

EDUCATOR GROWTH PLAN FRAMEWORK

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends requirements and processes for the growth review of public educator performance.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the scope of the role of the State Board of Education (state board) and local education agency (LEA) governing boards in enhancing educator effectiveness;
- ▶ requires LEA governing boards to:
 - annually monitor and review educator growth; and
 - adopt an educator growth plan framework in consultation with the LEA's joint committee;
- ▶ requires the state board to:
 - make rules regarding the establishment and implementation of local educator growth plan frameworks; and
 - make rules regarding annual educator growth reviews;
- ▶ requires the assignment of a mentor for a provisional educator;
- ▶ modifies requirements and timelines for the individual responsible for administering an educator's growth plan and annual growth review;
- ▶ separates growth performance from improper conduct that could trigger certain employment actions and repeals certain associated requirements;
- ▶ repeals an out-of-date exemption for the employee evaluation requirement;
- ▶ repeals a restriction on the transfer of an employee based on performance;
- ▶ repeals state board rulemaking authority regarding performance compensation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

33 None

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53E-1-203**, as last amended by Laws of Utah 2022, Chapters 36, 218

39 **53G-11-501**, as last amended by Laws of Utah 2020, Chapter 354

40 **53G-11-501.5**, as last amended by Laws of Utah 2019, Chapter 293

41 **53G-11-503**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
42 amended by Laws of Utah 2018, Chapter 3

43 **53G-11-504**, as last amended by Laws of Utah 2020, Chapter 408

44 **53G-11-505**, as last amended by Laws of Utah 2021, Chapter 251

45 **53G-11-506**, as last amended by Laws of Utah 2019, Chapter 293

46 **53G-11-507**, as last amended by Laws of Utah 2019, Chapter 293

47 **53G-11-508**, as last amended by Laws of Utah 2020, Chapter 408

48 **53G-11-509**, as last amended by Laws of Utah 2019, Chapter 293

49 **53G-11-510**, as last amended by Laws of Utah 2020, Chapter 408

50 **53G-11-512**, as last amended by Laws of Utah 2019, Chapter 293

51 **53G-11-513**, as renumbered and amended by Laws of Utah 2018, Chapter 3

52 **53G-11-515**, as last amended by Laws of Utah 2021, Chapter 130

53 **53G-11-516**, as renumbered and amended by Laws of Utah 2018, Chapter 3

54 REPEALS AND REENACTS:

55 **53G-11-511**, as last amended by Laws of Utah 2020, Chapter 408

56 RENUMBERS AND AMENDS:

57 **53G-11-511.1**, (Renumbered from 53G-11-514, as renumbered and amended by Laws
58 of Utah 2018, Chapter 3)

59 REPEALS:

60 **53G-11-504.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10

61 **53G-11-517**, as renumbered and amended by Laws of Utah 2018, Chapter 3

62 **53G-11-518**, as last amended by Laws of Utah 2020, Chapter 408

63

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

65 Section 1. Section **53E-1-203** is amended to read:

66 **53E-1-203. State Superintendent's Annual Report.**

67 (1) The state board shall prepare and submit to the governor, the Education Interim
68 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each
69 year, an annual written report known as the State Superintendent's Annual Report that includes:

70 (a) the operations, activities, programs, and services of the state board;

71 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

72 (c) data on the general condition of the schools with recommendations considered
73 desirable for specific programs, including:

74 (i) a complete statement of fund balances;

75 (ii) a complete statement of revenues by fund and source;

76 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
77 indebtedness, the cost of new school plants, and school levies;

78 (iv) a complete statement of state funds allocated to each school district and charter
79 school by source, including supplemental appropriations, and a complete statement of
80 expenditures by each school district and charter school, including supplemental appropriations,
81 by function and object as outlined in the United States Department of Education publication
82 "Financial Accounting for Local and State School Systems";

83 (v) a statement that includes data on:

84 (A) fall enrollments;

85 (B) average membership;

86 (C) high school graduates;

87 (D) licensed and classified employees~~[-, including data reported by school districts on~~
88 ~~educator ratings described in Section 53G-11-511];~~

89 (E) pupil-teacher ratios;

90 (F) average class sizes;

91 (G) average salaries;

92 (H) applicable private school data; and

93 (I) data from statewide assessments described in Section 53E-4-301 for each school
94 and school district;

95 (vi) statistical information regarding incidents of delinquent activity in the schools or at
96 school-related activities; and

97 (vii) other statistical and financial information about the school system that the state
98 superintendent considers pertinent.

