 19.1, 19.2, 19.3 and Appendix A and adding §§ 19.1a, 19.2a, 19.3a, 19.4a and Appendix A to read as set forth in Annex A.

Statutory Authority

The act of March 27, 2020 (P.L. 62, No. 13) (Act 13) amended the Public School Code of 1949 (act) (24 P.S. §§ 1-101—27-2702) by adding Subarticle (c.1) (24 P.S. §§ 11-1138.1—11-1138.16) to Article XI of the act. Sections §§ 1138.3(d)(1), 1138.4(e)(1) and 1138.5(d)(1) of the act (24 P.S. §§ 11-1138.3(d)(1), 11-1138.4(e)(1) and 11-1138.5(d)(1)), require the Department to develop, issue and publish new rating tools for classroom teachers, principals and nonteaching professionals to replace the current rating tools contained in §§ 19.1, 19.2, 19.3 and Appendix A published in 2013 and 2014. Through this final-omitted rulemaking, the Department is fulfilling the requirements of Act 13 by publishing three revised rating tools: one for classroom teachers, one for principals and another rating tool for nonteaching professional employees. Sections 1138.3(d)(1), 1138.4(e)(1) and 1138.5(d)(1) require the Department to publish the revised rating tools in the *Pennsylvania Bulletin* by March 31, 2021.

Under section 1138.11(a) of the act (24 P.S. § 11-1138.11(a)), any rating tool developed by the Department under Subarticle (c.1) of Article XI of the act is exempt from: (1) sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law (CDL); (2) section 204(b) of the Commonwealth Attorneys Act (CAA) (71 P.S. § 732-204(b)); and (3) the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.15). Therefore, this final-omitted rulemaking is excluded from the normal regulatory review process attendant to the promulgation of regulations under the CDL, the CAA and the RRA, including being exempt from the requirement of publishing a notice of proposed rulemaking and review and approval by the Office of Attorney General, the Independent Regulatory Review Commission and the Legislative Standing Committees.

This final-omitted rulemaking is published under the authority of sections 1138.3(d)(1), 1138.4(e)(1), 1138.5(d)(1) and 1138.11 of the act and sections 201 and 506 of The Administrative Code of 1929 (71 P.S. §§ 61 and 186).

Purpose

This final-omitted rulemaking fulfills the directive of sections 1138.3(d)(1), 1138.4(e)(1) and 1138.5(d)(1) of the act that the Department "shall develop, issue and submit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* a rating tool" for classroom teachers, principals and nonteaching professional employees. As required under the act, the rating tools contain measures based on professional practice and student performance. The rating tools each encompass a form and instructions. This final-omitted rulemaking also includes a process whereby the governing board of a local education agency (LEA) may submit plans for alternative rating tools to the Department for review and approval, as well as a tool for use in interim evaluations of professional employees under section 1138.9(2) of the act (24 P.S. § 11-1138.9(2)), which follows as Appendix A.

Background and Public Input

In compliance with section 1138.2 of the act (24 P.S. § 11-1138.2), the Department developed the rating tools "in consultation with education experts, parents of school-age children enrolled in a public school, teachers, and administrators. . ." To formally implement this provision, the Department convened a Stakeholder Advisory Group. Members of the Stakeholder Advisory Group included parents, teachers, administrators, and representatives from higher education and educational leaders from across this Commonwealth. The Stakeholder Advisory Group met and reviewed key elements of the rating tool and provided the Department with feedback.

Provisions of the Rulemaking

The rating tools (§§ 19.2a, 19.3a and 19.4a) function as a framework for the evaluation and summative process for professional educators based upon observation and practice and student performance measures. In each section, the rating tools consist of a revised rating form used by LEAs to record the results of the data collection process, which provides for a potential overall rating of Failing, Needs Improvement, Proficient or Distinguished. The rating forms set numeric values for these four rating levels on a zero to three-point scale.

Section 19.1a (relating to general provisions) contains Definitions, General Provisions of the Evaluation Process, Maintaining and Reporting Evaluation Data and Records, as well as Standards of Use applicable to all rating tools.

In accordance with the act, § 19.1a defines the term "classroom teacher" as "a professional employee or temporary professional employee who provides direct instruction to students related to a specific subject or grade level." The term "principal" is defined as "a building principal, an assistant principal, a vice principal, a supervisor of special education or a director of career and technical education." "Nonteaching professional employee" is defined as "an educational specialist or a professional employee or temporary professional employee who provides services and who is not a classroom teacher."

In the area of observation and practice, §§ 19.2a, 19.3a and 19.4a (relating to classroom teacher evaluation; principal evaluation; and nonteaching professional employee (NTP) evaluation) include descriptions of the four areas or domains for professional practice required under the act and in the rating forms. The rating tools also provide descriptions of educator performance or behavior at the four different rating levels in the four areas or domains.

For classroom teachers, observation and practice accounts for 70% of an employee's total rating but may increase to 80% for teachers without building level data. Under the act, observation and practice is 70% of the total rating for principals but may increase to 80% for principals without building level data. For nonteaching professional employees, observation, and practice accounts for 90% of the overall evaluation but can increase to 100% for nonteaching professionals that do not have building level data. LEAs are allowed to use a variety of evidence gathering techniques.

The rating tools also include measures of student performance. Multiple measures represent the applicable percentage of the total student performance rating depending on whether the educator is a classroom teacher, principal or nonteaching professional employee. For classroom teachers, student performance measures include building level data and teacher specific data and usually represent 30% of the overall rating if all data is applicable. For principals and nonteaching professional employees, student performance measures include building level data which represents 10% of the total rating for professionals working in a building with available data. Nonteaching professionals without any building level data are evaluated 100% based on observation and practice.

"Building level data" covers four different measurements including assessment results, value added assessment data (growth), graduation and attendance data. It never exceeds 10% of a professional employee's total rating. Building level data scores are adjusted in accordance with a challenge multiplier that takes into consideration the percentage levels of economically disadvantaged students for the particular school building.

