

SB0256S02 compared with SB0256S01

~~{deleted text}~~ shows text that was in SB0256S01 but was deleted in SB0256S02.

inserted text shows text that was not in SB0256S01 but was inserted into SB0256S02.

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~~{Senator J}~~Representative Merlynn T. ~~{Stuart Adams}~~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;
- ▶ ~~{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~~

SB0256S02 compared with SB0256S01

~~program, including the annual evaluation of all educators}~~ 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:

None

Other Special Clauses:

~~{ None }~~ This bill takes effect on July 1, 2011.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

53A-10-106, as repealed and reenacted by Laws of Utah 2009, Chapter 287

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

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

REPEALS:

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

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

SB0256S02 compared with SB0256S01

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

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

53A-9-103. Authorized components.

Career ladders may include the following components:

- (1) (a) An extended contract year for teachers, providing for additional paid nonteaching days beyond the regular school year for curriculum development and other professional development activities.
 - (b) School boards may approve individual exceptions to the extended year contract.
- (2) At the option of the local school board, an extended contract year for teachers, providing for additional paid workdays beyond the regular school year for teaching assignments in summer school, remedial, disabled, specialized, applied technology, gifted and talented, and adult education programs.
 - (3) A fair and consistent procedure:
 - (a) for selecting teachers who will be given additional responsibilities; and
 - (b) which incorporates clearly stated job descriptions and qualifications for each level on the career ladder.
 - (4) (a) A program of differentiated staffing that provides additional compensation and, as appropriate, additional extensions of the contract year, for those who assume additional instruction-related responsibilities such as:
 - (i) assisting students and mentoring beginning teachers;
 - (ii) curriculum and lesson plan development;
 - (iii) helping established teachers improve their teaching skills;
 - (iv) volunteer training;
 - (v) planning;
 - (vi) facilities and productivity improvements; and
 - (vii) educational assignments directed at establishing positive relationships with the community, businesses, and parents.
 - (b) Administrative and extracurricular activities are not considered additional instruction-related activities under this Subsection (4).
- (5) (a) A well defined program of evaluation and mentoring for beginning teachers, consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), designed to assist

SB0256S02 compared with SB0256S01

those teachers during provisional years of teaching to acquire and demonstrate the skills required of capable, successful teachers.

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

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

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

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

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

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

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

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

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

~~[(1)]~~ Each school district shall develop a program to evaluate its teachers for placement and advancement on the career ladder consistent with Title 53A, Chapter 10, Educator Evaluation. The evaluation procedure shall:

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

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

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

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

SB0256S02 compared with SB0256S01

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

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

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

53A-10-101. Legislative findings.

(1) The Legislature recognizes that the quality of public education can be improved and enhanced by ~~[providing for]~~ 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.

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

53A-10-102. Definitions.

As used in this chapter:

(1) "Career educator" means a licensed employee ~~[entitled to rely upon]~~ 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

SB0256S02 compared with SB0256S01

not achieved status as a career educator within the school district.

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

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

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

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

~~— (a) } an equal number of classroom teachers { }, { } and } parents { }, { } and
{ } administrators appointed by the local school board. { }~~

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

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

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

~~— (5) There shall be at least two parents and two classroom teachers on the joint committee. }~~

~~{ } (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) The evaluation program developed by the joint committee must comply with the requirements of this chapter. { }~~

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

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

~~(1) The principal of each school shall orient all educators assigned to the school concerning the [school board's] school'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.~~

~~Section 7 }~~

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

SB0256S02 compared with SB0256S01

53A-10-106. 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-10-103 shall include the following components:

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

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

(b) the annual evaluation of all career educators;

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

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

(a) self-evaluation;

(b) student and parent input;

(c) peer observation;

(d) supervisor observations;

(e) evidence of professional growth;

(f) student achievement data; and

(g) other indicators of instructional improvement;

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

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

(a) the principal;

(b) the principal's designee;

(c) the educator's immediate supervisor; or

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

(7) an orientation ~~for educators~~ on the educator evaluation program ~~provided by the school principal~~.

Section ~~§~~7. Section 53A-10-106.5 is amended to read:

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

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

SB0256S02 compared with SB0256S01

- (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 ~~[30]~~ 15 days after receiving the written evaluation.
- (3) 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 and make recommendations to the superintendent regarding the teacher's summative evaluation.

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

Section ~~(9)~~8. Section **53A-10-107** is amended to read:

53A-10-107. 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) deficiencies;
- (b) the available resources for improvement; and
- (c) a recommended course of action that will improve the educator's performance.

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

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

SB0256S02 compared with SB0256S01

improvement in the designated areas of deficiencies.

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

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

Section ~~{10}~~9. **Repealer.**

This bill repeals:

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

Section ~~{11}~~10. **Education Interim Committee study on performance based evaluations.**

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

(1) student learning gains;

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

(3) parent, student, or community satisfaction.

Section 11. **Effective date.**

This bill takes effect on July 1, 2011.