99 (2) (a) For the purposes of Subsection (1)(c)(v):

100 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
101 students enrolled in a school by the number of full-time equivalent teachers assigned to the
102 school, including regular classroom teachers, school-based specialists, and special education
103 teachers;

104 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
105 the schools within a school district;

106 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
107 pupil-teacher ratio of charter schools in the state; and

108 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
109 pupil-teacher ratio of public schools in the state.

110 (b) The report shall:

111 (i) include the pupil-teacher ratio for:

112 (A) each school district;

113 (B) the charter schools aggregated; and

114 (C) the state's public schools aggregated; and

115 (ii) identify a website where pupil-teacher ratios for each school in the state may be
116 accessed.

117 (3) For each operation, activity, program, or service provided by the state board, the
118 annual report shall include:

119 (a) a description of the operation, activity, program, or service;

120 (b) data and metrics:

121 (i) selected and used by the state board to measure progress, performance,
122 effectiveness, and scope of the operation, activity, program, or service, including summary
123 data; and

124 (ii) that are consistent and comparable for each state operation, activity, program, or
125 service;

126 (c) budget data, including the amount and source of funding, expenses, and allocation
127 of full-time employees for the operation, activity, program, or service;

128 (d) historical data from previous years for comparison with data reported under
129 Subsections (3)(b) and (c);

130 (e) goals, challenges, and achievements related to the operation, activity, program, or
131 service;

132 (f) relevant federal and state statutory references and requirements;

133 (g) contact information of officials knowledgeable and responsible for each operation,
134 activity, program, or service; and

135 (h) other information determined by the state board that:

136 (i) may be needed, useful, or of historical significance; or

137 (ii) promotes accountability and transparency for each operation, activity, program, or
138 service with the public and elected officials.

139 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:

140 (i) the report described in Section 53E-3-507 by the state board on career and technical
141 education needs and program access;

142 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality and
143 Tourism Management Career and Technical Education Pilot Program;

144 (iii) beginning on July 1, 2023, the report described in Section 53E-3-516 by the state
145 board on certain incidents that occur on school grounds;

146 (iv) the report described in Section 53E-4-202 by the state board on the development
147 and implementation of the core standards for Utah public schools;

148 (v) the report described in Section 53E-5-310 by the state board on school turnaround
149 and leadership development;

150 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
151 Higher Education on student participation in the concurrent enrollment program;

152 (vii) the report described in Section 53F-5-207 by the state board on the
153 Intergenerational Poverty Interventions Grant Program;

154 (viii) the report described in Section 53F-5-506 by the state board on information
155 related to personalized, competency-based learning; and

156 (ix) the report described in Section 53G-9-802 by the state board on dropout prevention

157 and recovery services.

158 (b) The Education Interim Committee or the Public Education Appropriations
159 Subcommittee may request a report described in Subsection (4)(a) to be reported separately
160 from the State Superintendent's Annual Report.

161 (5) The annual report shall be designed to provide clear, accurate, and accessible
162 information to the public, the governor, and the Legislature.

163 (6) The state board shall:

164 (a) submit the annual report in accordance with Section 68-3-14; and

165 (b) make the annual report, and previous annual reports, accessible to the public by
166 placing a link to the reports on the state board's website.

167 (7) (a) Upon request of the Education Interim Committee or Public Education
168 Appropriations Subcommittee, the state board shall present the State Superintendent's Annual
169 Report to either committee.

170 (b) After submitting the State Superintendent's Annual Report in accordance with this
171 section, the state board may supplement the report at a later time with updated data,
172 information, or other materials as necessary or upon request by the governor, the Education
173 Interim Committee, or the Public Education Appropriations Subcommittee.

174 Section 2. Section **53G-11-501** is amended to read:

175 **Part 5. Local Education Agency Employee Requirements**

176 **53G-11-501. Definitions.**

177 As used in this part:

178 (1) "Administrator" means an individual who:

179 (a) supervises educators; and

180 (b) except for charter school administrators, holds an appropriate license [~~issued by~~]
181 that the state board issues.

