

## HB0201S02 compared with HB0201

~~text~~ shows text that was in HB0201 but was deleted in HB0201S02.

text shows text that was not in HB0201 but was inserted into HB0201S02.

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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: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions related to the ~~use~~evaluation of ~~student achievement data~~educators and administrators.

##### Highlighted Provisions:

This bill:

- ▶ places restrictions on the use of ~~student achievement data~~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

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

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

**53A-8a-405. 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-8a-403:

(1) shall include the following components:

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

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

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

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

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

~~(a)~~ (i) self-evaluation;

~~(b)~~ (ii) student and parent input;

~~(c)~~ (iii) peer observation;

~~(d)~~ (iv) supervisor observations;

~~(e)~~ (v) evidence of professional growth; ~~{and}~~

~~(f)~~ (vi) student achievement data; and ~~{f}~~

~~(g)~~ ~~(vi)}~~ (vii) other indicators of instructional improvement;

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

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

~~(a)~~ (i) the principal;

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

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

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

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

~~[(8)]~~ (h) a summative evaluation that differentiates among four levels of

performance[-]; and

(2) may not use ~~{student achievement data as a component of}~~ end-of-level assessment scores in educator evaluation.

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

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

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

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

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

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

(2) The rules described in Subsection (1) shall prohibit the use of ~~{student achievement data as a component of}~~ end-of-level assessment scores in educator evaluation.

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

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

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

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

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

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

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

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

(B) may not be based on ~~student achievement data~~ end-of-level assessment scores;

and

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

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

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

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

~~fr~~ ~~[(1) (a)]~~ establish in make rules that establish a framework for the evaluation of school and district administrators that includes the following components:

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

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

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

~~fr~~ (d) ~~fr~~ (iii) other factors as determined by a local school board in implementing state law and State Board of Education rules ~~fr~~ and

~~fr~~ ~~[(2) (b)]~~ fr and

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

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

~~fr~~ ~~[(2) The evaluation of school and district administrators described in Subsection (1)(a) may not use student achievement data as a component of evaluation.~~

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~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~