

**Chapter 8a**  
**Public Education Human Resource Management Act**

**Part 1**  
**General Provisions**

**53A-8a-101 Title.**

This chapter is known as the "Public Education Human Resource Management Act."

Enacted by Chapter 425, 2012 General Session

**53A-8a-102 Definitions.**

As used in this chapter:

- (1) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53A-8a-201 and an agreement with the employee or the employee's association, district practice, or policy.
- (2) "Contract term" or "term of employment" means the period of time during which an employee is engaged by the school district under a contract of employment, whether oral or written.
- (3) "Dismissal" or "termination" means:
  - (a) termination of the status of employment of an employee;
  - (b) failure to renew or continue the employment contract of a career employee beyond the then-current school year;
  - (c) reduction in salary of an employee not generally applied to all employees of the same category employed by the school district during the employee's contract term; or
  - (d) change of assignment of an employee with an accompanying reduction in pay, unless the assignment change and salary reduction are agreed to in writing.
- (4)
  - (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (4)(b).
  - (b) For purposes of Part 2, Status of Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination Procedures, "employee" does not include:
    - (i) the district superintendent, or the equivalent at the Schools for the Deaf and the Blind;
    - (ii) the district business administrator or the equivalent at the Schools for the Deaf and the Blind; or
    - (iii) a temporary employee.
- (5) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for the district most recently before terminating a more senior employee.
- (6) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.
- (7) "School board" or "board" means a district school board or its equivalent at the Schools for the Deaf and the Blind.
- (8) "School district" or "district" means:
  - (a) a public school district; or
  - (b) the Schools for the Deaf and the Blind.
- (9) "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the local board of education. If the class of employees in question is

represented by an employee organization recognized by the local board, the board shall adopt its policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.

(10)

- (a) "Unsatisfactory performance" means a deficiency in performing work tasks which may be:
  - (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
  - (ii) remediated through training, study, mentoring, or practice.
- (b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section 53A-8a-501 or a reason for license discipline by the State Board of Education or Utah Professional Practices Advisory Commission:
  - (i) a violation of work rules;
  - (ii) a violation of local school board policies, State Board of Education rules, or law;
  - (iii) a violation of standards of ethical, moral, or professional conduct; or
  - (iv) insubordination.

Amended by Chapter 203, 2015 General Session

## Part 2 Status of Employment

### **53A-8a-201 Career employee status for provisional employees -- Career status in the event of change of position -- Continuation of probationary status when position changes -- Temporary status for extra duty assignments -- Employees not eligible for career status.**

(1)

- (a) A provisional employee must work for a school district on at least a half-time basis for three consecutive years to obtain career employee status.
  - (b) A school district may extend the provisional status of an employee up to an additional two consecutive years in accordance with a written policy adopted by the district's school board that specifies the circumstances under which an employee's provisional status may be extended.
- (2) Policies of an employing school district shall determine the status of a career employee in the event of the following:
- (a) the employee accepts a position which is substantially different from the position in which career status was achieved; or
  - (b) the employee accepts employment in another school district.
- (3) If an employee who is under an order of probation or remediation in one assignment in a school district is transferred or given a new assignment in the district, the order shall stand until its provisions are satisfied.
- (4) An employee who is given extra duty assignments in addition to a primary assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary employee in those extra duty assignments and may not acquire career status beyond the primary assignment.
- (5) A person is an at-will employee and is not eligible for career employee status if the person:
- (a) is a teacher who holds a competency-based license pursuant to Section 53A-6-104.5 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103; or
  - (b) holds an administrative/supervisory letter of authorization pursuant to Section 53A-6-110.

Renumbered and Amended by Chapter 425, 2012 General Session

### **Part 3 Employee Evaluations**

#### **53A-8a-301 Evaluation of employee performance.**

- (1) Except as provided in Subsection (2), a local school board shall require that the performance of each school district employee be evaluated annually in accordance with rules of the State Board of Education adopted in accordance with this chapter and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
  - (a) Rules adopted by the State Board of Education under Subsection (1) may include an exemption from annual performance evaluations for temporary or part-time employees.
  - (b) As provided by Section 53A-8a-405, a provisional or probationary educator shall be evaluated at least twice each school year.