The classroom teacher's student performance measures include teacher specific data which is comprised of student assessment performance applicable to the classroom teacher (2.5%), individual value added assessment data (growth) (5%), and progress in meeting goals of a student's individualized education plan (2.5%). This represents 10% of a classroom teacher's overall rating if data is available for the classroom teacher. In addition, the classroom teacher's teacher specific data includes a locally selected measure which is applicable and attributable to the classroom teacher and selected by the employer. This locally selected measure represents 10% of the overall rating of a classroom teacher.

Aside from the building level score, principals are rated based upon established "Performance Goals" which account for 20% of a principal's overall rating. "Performance Goals" may be district or building specific and must be established at the beginning of each school year.

A temporary professional employee serving as a classroom teacher or nonteaching professional employee are evaluated based solely upon the measure of observation and practice for 100% of the educator's rating.

Affected Parties

Based on data for the 2019-2020 school year, the number of individuals and entities that may be directly affected by this final-omitted rulemaking include approximately 149,658 professional staff, 1.724 million students, school districts, area vocational-technical schools, career technology centers and intermediate units.

Benefits

The revised rating tools will provide for a more effective evaluation of professional employee performance in schools in this Commonwealth and align the evaluation process to better address the unique and practical differences between classroom teachers,

principals and nonteaching professional employees. It will also enable LEAs and the Department to evaluate possible trends in principal and other professional employee effectiveness.

Cost, Paperwork Estimates and Fiscal Impact

The paperwork costs should be minimal. The Department will provide assistance to LEAs in using electronic formats that will reduce paperwork costs and reduce staff time allotted to tracking and filing evaluations.

Additional costs imposed by this rulemaking will be minimal, if any. Annual evaluations of professional employees and semiannual evaluations of untenured employees are already a standard function of LEAs across this Commonwealth.

As this evaluation system has been in place for the last several years, any additional costs associated with the revised tools will be assumed within existing professional development expenses and or assessment funds.

Effective Date

This final-omitted rulemaking shall take effect on March 31, 2021. The use of the rating tools will begin in the 2021-2022 school year.

Regulatory Review

Under section 1138.11 of the act, this final-omitted rulemaking is exempt from the RRA.

Contact Person and Information

For further information, individuals may contact Matthew S. Stem, Deputy Secretary of Elementary and Secondary Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, at ra-edeff@pa.gov. Persons with disabilities may fax to (717) 787-7222 or TTY at (717) 783-8445.

Order

The Department, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 22 Pa. Code are amended by deleting §§ 19.1—19.3 and Appendix A and adding §§ 19.1a, 19.2a, 19.3a, 19.4a and Appendix A to read as set forth in Annex A.
- (b) The Secretary of Education shall submit this order and Annex A to the Office of General Counsel for review and approval as to legality and form as required by law.
- (c) The Secretary of Education shall certify this regulation and deposit it with the Legislative Reference Bureau as required by law.
- (d) This final-omitted rulemaking shall take effect on March 31, 2021.

Fiscal Note: 6-348. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 19. EDUCATOR EFFECTIVENESS RATING TOOL

§ 19.1. **(Reserved).**

§ 19.2. **(Reserved).**

§ 19.3. **(Reserved).**

(Editor's Note: The following sections are added and printed in regular type to enhance readability.)

§ 19.1a. General provisions.

The subsections Definitions and terms, Evaluation process, Maintaining and reporting Evaluation Data and Records, and Standards of Use for Rating Tools included in this section are applicable to the evaluation of classroom teachers in § 19.2a (relating to classroom teacher evaluation), principals in § 19.3a (relating to principal evaluation) and nonteaching professionals in § 19.4a (relating to nonteaching professional (NTP) employee evaluation).

(a) Definitions and terms

When used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

Assessment—The Pennsylvania System of School Assessment test, the Keystone Exams or another test established by the State Board of Education or approved by an act of the General Assembly to meet the requirements of section 2603-B(d)(10)(i) of the Public School Code (24 P.S. § 26-2603-B(d)(10)(i)) and the requirements of the Every Student Succeeds Act (Pub.L. No 114-95) or its successor statute or required to achieve other standards established by the Department for the school or school district.

Attendance rate—The Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM), where:

(1) ADA is the total number of days of student attendance divided by the total number of days in the regular school year.

(2) ADM is the total number of days enrolled (days present plus days absent) divided by the actual total number of student days in the regular school year.

Building—A school or configuration of grades assigned a unique four-digit identification number by the Department.

Challenge multiplier—An adjustment of the building level score by adding points based on the percentage of economically disadvantaged students enrolled in the school.

Chief School Administrator—An individual employed as a school district superintendent, an executive director of an intermediate unit, or an administrative director of an area career and technical school.

Classroom Teacher—A professional or temporary professional employee who provides direct instruction to students related to a specific subject or grade level.

Comprehensive classroom observation—An observational classroom visit that includes a pre-conference and post-conference between an evaluator and an employee which may be conducted by telephone or videoconferencing. Upon the mutual agreement of both an evaluator and a professional employee, the requirement of a post-conference may be waived for extenuating circumstances, if the evaluator places written documentation of the comprehensive classroom observation in the professional employee's file. If the extenuating circumstances are raised by the evaluator, a professional employee who does not receive a post-conference shall not receive a rating of needs improvement or failing on the comprehensive classroom observation component of an evaluation. The requirement of a post-conference shall not be waived for a temporary professional employee.

Data-available Teacher—A classroom teacher who is a professional employee teaching English, language arts, mathematics, science or other content areas as assessed by an Assessment, including the Pennsylvania System of School Assessment and Keystone Exams.

Department—The Department of Education of the Commonwealth.

Differentiated supervision—A system of supervision of professional employees that:

(1) Involves a multi-year cycle in which supervisors complete a comprehensive classroom observation for one annual rating in the professional employee's supervision cycle and in the other years of the cycle collaborate with the professional employee to differentiate supervision by developing individualized goals, learning activities, and measures for the professional employee's growth in one or more areas listed in section 1138.3(a)(1) or (b)(1) of the Public School Code (24 P.S. §§ 11-1138.3(a)(1) or (b)(1)), a nonteaching professional employee's growth in one or more areas listed in section 1138.5(a) or (b) of the Public School Code (24 P.S. §§ 11-1138.5(a) or (b)).

