

**TEACHER EFFECTIVENESS EVALUATION PROCESS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: Merlynn T. Newbold

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ removes certain 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;
  - 40% of the evaluation tied to student learning gains;
  - 40% of the evaluation tied to instructional quality; and
  - 20% of the evaluation tied to parent, student, or community satisfaction;
- ▶ 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; and



28           ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **53A-9-103**, as last amended by Laws of Utah 2001, Chapters 73 and 86

36           **53A-9-104**, as last amended by Laws of Utah 1988, Chapter 233

37           **53A-10-101**, as last amended by Laws of Utah 2009, Chapter 287

38           **53A-10-102**, as last amended by Laws of Utah 2009, Chapter 287

39           **53A-10-103**, as last amended by Laws of Utah 2009, Chapter 287

40           **53A-10-105**, as enacted by Laws of Utah 1988, Chapter 2

41           **53A-10-106**, as repealed and reenacted by Laws of Utah 2009, Chapter 287

42           **53A-10-106.5**, as enacted by Laws of Utah 2009, Chapter 287

43           **53A-10-107**, as last amended by Laws of Utah 2009, Chapter 287

44 REPEALS:

45           **53A-10-102.5**, as enacted by Laws of Utah 2009, Chapter 287



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

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

49           **53A-9-103. Authorized components.**

50           Career ladders may include the following components:

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

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

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

59 (3) A fair and consistent procedure:  
60 (a) for selecting teachers who will be given additional responsibilities; and  
61 (b) which incorporates clearly stated job descriptions and qualifications for each level  
62 on the career ladder.

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

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

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

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

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

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

89 (7) (a) A program of advancement on the career ladder contingent upon effective

90 teaching performance, evidence of which [~~may~~] shall include formal evaluation and assessment  
91 of student progress.

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

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

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

95 [(9)] (8) A plan for periodic review of the career ladder, including the makeup of the  
96 reviewing entity, procedures to be followed during review, and the time schedule for the  
97 review.

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

99 **53A-9-104. Evaluation program for placement and advancement on career**  
100 **ladders.**

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

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

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

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

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

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

113 [(2)] (6) [~~Nothing in this section precludes~~] include regular informal classroom  
114 observations.

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

116 **53A-10-101. Legislative findings.**

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

120 (2) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the

121 desired purposes of evaluation are to:

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

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

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

126 **53A-10-102. Definitions.**

127 As used in this chapter:

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

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

132 (a) a superintendent; or

133 (b) an individual who:

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

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

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

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

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

142 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

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

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

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

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

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

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

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

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

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

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

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

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

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

164 **53A-10-105. Evaluation orientation.**

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

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

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

170 **53A-10-106. Components of educator evaluation program.**

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

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

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

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

177 (3) (a) 40% of the evaluation shall be based on student learning gains;

178 (b) 40% of the evaluation shall be based on an employee's instructional quality or  
179 performance as measured by classroom observations or other instruments; and

180 (c) the remaining 20% of the evaluation shall be based on a measure of parent, student,  
181 or community satisfaction;

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

- 183 ~~[(3) the use of multiple lines of evidence, such as:]~~  
 184 ~~[(a) self-evaluation;]~~  
 185 ~~[(b) student and parent input;]~~  
 186 ~~[(c) peer observation;]~~  
 187 ~~[(d) supervisor observations;]~~  
 188 ~~[(e) evidence of professional growth;]~~  
 189 ~~[(f) student achievement data; and]~~  
 190 ~~[(g) other indicators of instructional improvement;]~~  
 191 (4) a reasonable number of observation periods for an evaluation to insure adequate  
 192 reliability; ~~[and]~~  
 193 (5) administration of an educator's evaluation by:  
 194 (a) the principal;  
 195 (b) the principal's designee;  
 196 (c) the educator's immediate supervisor; or  
 197 (d) another person specified in the evaluation program[-]; and  
 198 (6) an orientation on the educator evaluation program provided by the school principal.

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

200 **53A-10-106.5. Summative evaluation timelines -- Review of summative**  
 201 **evaluations.**

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

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

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

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

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

223 **53A-10-107. Deficiencies -- Improvement.**

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

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

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

232 ~~[(3)]~~ (2) An educator is responsible for improving performance ~~[by], including~~ using  
233 ~~[the]~~ any resources identified by the school district, and demonstrating acceptable levels of  
234 improvement in the designated areas of deficiencies.

235 ~~[(4)]~~ (3) (a) The person responsible for administering the evaluation of an educator  
236 whose performance has been determined to be inadequate or in need of improvement shall  
237 complete written evaluations and recommendations regarding the educator at least ~~[60]~~ 30 days  
238 before the end of the educator's contract school year.

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

241 Section 10. **Repealer.**

242 This bill repeals:

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

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**Legislative Review Note**  
as of 2-22-11 9:18 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

S.B. 256

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 requires each local school to develop an educator evaluation program. System-wide cost impacts are unknown and dependent on each school's circumstances.

## 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.