

Senator J. Stuart Adams proposes the following substitute bill:

TEACHER EFFECTIVENESS EVALUATION PROCESS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Merlynn T. Newbold

LONG TITLE

General Description:

This bill modifies provisions related to teacher career ladders and educator evaluations.

Highlighted Provisions:

This bill:

- ▶ provides components that may be included in a career ladder;
- ▶ provides that annual evaluations for all teachers may be a component of a career ladder;
- ▶ establishes membership for a school joint committee to develop the school's educator evaluation program;
- ▶ requires a school's joint committee to develop an educator evaluation program;
- ▶ specifies the components that must be included in a school's educator evaluation program, including the annual evaluation of all educators;
- ▶ reduces the time in which an educator may request review of a summative evaluation;
- ▶ removes requirements for districts to provide educators with reasonable assistance for improving performance;
- ▶ requires the Education Interim Committee, in consultation with the State Board of Education, to study how teachers may be evaluated on certain performance



26 measures; and
27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-9-103**, as last amended by Laws of Utah 2001, Chapters 73 and 86

35 **53A-9-104**, as last amended by Laws of Utah 1988, Chapter 233

36 **53A-10-101**, as last amended by Laws of Utah 2009, Chapter 287

37 **53A-10-102**, as last amended by Laws of Utah 2009, Chapter 287

38 **53A-10-103**, as last amended by Laws of Utah 2009, Chapter 287

39 **53A-10-105**, as enacted by Laws of Utah 1988, Chapter 2

40 **53A-10-106**, as repealed and reenacted by Laws of Utah 2009, Chapter 287

41 **53A-10-106.5**, as enacted by Laws of Utah 2009, Chapter 287

42 **53A-10-107**, as last amended by Laws of Utah 2009, Chapter 287

43 REPEALS:

44 **53A-10-102.5**, as enacted by Laws of Utah 2009, Chapter 287

45 **Uncodified Material Affected:**

46 ENACTS UNCODIFIED MATERIAL



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **53A-9-103** is amended to read:

50 **53A-9-103. Authorized components.**

51 Career ladders may include the following components:

52 (1) (a) An extended contract year for teachers, providing for additional paid
53 nonteaching days beyond the regular school year for curriculum development and other
54 professional development activities.

55 (b) School boards may approve individual exceptions to the extended year contract.

56 (2) At the option of the local school board, an extended contract year for teachers,

57 providing for additional paid workdays beyond the regular school year for teaching
58 assignments in summer school, remedial, disabled, specialized, applied technology, gifted and
59 talented, and adult education programs.

60 (3) A fair and consistent procedure:

61 (a) for selecting teachers who will be given additional responsibilities; and

62 (b) which incorporates clearly stated job descriptions and qualifications for each level
63 on the career ladder.

64 (4) (a) A program of differentiated staffing that provides additional compensation and,
65 as appropriate, additional extensions of the contract year, for those who assume additional
66 instruction-related responsibilities such as:

67 (i) assisting students and mentoring beginning teachers;

68 (ii) curriculum and lesson plan development;

69 (iii) helping established teachers improve their teaching skills;

70 (iv) volunteer training;

71 (v) planning;

72 (vi) facilities and productivity improvements; and

73 (vii) educational assignments directed at establishing positive relationships with the
74 community, businesses, and parents.

75 (b) Administrative and extracurricular activities are not considered additional
76 instruction-related activities under this Subsection (4).

77 (5) (a) A well defined program of evaluation and mentoring for beginning teachers,
78 consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), designed to assist
79 those teachers during provisional years of teaching to acquire and demonstrate the skills
80 required of capable, successful teachers.

81 (b) Continuation in teaching from year to year shall be contingent upon satisfactory
82 teaching performance, which shall be measured using the educator evaluation program
83 described in Section 53A-10-106.

84 (6) A clear and concise explanation of the evaluation system components, including the
85 respective roles of parents, teachers, administrators, and the school board in the development of
86 the evaluation system and provisions for frequent, comprehensive evaluations of teachers with
87 less than three years' teaching experience and [~~periodic evaluations of other~~] annual evaluations

88 of all teachers consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) and
89 Section 53A-10-106.

90 (7) (a) A program of advancement on the career ladder contingent upon effective
91 teaching performance, evidence of which [~~may~~] shall include formal evaluation and assessment
92 of student progress.

93 (b) Student progress shall play a significant role in teacher evaluation.