(2) Is offered only to professional employees who received a proficient or distinguished annual rating in both of the 2 immediately preceding years and is not offered to temporary professional employees.

(3) Is optional for the employer and the professional employee.

(4) In any year in which the professional employee does not receive a comprehensive classroom observation, uses data sources and data collection strategies designed to measure a professional employee's progress toward the professional employee's individualized professional goals.

(5) Allows a supervisor to move a professional employee out of individualized professional goals, activities and measures and into comprehensive classroom observation at any time.

(6) Allows a professional employee to move out of individualized professional goals, activities and measures and enter comprehensive classroom observation at any time.

District-designed measures and examinations—Methods for evaluating student performance created or selected by a local education agency (LEA).

Economically disadvantaged—The status of a student as reported by a school district, intermediate unit, or area career and technical school through the Pennsylvania Information Management System (PIMS) and determined based upon poverty data sources such as eligibility for Temporary Assistance for Needy Families, Medicaid, or free or reduced-price lunch, census data, residence in an institution for the neglected or delinquent, or residence in a foster home.

Educational Specialist—A person who holds an educational specialist certificate issued by the Commonwealth, including but not limited to, a certificate in the area of elementary school counselor, secondary school counselor, social restoration, school nurse, home and school visitor, school psychologist, dental hygienist, instructional technology specialist or nutrition service specialist.

Evaluator—Includes the chief school administrator or the chief school administrator's designee who is an assistant administrator, supervisor or principal, has supervision over the work of the professional employee or temporary professional employee being rated and is directed by the chief school administrator to perform the rating.

Graduation rate—The rate submitted by the Department under the Every Student Succeeds Act State plan that represents the percentage of students in a school who earn a high school diploma within 4 years.

Growth—Calculated in the Pennsylvania Value-Added Assessment System (PVAAS) using longitudinal assessment data, growth reflects the level of evidence that a school's students achieved the expected level of advancement over the academic year.

IEP goals progress—A measure of growth and student performance for special education students as established in Individualized Education Program (IEP) plans by the LEA IEP team.

Keystone Exam—An assessment developed or caused to be developed by the Department under 22 Pa. Code § 4.51 (relating to State assessment system).

LEA—Local Education Agency—including a school district, area career technology and technical center, and intermediate unit, which is required to use a rating tool established under sections 1138.1—1138.16 of the Public School Code (24 P.S. §§ 11-1138.1—

11.1138.16).

Locally developed school district rubrics—Measures of student performance created or selected by an LEA.

Nondata-available teacher—A Classroom Teacher teaching in a content area not assessed by an Assessment.

Nonteaching Professional (NTP) Employee—An educational specialist or a professional employee or temporary professional employee who provides services and who is not a classroom teacher.

PVAAS—Pennsylvania Value-Added Assessment System—A statistical analysis established in compliance with 22 Pa. Code § 403.3 (relating to single accountability system) and used to measure the influence of a district, school, or teacher on the academic progress rates of groups of students from year to year. PVAAS data are made available by the Department under section 221 of the Public School Code (24 P.S. § 2-221).

Performance Improvement Plan—A plan, designed by an LEA with documented input of the employee, that:

(1) Provides actionable feedback to an employee on the specific domain within the comprehensive classroom observation and practice models that prevented the employee from achieving a proficient rating. The employer shall consider the documented input from the employee for inclusion in the plan.

(2) Identifies employer resources that will be provided to an employee to help the employee improve. Resources may include, but shall not be limited to, mentoring, coaching, recommendations for professional development and intensive supervision based on the contents of the rating tool provided for under sections 1138.1—1138.16 of the Public School Code.

Principal—Includes a building principal, an assistant principal, a vice principal, a supervisor of special education or a director of career and technical education.

Professional Employee—Shall include those who are certificated as teachers, supervisors, supervising principals, principals, assistant principals, vice-principals, directors of career and technical education, dental hygienists, visiting teachers, home and school visitors, school counselors, child nutrition program specialists, school librarians, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists and school nurses.

Rating scale—The method by which a value is assigned during the evaluation of a professional employee using the following levels of performance:

(1) A score of three, or "distinguished," indicates the employee's performance consistently reflects teaching professional position and placement at the highest level of practice.

(2) A score of two, or "proficient," indicates the employee's performance consistently reflects practice at a professional level.

(3) A score of one, or "needs improvement," indicates the employee is functioning below proficient for performance expectations required for continued employment.

- (4) A score of zero, or "failing," indicates the employee does not meet performance expectations required for the position.

Temporary Professional Employee—Any individual who has been employed to perform for a limited time the duties of a newly created position or of a regular professional employee whose service has been terminated by death, resignation, suspension or removal.

(b) *Evaluation process*

(1) The rating of an employee shall be performed by or under the supervision of the chief school administrator or, if so directed by the chief school administrator, by an assistant administrator, a supervisor, or a principal who has supervision over the work of the professional employee or temporary professional employee being rated, provided that no unsatisfactory rating shall be valid unless approved by the chief school administrator.

(2) An overall performance rating of Distinguished or Proficient shall be considered satisfactory.

(3) An employer may not limit the number of professional employees who may receive an overall performance rating of Distinguished through the employer's written or spoken policies, guidelines, or other communications or through the employer's practices.

(4) An overall performance rating of Needs Improvement shall be considered satisfactory, except that any subsequent overall rating of Needs Improvement issued by the same employer within four years of the first overall performance rating of Needs Improvement where the employee is in the same certification shall be considered unsatisfactory.

(5) An overall performance rating of Failing shall be considered unsatisfactory.

(6) No employee will be rated Needs Improvement or Failing based solely on student test scores.

(7) An employee who receives an overall performance rating of Needs Improvement or Failing shall participate in a performance improvement plan.

(8) Nothing in the definition of performance improvement plan shall interfere with the employer's authority to design a plan.

(9) Professional employees who are considered satisfactory shall be rated no more than once annually.

(10) Professional employees who are considered unsatisfactory shall be rated at least annually.

(i) The first rating shall be calculated using the evaluation measures and weighting delineated in the rating tools as applicable to the employee.

