

**Representative Marie H. Poulson** proposes the following substitute bill:

**STUDENT TESTING AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marie H. Poulson**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the evaluation of educators and administrators.

**Highlighted Provisions:**

This bill:

- ▶ places restrictions on the use of end-of-level assessment scores for the evaluation and compensation of certain employees; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-8a-405**, as renumbered and amended by Laws of Utah 2012, Chapter 425

**53A-8a-409**, as last amended by Laws of Utah 2014, Chapter 262

**53A-8a-601**, as last amended by Laws of Utah 2014, Chapter 262

**53A-8a-702**, as last amended by Laws of Utah 2014, Chapter 262

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

27 Section 1. Section **53A-8a-405** is amended to read:

28 **53A-8a-405. Components of educator evaluation program.**

29 An educator evaluation program adopted by a local school board in consultation with a  
30 joint committee established in Section [53A-8a-403](#);

31 (1) shall include the following components:

32 [~~(1)~~] (a) a reliable and valid evaluation program consistent with generally accepted  
33 professional standards for personnel evaluation systems;

34 [~~(2)~~]~~(a)~~ (b) (i) the evaluation of provisional and probationary educators at least twice  
35 each school year; and

36 [~~(b)~~] (ii) the annual evaluation of all career educators;

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

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

39 [~~(a)~~] (i) self-evaluation;

40 [~~(b)~~] (ii) student and parent input;

41 [~~(c)~~] (iii) peer observation;

42 [~~(d)~~] (iv) supervisor observations;

43 [~~(e)~~] (v) evidence of professional growth;

44 [~~(f)~~] (vi) student achievement data; and

45 [~~(g)~~] (vii) other indicators of instructional improvement;

46 [~~(5)~~] (e) a reasonable number of observation periods for an evaluation to [~~insure~~]  
47 ensure adequate reliability;

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

49 [~~(a)~~] (i) the principal;

50 [~~(b)~~] (ii) the principal's designee;

51 [~~(c)~~] (iii) the educator's immediate supervisor; or

52 [~~(d)~~] (iv) another person specified in the evaluation program;

53 [~~(7)~~] (g) an orientation for educators on the educator evaluation program; and

54 [~~(8)~~] (h) a summative evaluation that differentiates among four levels of  
55 performance~~[=]~~; and

56 (2) may not use end-of-level assessment scores in educator evaluation.

57 Section 2. Section 53A-8a-409 is amended to read:

58 **53A-8a-409. State Board of Education to establish a framework for the**  
59 **evaluation of educators.**

60 ~~[The]~~ (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
61 Act, the State Board of Education shall make rules:

62 ~~[(1)]~~ (a) establishing a framework for the evaluation of educators that is consistent with  
63 the requirements of Part 3, Employee Evaluations, and this part;

64 ~~[(2)]~~ (b) requiring a teacher's summative evaluation to be based on ~~[(a) student~~  
65 ~~learning growth or achievement, if measures of student learning growth are not available; and~~  
66 ~~(b)]~~ standards of instructional quality; and

67 ~~[(3)]~~ (c) requiring each school district to fully implement an evaluation system for  
68 educators in accordance with the framework established by the State Board of Education no  
69 later than the 2015-16 school year.

70 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level  
71 assessment scores in educator evaluation.

72 Section 3. Section 53A-8a-601 is amended to read:

73 **53A-8a-601. State Board of Education to make rules on performance**  
74 **compensation.**

75 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
76 Act, the State Board of Education shall make rules requiring a school district's employee  
77 compensation system to be aligned with the district's annual evaluation system described in  
78 Section 53A-8a-405.

79 (2) Rules adopted under Subsection (1) shall:

80 (a) establish a timeline for developing and implementing an employee compensation  
81 system that is aligned with an annual evaluation system; and

82 (b) provide that beginning no later than the 2016-17 school year:

83 (i) any advancement on an adopted wage or salary schedule;

84 (A) shall be based primarily on an evaluation; and

85 (B) may not be based on end-of-level assessment scores; and

86 (ii) an employee may not advance on an adopted wage or salary schedule if the  
87 employee's rating on the most recent evaluation is at the lowest level of an evaluation

88 instrument.

89 Section 4. Section **53A-8a-702** is amended to read:

90 **53A-8a-702. Evaluation of school and district administrators.**

91 ~~[The]~~ (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
92 Act, the State Board of Education shall~~[-(1) establish in]~~ make rules that establish a framework  
93 for the evaluation of school and district administrators that includes the following components:

94 (a) student achievement indicators emphasizing learning growth and proficiency;

95 (b) the results of an evaluation tool utilized by the local school board that includes  
96 input from employees, parents, and students;

97 (c) the effectiveness of evaluating employee performance in a school or district for  
98 which the school or district administrator has responsibility; and

99 (d) other factors as determined by a local school board in implementing state law and  
100 State Board of Education rules~~[-and]~~.

101 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level  
102 assessment scores in the evaluation of school and district administrators.

103 ~~[(2)]~~ (3) The State Board of Education shall require each school district to fully  
104 implement an evaluation system for school and district administrators in accordance with the  
105 framework established by the State Board of Education no later than the 2015-16 school year.