94 [~~(c) Other criteria may include formal preparation and successful teaching experience.~~]

95 [~~(8) An assessment of implementation costs.~~]

96 [~~(9)~~] (8) A plan for periodic review of the career ladder, including the makeup of the
97 reviewing entity, procedures to be followed during review, and the time schedule for the
98 review.

99 Section 2. Section **53A-9-104** is amended to read:

100 **53A-9-104. Evaluation program for placement and advancement on career**
101 **ladders.**

102 [(+) Each school district shall develop a program to evaluate its teachers for placement
103 and advancement on the career ladder consistent with Title 53A, Chapter 10, Educator
104 Evaluation. The evaluation procedure shall:

105 [(a)] (1) be fair, consistent, and valid according to generally accepted principles of
106 personnel administration;

107 [(b)] (2) incorporate clearly stated job descriptions;

108 [(c)] (3) be in writing;

109 [(d)] (4) involve teachers in the development of the evaluation instrument; [~~and~~]

110 [(e) prior to] (5) before any evaluation, inform the teacher in writing about time frames
111 in the evaluation procedure, the evaluation process, the types of criteria to be used in the
112 evaluation and the factors to be evaluated and the procedure for requesting a review of the
113 evaluation[.]; and

114 [(2)] (6) [~~Nothing in this section precludes~~] include regular informal classroom
115 observations.

116 Section 3. Section **53A-10-101** is amended to read:

117 **53A-10-101. Legislative findings.**

118 (1) The Legislature recognizes that the quality of public education can be improved and

119 enhanced by ~~[providing for]~~ systematic, fair, and competent annual evaluation of public
120 educators and remediation of those whose performance is inadequate.

121 (2) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
122 desired purposes of evaluation are to:

123 (a) allow the educator and the school district to promote the professional growth of the
124 educator; and

125 (b) identify and encourage quality instruction in order to improve student achievement.

126 Section 4. Section **53A-10-102** is amended to read:

127 **53A-10-102. Definitions.**

128 As used in this chapter:

129 (1) "Career educator" means a licensed employee ~~[entitled to rely upon]~~ who has a
130 reasonable expectation of continued employment under the policies of a local school board.

131 (2) "Educator" means an individual employed by a school district who is required to
132 hold a professional license issued by the State Board of Education, except:

133 (a) a superintendent; or

134 (b) an individual who:

135 (i) works fewer than three hours per day; or

136 (ii) is hired for less than half of a school year.

137 (3) "Probationary educator" means an educator employed by a school district who,
138 under local school board policy, has been advised by the district that the educator's
139 performance is inadequate.

140 (4) "Provisional educator" means an educator employed by a school district who has
141 not achieved status as a career educator within the school district.

142 Section 5. Section **53A-10-103** is amended to read:

143 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

144 (1) ~~[Each local]~~ A joint committee at a school [board] shall develop an educator
145 evaluation program [in consultation with its educators through appointment of a joint
146 committee] in accordance with this chapter.

147 (2) The joint committee described in Subsection (1) shall consist of:

148 (a) an equal number of classroom teachers[;] and parents[;]; and [administrators
149 appointed by the local school board.]

150 (b) one school administrator, as designated by the school principal.

151 (3) The classroom teachers on the joint committee shall be elected by the classroom
152 teachers in the school.

153 (4) The parents on the joint committee shall be selected from, and elected by, the
154 parents on the school community council.

155 (5) There shall be at least two parents and two classroom teachers on the joint
156 committee.

157 ~~[(3) A local school board may appoint members of the joint committee from a list of~~
158 ~~nominees:]~~

159 ~~[(a) voted on by classroom teachers in a nomination election;]~~

160 ~~[(b) voted on by the administrators in a nomination election; and]~~

161 ~~[(c) of parents submitted by school community councils within the district.]~~

162 ~~[(4) The evaluation program developed by the joint committee must comply with the~~
163 ~~requirements of this chapter.]~~

164 Section 6. Section **53A-10-105** is amended to read:

165 **53A-10-105. Evaluation orientation.**

166 (1) The principal of each school shall orient all educators assigned to the school
167 concerning the ~~[school board's]~~ school's educator evaluation program, including the purpose of
168 the evaluations and the method used to evaluate.

169 (2) Evaluations may not occur prior to the orientation by the principal.