(ii) Interim evaluations are not mandated; however, any interim rating of a professional employee who received an unsatisfactory rating on the annual evaluation shall be comprised of 70% Observation and Practice and 30% LEA Selected Measures, applying practice models, domain weighting and local measures as evaluated using the interim rating tool in Appendix A.

(11) Temporary professional employees shall be rated at least twice annually. The semi-annual rating of a temporary professional employee who serves as a classroom teacher or nonteaching professional shall be based 100% on Observation and Practice.

(12) No employee shall be dismissed for unsatisfactory performance unless the employee has been provided a completed rating tool, which includes a description based upon observations of deficiencies in practice supported by detailed anecdotal records that justify the unsatisfactory rating.

(c) Maintaining and reporting evaluation data and records

(1) It shall be the duty of the LEA to establish a permanent record system containing ratings for each employee within the LEA.

(2) No employee shall be dismissed for incompetency or unsatisfactory performance unless such rating records have been kept on file by the LEA.

(3) An employee's individual rating form shall not be subject to disclosure under the Right-to-Know Law (65 P.S. §§ 67.101 — 67.3104).

(4) LEAs shall provide to the Department the aggregate results of all classroom teacher, principal, and nonteaching professional employee evaluations.

(d) Standards of use for rating tools

Designed for LEAs providing early childhood, elementary or secondary education across the Commonwealth, the Educator Effectiveness Rating Tools function as summary records in the evaluation of professional employees and temporary professional employees.

(1) Each tool is comprised of instructions and forms for documenting the results of the evaluation process and consistent with the professional employee's classification comprised of the following:

(i) Observation and Practice findings and evidence.

(ii) Student Performance Data (if attributable and applicable):

(A) Building Level Data, comprised of Student Performance on Assessments (Assessment), Value-added Assessment System Data (Growth), Attendance, and Graduation Rate.

(B) Teacher-Specific Data: Student Performance on Assessments (Assessment), Value-added Assessment System Data (Growth), and IEP Goals Progress.

(C) LEA Selected Measures, comprised of one or more of the following:

(I) Locally developed school district rubrics.

(II) District-designed measures and examinations.

(III) Nationally recognized standardized tests.

(IV) Industry certification examinations.

(V) Student projects under local requirements.

(VI) Student portfolios under local requirements.

(D) Performance Goals for professional employees or temporary professional employees performing as principals, assistant or vice principals, directors of area career and technical centers, or supervisors of special education.

(2) An employee may provide the evaluator with evidence or documented artifacts or both demonstrating the employee's performance during the most recent rating period which directly pertain to the employee's Observation and Practice evaluation results; however, the evaluator has the authority to determine whether the evidence or artifacts provided by the employee are relevant to the employee's Observation and Practice evaluation results.

(3) The following table delineates, by professional employee evaluated, the areas of rating and rating significance in the evaluation process.

Table 19.1a-1: Rating Areas and Significance by Professional Employee Evaluated

Professional Employee Evaluated	Observation & Practice	Building Level Data	TSD: Assessments, Growth, IEP Goals Progress	LEA Selected Measures	Performance Goals
Data-Available Teacher	70%	10%	10% All Measures	10%	-
Non-Data-Available Teacher	70%	10%	10% IEP Goals Progress only	10%	-
Teacher w/out Building Level Data	80%	-	10% IEP Goals Progress only	10%	-
Temporary Teacher	100%	-	-	-	-
Nonteaching Professional with Building Level Data	90%	10%	-	-	-
Nonteaching Professional w/out Building	100%	-	-	-	-

Level Data

Temporary Nonteaching Professional	100%	-	-	-	-
Principal with Building Level Data	70%	10%	-	-	20%
Principal w/out Building Level Data	80%	-	-	-	20%

(4) Each area of evaluation shall be given a rating, if appropriate to the type of professional employee evaluated (see Table 19.1a-1 previously) and dependent on the applicability and availability of data:

(i) *Observation and Practice.*

(A) Based on one or more local observations, practice models, evidence, or documented artifacts, a rating of zero, one, two or three shall be assigned to each of the four Observation and Practice domains.

(B) The four domain ratings shall be weighted and summed, providing a single Observation and Practice rating of zero, one, two or three.

(ii) *Building Level Data.*

(A) A Building Level Score, comprised of available data in Student Performance on Assessments (Assessment), Value-added Assessment System Data (Growth), Attendance Rate, and Graduation Rate and adjusted by a challenge multiplier as calculated in sections 1138.3(a)(2)(B) and 1138.4(b)(5) of the Public School Code (24 P.S. §§ 11-1138.4(b)(5)), will be provided by the Department or its designee and published annually on the Department's web site with an explanation of the calculation.

(B) The Building Level Score shall be calculated as follows:

(I) Assessment data shall comprise 40% of the Building Level Score, with assessments in English Language Arts, Mathematics and Science accounting for 15%, 15% and 10% of the score respectively. For every tested content area in which a building is missing assessment data, the denominator shall be reduced proportionally.

(II) PVAAS (Growth) data shall comprise 40% of the Building Level Score, with growth in English Language Arts, Mathematics and Science accounting for 15%, 15% and 10% of the score respectively. For every tested content area in which a building is missing PVAAS data, the denominator shall be reduced proportionally.

(III) Attendance Rate and Graduation Rate data each shall comprise 10% of the Building Level Score. Absent Graduation Rate data, Attendance Rate shall comprise 20% of the Building Level Score.

(C) A building must have a minimum of two of the four measures to receive a Building Level Score.

(D) For the evaluation of a professional employee assigned to multiple buildings, a composite Building Level Score shall be calculated proportional to the employee's building assignments.

(E) The Building Level Score shall be converted to a zero—three point rating utilizing the conversion scale in Table 19.1a-2.