Enacted by Chapter 425, 2012 General Session

#### **53A-8a-302 State Board of Education rules -- Reporting to Legislature.**

- (1) Subject to Part 4, Educator Evaluations, and Part 7, Evaluation and Compensation of Administrators, rules adopted by the State Board of Education under Section 53A-8a-301 shall:
  - (a) provide general guidelines, requirements, and procedures for the development and implementation of employee evaluations;
  - (b) establish required components and allow for optional components of employee evaluations;
  - (c) require school districts to chose valid and reliable methods and tools to implement the evaluations; and
  - (d) establish a timeline for school districts to implement employee evaluations.
- (2) The State Board of Education shall report to the Education Interim Committee, as requested, on progress in implementing employee evaluations in accordance with this part, Part 4, Educator Evaluations, and Part 7, Evaluation and Compensation of Administrators.

Enacted by Chapter 425, 2012 General Session

### **Part 4 Educator Evaluations**

#### **53A-8a-401 Legislative findings.**

- (1) The Legislature recognizes that the quality of public education can be improved and enhanced by systematic, fair, and competent annual evaluation of public educators and remediation of those whose performance is inadequate.
- (2) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the desired purposes of evaluation are to:
  - (a) allow the educator and the school district to promote the professional growth of the educator; and
  - (b) identify and encourage quality instruction in order to improve student achievement.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-402 Definitions.**

As used in this chapter:

- (1) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.
- (2) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the State Board of Education, except:
  - (a) a superintendent; or
  - (b) an individual who:
    - (i) works fewer than three hours per day; or
    - (ii) is hired for less than half of a school year.
- (3) "Probationary educator" means an educator employed by a school district who, under local school board policy, has been advised by the district that the educator's performance is inadequate.
- (4) "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-403 Establishment of educator evaluation program -- Joint committee.**

- (1) A local school board shall develop an educator evaluation program in consultation with its joint committee.
- (2) The joint committee described in Subsection (1) shall consist of an equal number of classroom teachers, parents, and administrators appointed by the local school board.
- (3) A local school board may appoint members of the joint committee from a list of nominees:
  - (a) voted on by classroom teachers in a nomination election;
  - (b) voted on by the administrators in a nomination election; and
  - (c) of parents submitted by school community councils within the district.
- (4) Subject to Subsection (5), the joint committee may:
  - (a) adopt or adapt an evaluation program for teachers based on a model developed by the State Board of Education; or
  - (b) create its own evaluation program for teachers.
- (5) The evaluation program developed by the joint committee must comply with the requirements of this part and rules adopted by the State Board of Education under Section 53A-8a-409.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-404 Evaluation orientation.**

- (1) The principal of each school shall orient all educators assigned to the school concerning the school board's educator evaluation program, including the purpose of the evaluations and the method used to evaluate.
- (2) Evaluations may not occur prior to the orientation by the principal.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-405 Components of educator evaluation program.**

An educator evaluation program adopted by a local school board in consultation with a joint committee established in Section 53A-8a-403:

- (1) shall include the following components:
  - (a) a reliable and valid evaluation program consistent with generally accepted professional standards for personnel evaluation systems;
  - (b)
    - (i) the evaluation of provisional and probationary educators at least twice each school year; and
    - (ii) the annual evaluation of all career educators;
  - (c) systematic evaluation procedures for both provisional and career educators;
  - (d) the use of multiple lines of evidence, including:
    - (i) self-evaluation;
    - (ii) student and parent input;
    - (iii) peer observation;
    - (iv) supervisor observations;
    - (v) evidence of professional growth;
    - (vi) student achievement data; and
    - (vii) other indicators of instructional improvement;
  - (e) a reasonable number of observation periods for an evaluation to ensure adequate reliability;
  - (f) administration of an educator's evaluation by:
    - (i) the principal;
    - (ii) the principal's designee;
    - (iii) the educator's immediate supervisor; or
    - (iv) another person specified in the evaluation program;
  - (g) an orientation for educators on the educator evaluation program; and
  - (h) a summative evaluation that differentiates among four levels of performance; and
- (2) may not use end-of-level assessment scores in educator evaluation.