170 Section 7. Section **53A-10-106** is amended to read:

171 **53A-10-106. Components of educator evaluation program.**

172 An educator evaluation program adopted by ~~[a local school board in consultation with]~~
173 a joint committee established in Section 53A-10-103 shall include the following components:

174 (1) a reliable and valid evaluation program consistent with generally accepted
175 professional standards for personnel evaluation systems;

176 (2) (a) the evaluation of provisional educators at least twice each school year; and

177 (b) the annual evaluation of all career educators;

178 ~~[(2)]~~ (3) systematic evaluation procedures for both provisional and career educators;

179 ~~[(3)]~~ (4) the use of multiple lines of evidence, such as:

180 (a) self-evaluation;

- 181 (b) student and parent input;
- 182 (c) peer observation;
- 183 (d) supervisor observations;
- 184 (e) evidence of professional growth;
- 185 (f) student achievement data; and
- 186 (g) other indicators of instructional improvement;
- 187 [~~4~~] (5) a reasonable number of observation periods for an evaluation to insure
- 188 adequate reliability; [~~and~~]

189 [~~5~~] (6) administration of an educator's evaluation by:

- 190 (a) the principal;
- 191 (b) the principal's designee;
- 192 (c) the educator's immediate supervisor; or
- 193 (d) another person specified in the evaluation program[-]; and
- 194 (7) an orientation on the educator evaluation program provided by the school principal.

195 Section 8. Section **53A-10-106.5** is amended to read:

196 **53A-10-106.5. Summative evaluation timelines -- Review of summative**
197 **evaluations.**

198 (1) The person responsible for administering an educator's summative evaluation shall:

- 199 (a) at least 15 days before an educator's first evaluation:
 - 200 (i) notify the educator of the evaluation process; and
 - 201 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
- 202 (b) (i) allow the educator to make a written response to any part of the evaluation; and
- 203 (ii) attach the educator's response to the evaluation;
- 204 (c) within 15 days after the evaluation process is completed, discuss the written
- 205 evaluation with the educator; and
- 206 (d) following any revision of the written evaluation made after the discussion:
 - 207 (i) file the evaluation and any related reports or documents in the educator's personnel
 - 208 file; and
 - 209 (ii) give a copy of the written evaluation and attachments to the educator.

210 (2) An educator who is not satisfied with a summative evaluation may request a review
211 of the evaluation within [~~30~~] 15 days after receiving the written evaluation.

212 (3) If a review is requested, the school district superintendent or the superintendent's
213 designee shall appoint a person not employed by the school district who has expertise in
214 teacher or personnel evaluation to review and make recommendations to the superintendent
215 regarding the teacher's summative evaluation.

216 ~~[(4) Nothing in this section prevents the educator and the superintendent or~~
217 ~~superintendent's designee from agreeing to another method of review.]~~

218 Section 9. Section **53A-10-107** is amended to read:

219 **53A-10-107. Deficiencies -- Improvement.**

220 (1) The person responsible for administering an educator's evaluation shall give an
221 educator whose performance is inadequate or in need of improvement a written document
222 clearly identifying:

- 223 (a) deficiencies;
- 224 (b) the available resources for improvement; and
- 225 (c) a recommended course of action that will improve the educator's performance.

226 ~~[(2) The district shall provide the educator with reasonable assistance to improve~~
227 ~~performance.]~~

228 ~~[(3)]~~ (2) An educator is responsible for improving performance ~~[by]~~, including using
229 ~~[the]~~ any resources identified by the school district, and demonstrating acceptable levels of
230 improvement in the designated areas of deficiencies.

231 ~~[(4)]~~ (3) (a) The person responsible for administering the evaluation of an educator
232 whose performance has been determined to be inadequate or in need of improvement shall
233 complete written evaluations and recommendations regarding the educator at least ~~[60]~~ 30 days
234 before the end of the educator's contract school year.

235 (b) The final evaluation shall include only data previously considered and discussed
236 with the educator as required by Section 53A-10-106.5.

237 Section 10. **Repealer.**

238 This bill repeals:

239 Section **53A-10-102.5, Local school board's responsibilities for an educator**
240 **evaluation program.**

241 Section 11. **Education Interim Committee study on performance based**
242 **evaluations.**

243 During the 2011 interim, the Education Interim Committee, in consultation with the
244 State Board of Education, shall study how the performance of teachers may be evaluated in the
245 following areas:

246 (1) student learning gains;

247 (2) instructional quality or performance as measured by classroom observation or other
248 instruments; and

249 (3) parent, student, or community satisfaction.

FISCAL NOTE

S.B. 256 1st Sub. (Green)

SHORT TITLE: **Teacher Effectiveness Evaluation Process**

SPONSOR: **Adams, J. S.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.