Table 19.1a-2: Building Level Score Conversion Scale

BUILDING LEVEL SCORE (BLS) CONVERSION 0—3 SCALE SCORE RANGE

90.0 to 100	$(\text{BLS} \times .05) - 2.0$	2.50—3.00
70.0 to 89.9	$(\text{BLS} \times .05) - 2.0$	1.50—2.49
60.0 to 69.9	$(\text{BLS} \times .10) - 5.5$	0.50—1.49
00.0 to 59.9	$\text{BLS} \times .0083$	0.00—0.49

(iii) *Teacher-Specific Data: Assessment, Growth, IEP Goals Progress.*

(A) Statewide Assessment data applicable and attributable to the classroom teacher will be provided by the Department or its designee, if and when the data are available, with an explanation of how the data were derived. Assessment data shall be assigned a zero—three point rating utilizing the conversion scale in Table 19.1a-3.

Table 19.1a-3: Assessment Data Conversion Scale

% STUDENTS PROFICIENT/ADVANCED 0—3 SCALE SCORE

95—100%	3.0
90—94.9%	2.5
80—89.9%	2.0
70—79.9%	1.5
65—69.9%	1.0
60—64.9%	0.5
Below 60%	0.0

(B) Statewide value-added assessment system data applicable and attributable to the classroom teacher will be provided by the Department or its designee, if and when the data are available, with an explanation of how the data were derived. PVAAS (Growth) data shall be assigned a zero—three point rating utilizing the conversion scale in Table 19.1a-4.

Table 19.1a-4: PVAAS (Growth) Data Conversion Scale

PVAAS SCORE CONVERSION 0—3 SCALE SCORE RANGE

90.0—100	$(\text{PVAAS Score} \times .05) - 2.0$	2.50—3.00
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70.0 to 89.9	(PVAAS Score x .05)—2.0	1.50—2.49
60.0 to 69.9	(PVAAS Score x .10)—5.5	0.50—1.49
00.0 to 59.9	PVAAS Score x .0083	0.00—0.49

(C) Progress toward goals in students' Individualized Education Plans (IEP Goals Progress) shall be assessed by the LEA, and the LEA shall assign a zero, one, two or three point rating.

(D) Assessment, Growth and IEP Goals Progress ratings shall be weighted and summed, providing a single zero—three point scale rating.

(E) A minimum of one measure is required to receive a rating for TSD: Assessment, Growth, IEP Goals Progress.

(iv) *LEA Selected Measures.*

(A) LEAs shall use one of the following measures to assess student performance attributable to the professional employee and to assign a zero, one, two- or three-point rating:

(I) Locally developed rubrics.

(II) District-designed measures and examinations.

(III) Nationally recognized standardized tests.

(IV) Industry certification examinations.

(V) Student projects under local requirements.

(VI) Student portfolios under local requirements.

(B) If more than one measure is used for the evaluation of a professional employee, the LEA shall weight and sum the assigned ratings using factors established by the LEA to produce a single LEA Selected Measures rating of zero, one, two or three.

(v) *Performance goals.*

(A) Determined before the school year by the principal and the immediate supervisor, district-specific or building-specific Performance Goals include measurable areas with evidence to be collected, and progress monitored, during the year.

(B) The LEA shall assign a zero, one, two- or three-point rating of the attainment of the goals.

(C) If more than one Performance Goal is used for the evaluation of a professional employee, the principal and immediate supervisor may establish weighting for each Performance Goal which the LEA shall use to factor and sum the assigned ratings to produce the single Performance Goal rating of zero, one, two or three.

(5) The rating given to each of the applicable rating areas shall be multiplied by the percentage indicated on the tool and the sum of the results shall be converted into a single overall performance rating of Failing, Needs Improvement, Proficient or Distinguished.

(6) Each rating form shall be marked to indicate the employee's status as either a professional employee or a temporary professional employee, the overall performance rating and whether the final rating is regarded to be satisfactory or unsatisfactory.

(7) The rating form must be signed by the chief school administrator or by a designated rater, who is an assistant administrator, supervisor or principal, who has supervision over the work of the professional employee being rated, and who is directed by the chief school administrator to perform the rating.

(8) A final rating of unsatisfactory shall not be valid unless signed by the chief school administrator.

(9) A signed copy of the rating form shall be provided to the employee.

(10) All assigned weighting, ratings and other information pertinent to the evaluation must be recorded on the rating form.

(11) Each rating of a professional employee shall be completed using rating forms developed or approved by the Department.

(i) Rating forms, tools, and related documents provided by the Department or its designee will be available at the Department's web site.

(ii) At the request of an LEA, the Department will review for approval an alternative rating tool that has been authorized by the LEA governing board and that meets or exceeds the measures of effectiveness established by the Department.

(12) The rating forms and tools are not intended to establish mandates or requirements for the formative process of supervising professional employees or to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a professional employee, based on information and data-available at the time of the action.

(13) The Department may issue temporary revised conversion tables and temporarily adjust weights of Building Level Data or Teacher-Specific Data or both measures as provided in this chapter in response to a Governor's proclamation of a disaster emergency when such emergency impacts the reliability of student performance measures as defined in section 1138.3(a)(2). Any revised conversion tables shall be published on the Department's web site prior to use and may only be utilized for an evaluation year impacted by the declared emergency.

§ 19.2a. Classroom teacher evaluation.

Educator Effectiveness rating tools, comprised of instructions and forms, function as summary records in the evaluation of the effectiveness of professional employees. Educator Effectiveness rating tools shall be used in accordance with the General Provisions contained in § 19.1a (relating to general provisions).

Table 19.2a-1 represents the rating form for the evaluation of classroom teachers and depicts the significance (that is, weighting) of each rating area to the overall performance rating.