Amended by Chapter 204, 2016 General Session

**53A-8a-406 Summative evaluation timelines -- Review of summative evaluations.**

- (1) The person responsible for administering an educator's summative evaluation shall:
  - (a) at least 15 days before an educator's first evaluation:
    - (i) notify the educator of the evaluation process; and
    - (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
  - (b)
    - (i) allow the educator to make a written response to any part of the evaluation; and
    - (ii) attach the educator's response to the evaluation;
  - (c) within 15 days after the evaluation process is completed, discuss the written evaluation with the educator; and
  - (d) following any revision of the written evaluation made after the discussion:
    - (i) file the evaluation and any related reports or documents in the educator's personnel file; and
    - (ii) give a copy of the written evaluation and attachments to the educator.
- (2) An educator who is not satisfied with a summative evaluation may request a review of the evaluation within 15 days after receiving the written evaluation.
- (3)
  - (a) If a review is requested, the school district superintendent or the superintendent's designee shall appoint a person not employed by the school district who has expertise in teacher or

personnel evaluation to review the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.

- (b) The State Board of Education shall make rules prescribing standards for an independent review of an educator's summative evaluation.
- (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be conducted in accordance with State Board of Education rules made under Subsection (3)(b).

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-407 Deficiencies -- Improvement.**

- (1) The person responsible for administering an educator's evaluation shall give an educator whose performance is inadequate or in need of improvement a written document clearly identifying:
  - (a) specific, measurable, and actionable deficiencies;
  - (b) the available resources that will be provided for improvement; and
  - (c) a recommended course of action that will improve the educator's performance.
- (2) An educator is responsible for improving performance, including using any resources identified by the school district, and demonstrating acceptable levels of improvement in the designated areas of deficiencies.
- (3) Subsections (1)(b), (1)(c), and (2) do not apply if the educator's unsatisfactory performance was documented for the same deficiency within the previous three years and a plan of assistance was implemented as provided in Section 53A-8a-503.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-408 Mentor for provisional educator.**

- (1) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.
- (2) Where possible, the mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years of educational experience.
- (3) The mentor shall assist the provisional educator to become effective and competent in the teaching profession and school system, but may not serve as an evaluator of the provisional educator.
- (4) An educator who is assigned as a mentor may receive compensation for those services in addition to the educator's regular salary.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-409 State Board of Education to establish a framework for the evaluation of educators.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
  - (a) establishing a framework for the evaluation of educators that is consistent with the requirements of Part 3, Employee Evaluations, and this part;
  - (b) requiring a teacher's summative evaluation to be based on standards of instructional quality; and

- (c) requiring each school district to fully implement an evaluation system for educators in accordance with the framework established by the State Board of Education no later than the 2015-16 school year.
- (2) The rules described in Subsection (1) shall prohibit the use of end-of-level assessment scores in educator evaluation.

Amended by Chapter 204, 2016 General Session

**53A-8a-410 Report of educator ratings.**

- (1) A school district shall report to the State Board of Education the number and percent of educators in each of the four rating categories referred to in Section 53A-8a-405 based on an educator's annual evaluation.
- (2) The data reported under Subsection (1) shall be separately reported for the following educator classifications:
  - (a) administrators;
  - (b) teachers; and
  - (c) educators other than administrators or teachers.
- (3) The data reported by school districts under this section shall be included in the state superintendent's annual report of the public school system required by Section 53A-1-301.
- (4) The State Board of Education shall make rules to ensure the privacy and protection of individual evaluation data.

