

Representative Merlynn T. Newbold 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;
- ▶ requires that provisional and probationary educators be evaluated twice each school year, and that career educators be evaluated annually;
- ▶ 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 measures; and
- ▶ makes technical changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill takes effect on July 1, 2011.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-9-103**, as last amended by Laws of Utah 2001, Chapters 73 and 86

32 **53A-9-104**, as last amended by Laws of Utah 1988, Chapter 233

33 **53A-10-101**, as last amended by Laws of Utah 2009, Chapter 287

34 **53A-10-102**, as last amended by Laws of Utah 2009, Chapter 287

35 **53A-10-103**, as last amended by Laws of Utah 2009, Chapter 287

36 **53A-10-106**, as repealed and reenacted by Laws of Utah 2009, Chapter 287

37 **53A-10-106.5**, as enacted by Laws of Utah 2009, Chapter 287

38 **53A-10-107**, as last amended by Laws of Utah 2009, Chapter 287

39 REPEALS:

40 **53A-10-102.5**, as enacted by Laws of Utah 2009, Chapter 287

41 **Uncodified Material Affected:**

42 ENACTS UNCODIFIED MATERIAL



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

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

46 **53A-9-103. Authorized components.**

47 Career ladders may include the following components:

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

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

52 (2) At the option of the local school board, an extended contract year for teachers,
53 providing for additional paid workdays beyond the regular school year for teaching
54 assignments in summer school, remedial, disabled, specialized, applied technology, gifted and
55 talented, and adult education programs.

56 (3) A fair and consistent procedure:

57 (a) for selecting teachers who will be given additional responsibilities; and
58 (b) which incorporates clearly stated job descriptions and qualifications for each level
59 on the career ladder.

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

- 63 (i) assisting students and mentoring beginning teachers;
- 64 (ii) curriculum and lesson plan development;
- 65 (iii) helping established teachers improve their teaching skills;
- 66 (iv) volunteer training;
- 67 (v) planning;
- 68 (vi) facilities and productivity improvements; and
- 69 (vii) educational assignments directed at establishing positive relationships with the
70 community, businesses, and parents.

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

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

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

80 (6) A clear and concise explanation of the evaluation system components, including the
81 respective roles of parents, teachers, administrators, and the school board in the development of
82 the evaluation system and provisions for frequent, comprehensive evaluations of teachers with
83 less than three years' teaching experience and ~~[periodic evaluations of other]~~ annual evaluations
84 of all teachers consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) and
85 Section 53A-10-106.

86 (7) (a) A program of advancement on the career ladder contingent upon effective
87 teaching performance, evidence of which ~~[may]~~ shall include formal evaluation and assessment

88 of student progress.

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

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

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

92 [(9)] (8) A plan for periodic review of the career ladder, including the makeup of the
93 reviewing entity, procedures to be followed during review, and the time schedule for the
94 review.

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

96 **53A-9-104. Evaluation program for placement and advancement on career**
97 **ladders.**

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

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

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

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

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

106 [(e) prior to] (5) before any evaluation, inform the teacher in writing about time frames
107 in the evaluation procedure, the evaluation process, the types of criteria to be used in the
108 evaluation and the factors to be evaluated and the procedure for requesting a review of the
109 evaluation[-]; and

110 [(2)] (6) [~~Nothing in this section precludes~~] include regular informal classroom
111 observations.

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

113 **53A-10-101. Legislative findings.**

114 (1) The Legislature recognizes that the quality of public education can be improved and
115 enhanced by [~~providing for~~] systematic, fair, and competent annual evaluation of public
116 educators and remediation of those whose performance is inadequate.

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

119 (a) allow the educator and the school district to promote the professional growth of the
120 educator; and

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

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

123 **53A-10-102. Definitions.**

124 As used in this chapter:

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

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

129 (a) a superintendent; or

130 (b) an individual who:

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

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

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

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

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

139 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

140 (1) [~~Each~~] A local school board shall develop an educator evaluation program in
141 consultation with its [~~educators through appointment of a~~] joint committee.

142 (2) The joint committee described in Subsection (1) shall consist of an equal number of
143 classroom teachers, parents, and administrators appointed by the local school board.

144 (3) A local school board may appoint members of the joint committee from a list of
145 nominees:

146 (a) voted on by classroom teachers in a nomination election;

147 (b) voted on by the administrators in a nomination election; and

148 (c) of parents submitted by school community councils within the district.

149 (4) The evaluation program developed by the joint committee must comply with the

150 requirements of this chapter.

151 Section 6. Section **53A-10-106** is amended to read:

152 **53A-10-106. Components of educator evaluation program.**

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

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

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

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

160 [~~2~~] (3) systematic evaluation procedures for both provisional and career educators;

161 [~~3~~] (4) the use of multiple lines of evidence, such as:

162 (a) self-evaluation;

163 (b) student and parent input;

164 (c) peer observation;

165 (d) supervisor observations;

166 (e) evidence of professional growth;

167 (f) student achievement data; and

168 (g) other indicators of instructional improvement;

169 [~~4~~] (5) a reasonable number of observation periods for an evaluation to insure
170 adequate reliability; [~~and~~]

171 [~~5~~] (6) administration of an educator's evaluation by:

172 (a) the principal;

173 (b) the principal's designee;

174 (c) the educator's immediate supervisor; or

175 (d) another person specified in the evaluation program[-]; and

176 (7) an orientation for educators on the educator evaluation program.

177 Section 7. Section **53A-10-106.5** is amended to read:

178 **53A-10-106.5. Summative evaluation timelines -- Review of summative**
179 **evaluations.**

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

- 181 (a) at least 15 days before an educator's first evaluation:
- 182 (i) notify the educator of the evaluation process; and
- 183 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
- 184 (b) (i) allow the educator to make a written response to any part of the evaluation; and
- 185 (ii) attach the educator's response to the evaluation;
- 186 (c) within 15 days after the evaluation process is completed, discuss the written
- 187 evaluation with the educator; and
- 188 (d) following any revision of the written evaluation made after the discussion:
- 189 (i) file the evaluation and any related reports or documents in the educator's personnel
- 190 file; and
- 191 (ii) give a copy of the written evaluation and attachments to the educator.

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

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

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

200 Section 8. Section **53A-10-107** is amended to read:

201 **53A-10-107. Deficiencies -- Improvement.**

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

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

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

210 ~~[(3)]~~ (2) An educator is responsible for improving performance [by], including using
 211 [the] any resources identified by the school district, and demonstrating acceptable levels of

212 improvement in the designated areas of deficiencies.

213 ~~[(4)]~~ (3) (a) The person responsible for administering the evaluation of an educator
214 whose performance has been determined to be inadequate or in need of improvement shall
215 complete written evaluations and recommendations regarding the educator at least ~~[60]~~ 30 days
216 before the end of the educator's contract school year.

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

219 Section 9. **Repealer.**

220 This bill repeals:

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

223 Section 10. **Education Interim Committee study on performance based**
224 **evaluations.**

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

228 (1) student learning gains;

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

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

232 Section 11. **Effective date.**

233 This bill takes effect on July 1, 2011.