Table 19.2a-1: PDE 13-1 Rating Form

PDE 13-1 **Department of Education**
Commonwealth of Pennsylvania

LEA: _____ School: _____

Employee Name (*Last, First, Middle*):

Rating Period (M/D/Y - M/D/Y): [] Professional Employee or [] Temporary Professional Employee

Date Completed: ☐ Annual Evaluation or ☐ Semi-Annual Evaluation (*Temporary only*)

CLASSROOM TEACHER RATING FORM

(A) OBSERVATION & PRACTICE

<i>Domain</i>	<i>Rating (a)</i>	<i>Factor (b)</i>	<i>Adjusted Rating (a x b)</i>
I. Planning & Preparation	[0—3]	20%	[0—0.60]
II. Classroom Environment	[0—3]	30%	[0—0.90]
III. Instruction	[0—3]	30%	[0—0.90]
IV. Professional Responsibilities	[0—3]	20%	[0—0.60]
(A) Observation & Practice Rating			[0—3]

(B) STUDENT PERFORMANCE

(B.1) Building Level Score*

Converted to a 0–3 Point Scale

[0—3]

**Scores for teachers assigned to multiple buildings shall be calculated pro rata.*

(B.2) Teacher-Specific Data: Assessment, Growth, IEP Goals Progress

<i>Indicator</i>	<i>Rating</i> (c)	<i>Factor**</i> (d)	<i>Adjusted Rating</i> (c x d)
Assessment	[0—3]	[2.5%]	[0—0.75]
Growth (PVAAS)	[0—3]	[5%]	[0—1.50]
IEP Goals Progress	[0—3]	[2.5%]	[0—0.75]

(B.2) TSD: Assessment, Growth, IEP Goals Progress Rating

[0—3]

***Absent one, remaining indicators assigned 5% each. Absent two, remaining indicator assigned 10%. Absent three indicators, 10% is allocated to (B.3) LEA Selected Measures.*

(B.3) LEA Selected Measures Rating***

[0—3]

***Ratings for teachers evaluated using multiple measures shall be calculated pro rata.

(C) CLASSROOM TEACHER SUMMATIVE RATING (ALL MEASURES)

<i>Teacher Category</i>	<i>Measure</i>	<i>Rating (f)</i>	<i>Factor (g)</i>	<i>Adjusted Rating (f x g)</i>
Data-Available Teacher	Observation & Practice	[0—3]	70%	[0—2.10]
Building Level Data		[0—3]	10%	[0—0.30]
TSD: Assessment, Growth, IEP Goals Progress		[0—3]	10%	[0—0.30]
LEA Selected Measures		[0—3]	10%	[0—0.30]

DATA-AVAILABLE TEACHER RATING**[0—3]******

Non-Data-Available Teacher	Observation & Practice	[0—3]	70%	[0—2.10]
Building Level Data		[0—3]	10%	[0—0.30]
TSD: IEP Goals Progress		[0—3]	10%	[0—0.30]
LEA Selected Measures		[0—3]	10%	[0—0.30]

NON-DATA-AVAILABLE TEACHER RATING**[0—3]******

Teacher w/out Building-Level Data	Observation & Practice	[0—3]	80%	[0—2.40]
TSD: IEP Goals Progress		[0—3]	10%	[0—0.30]
LEA Selected Measures		[0—3]	10%	[0—0.30]

TEACHER w/out BUILDING LEVEL DATA RATING**[0—3]******

Temporary Teacher	Observation & Practice	[0—3]	100%	[0—3]****
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TEMPORARY TEACHER RATING*****Final Rating Values*

0	1	2	3
<i>Failing</i>	<i>Needs Improvement</i>	<i>Proficient</i>	<i>Distinguished</i>

I certify the afore-named employee has received a performance rating of:

☐ **DISTINGUISHED**
☐ **PROFICIENT**
☐ **NEEDS IMPROVEMENT**
☐ **FAILING**

Distinguished, Proficient, or Needs Improvement* shall be considered Satisfactory. Failing shall be considered

Unsatisfactory.

*A second Needs Improvement rating issued by the same employer within 4 years of the first where the employee is in the same certification shall be considered Unsatisfactory.

The performance rating shall be deemed:

☐ **SATISFACTORY**

☐ **UNSATISFACTORY**

Date: Rater Name/Position:

Date: Chief School Administrator Signature:

I acknowledge that I have read the information contained herein and that I have been provided an opportunity to discuss it with the rater.

Date: Employee Signature:

Employee signature does not signify agreeance with the performance rating.

(a) *Observation and Practice*

(1) The evaluation of the effectiveness of a professional employee or temporary professional employee serving as a classroom teacher shall be based on comprehensive classroom observation and practice models related to student achievement (see Table 19.1a-1: Rating Areas and Significance by Professional Employee Evaluated).

(2) A rating must be given in each of the four domains of teacher practice, with each domain rating constituting a percentage of the single, summative Observation and Practice rating as denoted in Table 19.2a-2.

Table 19.2a-2: Classroom Teacher Observation & Practice Weighting by Domain

DOMAIN	PERCENTAGE OF OBSERVATION & PRACTICE RATING
I. Planning & Preparation	20%
II. Classroom Environment	30%
III. Instruction	30%
IV. Professional Responsibilities	20%

(3) The rating for each domain of teacher practice shall be based on the four levels of performance as defined in Table 19.2a-3.

Table 19.2a-3: The Four Levels of Performance by Domain (Classroom Teacher)

I. PLANNING & PREPARATION (20%)

Effective teachers plan and prepare for lessons using their extensive knowledge of the content area, the relationships among different strands within the content and between the subject and other disciplines, and their students' understanding of the subject as identified

through effective use of assessments. Instructional outcomes are clear, represent important learning in the subject, and are aligned to academic standards. The instructional design includes relevant learning activities and modalities that are well sequenced and support all students in meeting high expectations in an environment that provides positive, equitable, and inclusive opportunities for learning.*

<i>Failing</i>	<i>Needs Improvement</i>	<i>Proficient</i>	<i>Distinguished</i>
Teacher's plans reflect little understanding of the content, students, and /or available resources.	Teacher's plans reflect moderate understanding of the content, the students, and/or available resources.	Teacher's plans reflect a thorough understanding of the content, the students, and available resources.	Teacher's plans, based on extensive content knowledge and understanding of students, are designed to engage all students in significant, autonomous learning.
Instructional outcomes are either lacking or inappropriate; assessment methodologies are inadequate.**	Some instructional outcomes are suitable to the students as a group, and the approaches to assessment are partially aligned with the goals.**	Instructional outcomes represent important learning suitable to most students. Most elements of the instructional design, including the assessments, are aligned to the goals and reflect an awareness of the diversity of students' interests, background, and needs.**	All aspects of the teacher's plans —instructional outcomes, learning activities, paths to successful completion, materials, resources, and assessments—are in complete alignment and are adapted as needed for individual students or teaching environments.
			Teacher planning promotes the learning and growth of all students in a positive, culturally sensitive, and collaborative manner.**