Enacted by Chapter 425, 2012 General Session

**Part 5**  
**Orderly School Termination Procedures**

**53A-8a-501 Local school board to establish dismissal procedures.**

- (1) A local school board shall, by contract with its employees or their associations, or by resolution of the board, establish procedures for dismissal of employees in an orderly manner without discrimination.
- (2) The procedures shall include:
  - (a) standards of due process;
  - (b) causes for dismissal; and
  - (c) procedures and standards related to developing and implementing a plan of assistance for a career employee whose performance is unsatisfactory.
- (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c) shall require a plan of assistance to identify:
  - (a) specific, measurable, and actionable deficiencies;
  - (b) the available resources provided for improvement; and
  - (c) a course of action to improve employee performance.
- (4) If a career employee exhibits both unsatisfactory performance as described in Subsection 53A-8a-102(10)(a) and conduct described in Subsection 53A-8a-102(10)(b), an employer:
  - (a) may:
    - (i) attempt to remediate the conduct of the career employee; or

- (ii) terminate the career employee for cause if the conduct merits dismissal consistent with procedures established by the local school board; and
  - (b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.
- (5) If the conduct of a career employee described in Subsection (4) is satisfactorily remediated, and unsatisfactory performance issues remain, an employer shall develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.
- (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated, an employer:
- (a) may dismiss the career employee for cause in accordance with procedures established by the local school board that include standards of due process and causes for dismissal; and
  - (b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.

Amended by Chapter 203, 2015 General Session

**53A-8a-502 Dismissal procedures.**

- (1) A district shall provide employees with a written statement specifying:
- (a) the causes under which a career employee's contract may not be renewed or continued beyond the current school year;
  - (b) the causes under which a career or provisional employee's contract may be terminated during the contract term; and
  - (c) the orderly dismissal procedures that are used by the district in cases of contract termination, discontinuance, or nonrenewal.
- (2) A career employee's contract may be terminated during its term for reasons of unsatisfactory performance or discontinued beyond the current school year for reasons of unsatisfactory performance as provided in Section 53A-8a-503.
- (3)
- (a) A district is not required to provide a cause for not offering a contract to a provisional employee.
  - (b) If a district intends to not offer a contract for a subsequent term of employment to a provisional employee, the district shall give notice of that intention to the employee at least 60 days before the end of the provisional employee's contract term.
- (4) In the absence of a notice, an employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employee into which the individual falls.
- (5) If a district intends to not renew or discontinue the contract of a career employee or to terminate a career or provisional employee's contract during the contract term:
- (a) the district shall give written notice of the intent to the employee;
  - (b) the notice shall be served by personal delivery or by certified mail addressed to the employee's last-known address as shown on the records of the district;
  - (c) the district shall give notice at least 30 days prior to the proposed date of termination;
  - (d) the notice shall state the date of termination and the detailed reasons for termination;
  - (e) the notice shall advise the employee that the employee has a right to a fair hearing and that the hearing is waived if it is not requested within 15 days after the notice of termination was either personally delivered or mailed to the employee's most recent address shown on the district's personnel records; and

- (f) the notice shall state that failure of the employee to request a hearing in accordance with procedures set forth in the notice constitutes a waiver of that right and that the district may then proceed with termination without further notice.
- (6)
  - (a) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the district.
  - (b) Suspension pending a hearing may be without pay if an authorized representative of the district determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true.
  - (c) If termination is not subsequently ordered, the employee shall receive back pay for the period of suspension without pay.
- (7) The procedure under which an employee's contract is terminated during its term shall provide for a written notice of suspension or final termination including findings of fact upon which the action is based.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-503 Nonrenewal or termination of a career employee's contract for unsatisfactory performance.**

- (1) If a district intends to not renew a career employee's contract for unsatisfactory performance or terminate a career employee's contract during the contract term for unsatisfactory performance, the district shall:
  - (a) provide and discuss with the career employee written documentation clearly identifying the deficiencies in performance;
  - (b) provide written notice that the career employee's contract is subject to nonrenewal or termination if, upon a reevaluation of the career employee's performance, the career employee's performance is determined to be unsatisfactory;
  - (c) develop and implement a plan of assistance, in accordance with procedures and standards established by the local school board under Section 53A-8a-501, to allow the career employee an opportunity to improve performance;
  - (d) reevaluate the career employee's performance; and
  - (e) if the career employee's performance remains unsatisfactory, give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53A-8a-502(5).
- (2)
  - (a) The period of time for implementing a plan of assistance:
    - (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
    - (ii) may continue into the next school year;
    - (iii) should be sufficient to successfully complete the plan of assistance; and
    - (iv) shall begin when the career employee receives the written notice provided under Subsection (1)(b) and end when the determination is made that the career employee has successfully remediated the deficiency or notice of intent to not renew or terminate the career employee's contract is given in accordance with Subsection 53A-8a-502(5).
  - (b) In accordance with local school board policy, the period of time for implementing a plan of assistance may extend beyond 120 school days if:

- (i) a career employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and
- (ii)
  - (A) the leave was approved and scheduled before the written notice was provided under Subsection (1)(b); or
  - (B) the leave is specifically approved by the local school board.
- (3)
  - (a) If upon a reevaluation of the career employee's performance, the district determines the career employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the district may elect to not renew or terminate the career employee's contract.
  - (b) If a district intends to not renew or terminate a career employee's contract as provided in Subsection (3)(a), the district shall:
    - (i) provide written documentation of the career employee's deficiencies in performance; and
    - (ii) give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53A-8a-502(5).

Enacted by Chapter 425, 2012 General Session

**53A-8a-504 Hearings before district board or hearing officers -- Rights of the board and the employee -- Subpoenas -- Appeals.**

- (1)
  - (a) Hearings are held under this chapter before the board or before hearing officers selected by the board to conduct the hearings and make recommendations concerning findings.
  - (b) The board shall establish procedures to appoint hearing officers.
  - (c) The board may delegate its authority to a hearing officer to make decisions relating to the employment of an employee which are binding upon both the employee and the board.
  - (d) This Subsection (1) does not limit the right of the board or the employee to appeal to an appropriate court of law.
- (2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear testimony against the employee, to cross-examine witnesses, and to examine documentary evidence.
- (3) Subpoenas may be issued and oaths administered as provided under Section 53A-6-603.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-505 Necessary staff reduction not precluded -- Last-hired, first-fired layoffs prohibited.**

- (1) Nothing in this chapter prevents staff reduction if necessary to reduce the number of employees because of the following:
  - (a) declining student enrollments in the district;
  - (b) the discontinuance or substantial reduction of a particular service or program;
  - (c) the shortage of anticipated revenue after the budget has been adopted; or
  - (d) school consolidation.
- (2) A school district may not utilize a last-hired, first-fired layoff policy when terminating school district employees.
- (3) A school district may consider the following factors when terminating a school district employee:
  - (a) the results of an employee's performance evaluation; and

(b) a school's personnel needs.

Renumbered and Amended by Chapter 425, 2012 General Session

**53A-8a-506 Restriction on transfer of employee with unsatisfactory performance.**

An employee whose performance is unsatisfactory may not be transferred to another school unless the local school board specifically approves the transfer of the employee.

Enacted by Chapter 425, 2012 General Session

**Part 6  
Performance Compensation**

**53A-8a-601 State Board of Education to make rules on performance compensation.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system described in Section 53A-8a-405.
- (2) Rules adopted under Subsection (1) shall :
  - (a) establish a timeline for developing and implementing an employee compensation system that is aligned with an annual evaluation system; and
  - (b) provide that beginning no later than the 2016-17 school year:
    - (i) any advancement on an adopted wage or salary schedule:
      - (A) shall be based primarily on an evaluation; and
      - (B) may not be based on end-of-level assessment scores; and
    - (ii) an employee may not advance on an adopted wage or salary schedule if the employee's rating on the most recent evaluation is at the lowest level of an evaluation instrument.

Amended by Chapter 204, 2016 General Session

**53A-8a-602 Educator's eligibility for a wage increase.**

An educator, as defined in Section 53A-6-103, may not advance on an adopted salary schedule if the educator's rating on the most recent evaluation is at the second lowest level of an evaluation instrument that differentiates among four levels of performance as described in Section 53A-8a-405, unless the educator:

- (1) is a provisional educator; or
- (2) is in the first year of an assignment, including a new subject, grade level, or school.