II. CLASSROOM ENVIRONMENT (30%)

Effective teachers organize their classrooms so that all students can learn. Teachers know and value their students' identities, as well as their academic, social, and emotional strengths and needs. They maximize instructional time and foster respectful interactions with and among students, ensuring that students find the classroom a safe place to take intellectual risks. Students themselves make a substantive contribution to the effective functioning of the class by assisting with classroom procedures, ensuring effective use of instructional space, and supporting and engaging in the learning of classmates. Students and teachers work in ways that demonstrate their belief that rigorous effort will result in higher levels of learning. Student behavior is consistently appropriate, and the teacher's handling of infractions is subtle, preventive, and respectful of students' dignity.*

<i>Failing</i>	<i>Needs Improvement</i>	<i>Proficient</i>	<i>Distinguished</i>
Classroom environment is characterized by chaos and conflict, with low expectations for learning, no clear standards of student conduct, poor use of	Classroom environment is controlled, with moderate expectations for student learning and conduct, and classroom routines and use of space that	Classroom environment functions smoothly, with efficient use of instructional space and time. Expectations for student learning are high	Students themselves make a substantive contribution to the smooth functioning of the classroom, with highly positive personal interactions, high

instructional space and time, and negative interactions between individuals.**

partially support student learning.

Students and the teacher rarely treat one another with disrespect.**

Standards for student conduct are clear, and interactions among individuals are respectful.**

expectations and student pride in work, seamless routines, clear standards of conduct, and a physical environment conducive to high-level learning.**

III. INSTRUCTION (30%)

Effective teachers ensure all students are highly engaged in learning and contribute to the success of the class. Teacher explanations are clear and invite student intellectual engagement. Instructional practices are personalized to accommodate diverse learning styles, needs, interests, and levels of readiness. Teacher feedback is specific to learning goals and rubrics and offers concrete suggestions for improvement. As a result, students understand their progress in learning the content and can explain the learning goals and what they need to do in order to improve, and have autonomy in their learning. Effective teachers recognize their responsibility for student learning and make adjustments, as needed, to ensure student success.*

Failing

Instruction is characterized by poor communication, low-level questions, little student engagement or participation in discussion, little or no use of assessment in learning, and rigid adherence to an instructional plan despite evidence that it should be revised or modified.**

Needs Improvement

Inconsistently clear communication uneven use of questioning and discussion strategies, and/or lack of suitable instructional activities and materials result in only some students engaged in learning.

The teacher displays some use of assessment in instruction and is moderately flexible in adjusting the instructional plan in response to students' interests and their success in learning.**

Proficient

All students are engaged in learning as a result of clear communication and successful use of questioning and discussion techniques.

Activities and assignments are of high quality, and teacher and students make productive use of assessments.

The teacher demonstrates flexibility in contributing to the success of the lesson and of each student.**

Distinguished

All students are highly engaged in learning and make material contributions to the success of the class through their participation in discussions, active involvement in learning activities, and use of assessment information in their learning.

The teacher creates opportunities for peer-to-peer engagement that support social, emotional, and academic development and continuously incorporates approaches to meet the needs of every student.**

IV. PROFESSIONAL RESPONSIBILITIES (20%)

Effective teachers have high ethical standards, a deep sense of professionalism, and are focused on improving their own teaching and supporting the ongoing learning of colleagues. Teachers provide frequent, proactive, and personalized communication with families about student learning and performance, while demonstrating understanding of and appreciation for different families' home language, culture, and values. They assume leadership roles in both school and LEA projects, and they engage in a wide range of professional development activities to strengthen their practice. Reflection on their own teaching results in ideas for improvement that are shared across professional learning communities and contribute to improving the practice of all. Documentation is accurate and comprehensive and supports student learning.*

Failing

The teacher demonstrates low

Needs Improvement

The teacher demonstrates

Proficient

The teacher demonstrates high

Distinguished

The teacher's ethical standards

ethical standards and levels of professionalism, with poor recordkeeping systems and skill in reflection, little or no communication with families or colleagues, and avoidance of school and LEA responsibilities and participation in activities for professional growth.**	moderate ethical standards and levels of professionalism, with rudimentary recordkeeping systems and skills in reflection, modest communication with families or colleagues, and compliance with expectations regarding participation in school and LEA projects and activities for professional growth.**	ethical standards and a genuine sense of professionalism by engaging in accurate reflection on instruction, maintaining accurate records, communicating frequently with families, actively participating in school and LEA events, and engaging in activities for professional development.**	and sense of professionalism are highly developed, showing perceptive use of reflection, effective systems for recordkeeping and culturally responsive communication with families, leadership roles in both school and LEA projects, and extensive professional development activities.
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Where appropriate, students contribute to the systems for recordkeeping and family communication.**

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(4) The Department shall publish on the Department's web site approved practice models for assessing the four domains. The four domains and practice models establish a framework for the Observation and Practice evaluation of classroom teachers. An LEA may use any portion or combination of the approved practice models related to a domain in determining a domain rating for the professional employee.

(5) Observation and Practice ratings shall be informed using evidentiary source materials noted in the professional employee's record, including dates and times as applicable. Records may include, but are not limited to, any combination of the following items as appropriate for the employee and the employee's placement in a classroom and educational program:

- (i) Notations of classroom observations, teacher/rater conferences or interviews, or informal observations or visits.
- (ii) Lesson plans, unit plans, instructional materials and resources.
- (iii) Student work, student records, progress reports and grading.
- (iv) Interactions with students and their families (for example, frequency, methods of communication).
- (v) Student surveys, family and community feedback.
- (vi) Professional growth (for example, coursework, staff development, networking, reflection of practice).

(vii) Examination of sources of evidence provided by the teacher.

(6) Evaluators may include the use of multiple classroom walk-throughs in an academic year to gather evidence and artifacts, provided specific observations are based only on factors that are present or witnessed by the evaluator during the walk-through.

(7) Classroom walk-throughs shall be used to gather evidence in addition to, not in place of, data gathered during one or more comprehensive classroom observations except when defined by a plan of differentiated supervision.