Enacted by Chapter 425, 2012 General Session

**Part 7  
Evaluation and Compensation of Administrators**

**53A-8a-701 Definitions.**

As used in this part:

- (1) "District administrator" means an individual who:

- (a) serves in a position that requires an educator license with an administrative area of concentration, except as provided in Section 53A-3-301 or 53A-6-110; and
  - (b) supervises school administrators.
- (2) "School administrator" means an individual who:
- (a) serves in a position that requires an educator license with an administrative area of concentration, except as provided in Section 53A-6-110; and
  - (b) supervises teachers.

Enacted by Chapter 425, 2012 General Session

**53A-8a-702 Evaluation of school and district administrators.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish a framework for the evaluation of school and district administrators that includes the following components:
- (a) student achievement indicators emphasizing learning growth and proficiency;
  - (b) the results of an evaluation tool utilized by the local school board that includes input from employees, parents, and students;
  - (c) the effectiveness of evaluating employee performance in a school or district for which the school or district administrator has responsibility; and
  - (d) other factors as determined by a local school board in implementing state law and State Board of Education rules.
- (2) The rules described in Subsection (1) shall prohibit the use of end-of-level assessment scores in the evaluation of school and district administrators.
- (3) The State Board of Education shall require each school district to fully implement an evaluation system for school and district administrators in accordance with the framework established by the State Board of Education no later than the 2015-16 school year.

Amended by Chapter 204, 2016 General Session

**53A-8a-703 Compensation of school and district administrators.**

- (1) Beginning no later than the 2016-17 school year, a school or district administrator's salary shall be based on the school or district administrator's most recent evaluation.
- (2) A school district shall continue each year to award any salary increases to a school or district administrator based on an evaluation administered pursuant to Section 53A-8a-702 until at least 15% of a school or district administrator's salary is contingent upon the evaluation administered pursuant to Section 53A-8a-702.

Amended by Chapter 262, 2014 General Session

**Part 8**  
**Peer Assistance and Review Pilot Program**

**53A-8a-801 Definitions.**

As used in this part:

- (1) "Peer Assistance and Review Pilot Program" or "PAR Program" means the teacher evaluation and mentoring program created in Section 53A-8a-802.

- (2) "Consulting teacher" means a teacher who is appointed as described in Section 53A-8a-803 and provides assistance and review to teachers assigned to a PAR Program.
- (3) "Novice teacher" means a provisional teacher who has not achieved career employee status.
- (4) "PAR Joint Panel" means the governing panel of a district's PAR Program, created according to Section 53A-8a-804.
- (5) "Teacher" means an individual employed by a school district who is required to hold an educator license issued by the State Board of Education and who has an assignment to teach in a classroom.
- (6) "Underperforming veteran teacher" means a teacher who has achieved career employee status as defined in Section 53A-8a-102 and whose work has been judged to fall below the district's standards.

Enacted by Chapter 273, 2012 General Session

**53A-8a-802 PAR Program guidelines -- Report.**

- (1) The PAR Program is created to:
  - (a) conduct regular evaluations of novice teachers and underperforming veteran teachers;
  - (b) provide support and mentoring to novice teachers and underperforming veteran teachers; and
  - (c) make recommendations for continued employment or dismissal of novice teachers and underperforming veteran teachers.
- (2) Subject to future budget constraints, the Legislature shall appropriate money for a five-year period to the State Board of Education for the PAR Program.
- (3) The State Board of Education shall:
  - (a) solicit proposals from school districts for the use of grant money to develop and implement PAR Programs; and
  - (b) award grants to school districts on a competitive basis.
- (4) In awarding a grant under Subsection (3)(b), the State Board of Education shall consider:
  - (a) the applicant's capacity to effectively achieve the purposes of the PAR Program as described in Subsection (1);
  - (b) whether the district has a rigorous and standards-based teacher evaluation system already in place; and
  - (c) other criteria as determined by the State Board of Education.
- (5) To receive a grant, a school district shall submit a proposal to the State Board of Education on how the district intends to develop and implement a PAR Program, within the specifications of Section 53A-8a-803.
- (6) A selected district may use grant money:
  - (a) to develop and design a PAR Program to fit the needs of the district, which may include hiring consultants;
  - (b) to fund additional pay or stipends, computers, travel reimbursement, and office space for consulting teachers;
  - (c) for program administration and clerical support staff;
  - (d) for stipends for PAR Joint Panel members;
  - (e) to pay substitute teachers for PAR Joint Panel members to attend meetings or for teachers enrolled in the PAR Program to visit and observe other classes; and
  - (f) for training costs.
- (7) After each year of the pilot program, the State Board of Education shall make a report to the Education Interim Committee evaluating the impact of the PAR Program on retaining high quality teachers and dismissing ineffective teachers in a timely manner.