(8) The evidence and evaluator observations and findings shall provide the basis for rating the professional employee's level of performance in each of the four domains and for assigning each domain a rating with a zero, one, two or three point value.

(9) The rating value for each domain is adjusted by the percentage factor attributed to that domain (see Table 19.2a-1: PDE 13-1 Rating Form, Part (A)); the sum of the adjusted values is the Classroom Teacher Observation and Practice rating.

(b) *Student performance data*

Based on the type of professional employee evaluated (see Table 19.1a-1: Rating Areas and Significance by Professional Employee Evaluated), up to 30% of the overall performance rating for a classroom teacher shall be based on student performance data as applicable and attributable to the individual teacher and comprised of the rating areas delineated in Table 19.2a-4.

Table 19.2a-4: Student Performance Data Weighting by Rating Area

RATING AREA	PERCENTAGE OF STUDENT PERFORMANCE DATA RATING	
<i>Data-Available Classroom Teacher</i>	<i>Non-Data-Available Classroom Teacher</i>	
Building Level Data	10%	10%
Teacher-Specific Data: Assessment	2.5%	-
Teacher-Specific Data: Growth	5%	-
Teacher-Specific Data: IEP Goals Progress	2.5%	10%
LEA Selected Measures	10%	10%

(1) *Building level data.*

(i) A Building Level Score is comprised minimally of two of the four measures (Assessment, Growth, Attendance Rate, Graduation Rate). If fewer than two of the four measures are available, the Building Level Data weighting of 10% shall be reallocated to Observation and Practice.

(ii) For a classroom teacher assigned to multiple buildings, a single Building Level Score shall be calculated proportional to the employee's building assignments.

(iii) A classroom teacher who transfers from one building to another within an LEA shall have the option of using Observation and Practice or other Student Performance Data measures instead of Building Level Data for the first 2 school years of the new location assignment. Before evaluation in the new location assignment, the classroom teacher and the LEA shall agree upon one or more replacement measures and the reallocation of the Building Level Data weighting of 10% to the selected measures to calculate the final performance rating.

(2) Teacher-Specific Data: Assessment, Growth, and IEP Goals Progress.

(i) Data-Available Classroom Teacher.

(A) If directly attributable to the classroom teacher, statewide Assessment data and Growth data, as measured by PVAAS, shall constitute 2.5% and 5% respectively of the overall performance evaluation.

(B) Progress toward goals as identified in students' Individualized Education Plans (that is, IEP Goals Progress) and assessed by the LEA shall constitute 2.5% of the overall performance rating.

(C) Regardless of certification area, all classroom teachers shall be accountable for student progress toward IEP Goals Progress if students have identified IEP Goals to which the teacher contributes data used by the IEP team to monitor progress. An LEA may establish a minimum number (an n count) for students with associated IEP Goals, below which the classroom teacher shall not be evaluated on IEP Goals Progress.

(I) The n count shall not exceed the n count used by the Department for determining Growth under PVAAS.

(II) The n count shall be comprised of the total number of students with associated IEP Goals taught by the classroom teacher, rather than the number within a single class or course.

(D) The sum of the three ratings, each adjusted for weighting, shall provide a single zero—three-point scale rating for Teacher-Specific Data: Assessment, Growth and IEP Goals Progress that constitutes 10% of the overall performance rating.

(I) In the absence of one of the three indicators for Teacher-Specific Data: Assessment, Growth and IEP Goals Progress, the remaining two indicators shall be weighted each 5% toward the overall evaluation rating of a data-available classroom teacher.

(II) In the absence of two of the three indicators, the remaining indicator shall be weighted 10%.

(III) Absent three indicators, the weighting shall be re-allocated, increasing the factor for the LEA Selected Measures rating area by 10%.

(ii) Non-Data-Available Classroom Teacher and Classroom Teacher without Building Level Data.

(A) Progress in meeting the goals for student individualized education plans (that is, IEP Goals Progress) required under the Individuals with Disabilities Education Act shall constitute 10% of the overall evaluation rating of a non-data-available classroom teacher and a classroom teacher without available Building Level Data as neither has attributable Assessment and Growth data.

(B) Regardless of certification area, all classroom teachers shall be accountable for student progress toward IEP Goals Progress if students have identified IEP Goals to which the teacher contributes data used by the IEP team to monitor progress. An LEA may establish a minimum number (an n count) for students with associated IEP Goals, below which the classroom teacher shall not be evaluated on IEP Goals Progress.

(I) The n count shall not exceed the n count used by the Department for determining Growth under PVAAS.

(II) The n count shall be comprised of the total number of students with associated IEP Goals taught by the classroom teacher, rather than the number within a single class or course.

(C) If the classroom teacher has no students, or fewer students than the LEA established n count, with IEP Goals to which the teacher contributes data used by the IEP team to monitor progress during the evaluation cycle, the 10% weighting shall be re-allocated to the LEA Selected Measures rating area for the evaluation of that classroom teacher.

(c) *LEA selected measures*

(1) LEAs shall use one of the following measures to assess student performance attributable to the classroom teacher and to assign a zero, one, two- or three-point rating:

- (i) Locally developed rubrics.
- (ii) District-designed measures and examinations.
- (iii) Nationally recognized standardized tests.
- (iv) Industry certification examinations.
- (v) Student projects under local requirements.
- (vi) Student portfolios under local requirements.

(2) If more than one measure is used for the evaluation of a professional employee, the LEA shall weight and sum the assigned ratings using factors established by the LEA to produce a single LEA Selected Measures rating of zero, one, two or three.

(3) A classroom teacher shall provide documented input to an evaluator on the development of LEA Selected Measures and annual results of data.

- (i) In the analysis of that data, classroom teachers shall have the opportunity to reflect on their success, unanticipated barriers, and any supports that could have been useful to classroom teachers.
 - (ii) The documented input shall be included with documentation of the classroom teacher's overall annual rating.
- (4) LEA Selected Measures may be revised mid-academic year, if agreed upon by both the administrator and the teacher and may be reused on an annual basis if a classroom teacher's goals are updated and continue to offer reflections on their goals for improvement on an annual basis.

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