- (8) The State Board of Education shall make rules specifying:
  - (a) procedures for applying for and awarding grants under this part;
  - (b) criteria for awarding grants; and
  - (c) reporting requirements for grantees.

Enacted by Chapter 273, 2012 General Session

**53A-8a-803 Program components.**

- (1) A district that receives a grant under Section 53A-8a-802 to design and implement a PAR Program, shall use the general guidelines as set forth in this section.
- (2) A district's PAR Program shall consist of the following two sections:
  - (a) an induction section for novice teachers; and
  - (b) a remediation section for underperforming veteran teachers.
- (3) The induction section of a district's PAR Program shall include the following components:
  - (a) a novice teacher is automatically enrolled into the induction section of the PAR Program and assigned a consulting teacher who serves as a mentor;
  - (b) the novice teacher receives help from a consulting teacher in setting up a classroom, securing needed supplies, preparing for classroom management, reflecting on lessons, and getting feedback and support;
  - (c) the consulting teacher assesses the novice teacher's work and reports to the district's PAR Joint Panel several times throughout the year, with a summative report and evaluation at the end of the year;
  - (d) the consulting teacher assists the district's PAR Joint Panel in deciding whether to hire the novice teacher for another year; and
  - (e) the principal retains the right and responsibility for evaluating all teachers for career employment status.
- (4) The remediation section of a district's PAR Program shall include the following components:
  - (a) a principal or supervisor recommends an underperforming veteran teacher to the remediation section of the program, or the underperforming veteran teacher may be automatically enrolled in the intervention section of the program in accordance with local school board policy;
  - (b) an underperforming veteran teacher is assigned a consulting teacher who acts as a mentor and initially investigates whether the teacher is, in fact, failing to meet the district standards;
  - (c) the consulting teacher mentors the underperforming veteran teacher for a period of time established in accordance with local school board policy; and
  - (d) the underperforming veteran teacher either meets district standards after close mentoring, or is dismissed or encouraged to resign because the underperforming veteran teacher rejects help or fails to improve sufficiently despite the consulting teacher's mentoring.
- (5) Consulting teachers:
  - (a) are chosen through a competitive process by the district's PAR Joint Panel;
  - (b)
    - (i) are released from regular teaching loads for three to five years; or
    - (ii) are released from regular teaching part-time and serve as consulting teachers part-time;
  - (c) earn regular salary plus an additional stipend for being consulting teachers;
  - (d) are assigned a caseload of teachers to mentor and evaluate, preferably in the same subject and grade level;
  - (e) report on teachers to the district's PAR Joint Panel; and
  - (f) mentor and evaluate teachers participating in the district's PAR Program through:
    - (i) scheduled and unscheduled visits;

- (ii) developing a growth plan with a teacher based on the teacher's strengths and weaknesses;
- (iii) observing lessons and providing feedback;
- (iv) helping with lesson planning;
- (v) providing resources and materials; and
- (vi) arranging for a participating teacher to observe another colleague's class.

Enacted by Chapter 273, 2012 General Session

**53A-8a-804 Creation -- Make-up -- Duties of a district PAR Joint Panel.**

- (1) A district that receives money to create a PAR Program under Section 53A-8a-802 shall create a PAR Joint Panel consisting of an equal number of teacher representatives and district administrators or their designees.
- (2) A district PAR Joint Panel shall:
  - (a) meet regularly to design the district's PAR Program;
  - (b) review cases of teachers assigned to the district's PAR Program and decide whether the district should continue to employ teachers based on evidence collected by consulting teachers; and
  - (c) select consulting teachers through a competitive process.

Enacted by Chapter 273, 2012 General Session