182 (2) "Annual growth review" means a yearly, collaborative exchange between an
183 educator and an evaluator to review and summarize the educator's growth.

184 [~~(2)~~] (3) "Career educator" means a licensed employee who has a reasonable
185 expectation of continued employment under the policies of [~~a local school~~] an LEA governing
186 board.

187 [~~(3)~~] (4) "Career employee" means an employee of a school district who has obtained a

188 reasonable expectation of continued employment based upon:

189 (a) the career status requirements in Section 53G-11-503; and ~~an~~

190 (b) a documented agreement with the employee or the employee's association, ~~[district]~~
191 LEA practice, or policy.

192 ~~[(4)]~~ (5) "Contract term" or "term of employment" means the period of time during
193 which an LEA engages an employee ~~[is engaged by the school district]~~ under a contract of
194 employment, whether oral or written.

195 ~~[(5)]~~ (6) "Dismissal" or "termination" means:

196 (a) termination of the status of employment of an employee;

197 (b) failure to renew or continue the employment contract of a career employee beyond
198 the then-current school year;

199 (c) reduction in salary of an employee not generally applied to all employees of the
200 same category ~~[employed by the school district]~~ that the LEA employs during the employee's
201 contract term; or

202 (d) change of assignment of an employee with an accompanying reduction in pay,
203 unless the assignment change and salary reduction are agreed to in writing.

204 (7) "Educational practice visits" means live or recorded instruction, student and
205 educator interactions, scheduled or unscheduled classroom visits, grade level or content team
206 learning or professional learning communities meetings, student-based discussions, or other
207 similar opportunities.

208 ~~[(6)]~~ (8) "Educator" means an individual ~~[employed by a school district]~~ whom an LEA
209 employs and who is required to hold a professional license ~~[issued by]~~ that the state board
210 issues, except:

211 (a) a superintendent; ~~[or]~~

212 (b) an administrator; or

213 ~~[(b)]~~ (c) an individual who works less than three hours per day or is hired for less than
214 half of a school year.

215 ~~[(7)]~~ (9) (a) "Employee" means a career or provisional employee of ~~[a school district]~~
216 an LEA, except as provided in Subsection ~~[(7)(b)]~~ (9)(b).

217 (b) ~~[Excluding Section 53G-11-518, for purposes of this part, "employee"]~~ "Employee"
218 does not include:

219 (i) a district superintendent or administrator and the equivalent at a charter school or
 220 the Utah Schools for the Deaf and the Blind;

221 (ii) a district business administrator or the equivalent at a charter school or the Utah
 222 Schools for the Deaf and the Blind; or

223 (iii) a temporary employee.

224 (10) "End-of-level assessment scores" means criterion or norm referenced summative
 225 assessments for English language arts, mathematics, and science.

226 (11) "Formative assessment" means a planned, ongoing process that:

227 (a) all students and teachers use during learning and teaching within classrooms and
 228 schools; and

229 (b) elicits and uses evidence of student learning to improve student understanding of
 230 intended learning outcomes.

231 (12) "Improper conduct" means:

232 (a) an action that Section 53G-11-512 designates as a cause for termination;

233 (b) a basis for license discipline by the state board or Utah Professional Practices
 234 Advisory Commission;

235 (c) a violation of work policies;

236 (d) a violation of school board policies, state board rules, or law;

237 (e) a violation of standards of ethical, moral or professional conduct;

238 (f) insubordination; or

239 (g) a pattern of consistently not performing job duties.

240 (13) "Lack of growth" means a deficiency in achieving the educator's goals described
 241 in the educator's growth plan that may be due to insufficient or undeveloped skills or a lack of
 242 knowledge or aptitude.

243 ~~[(8)]~~ (14) "Last-hired, first-fired layoff policy" means a staff reduction policy that
 244 mandates the termination of an employee who started to work for [a district]an LEA most
 245 recently before terminating a more senior employee.

246 ~~[(9)]~~ (15) "Provisional educator" means an educator [employed by] whom a school
 247 district employs and who has not achieved status as a career educator within the school district.

248 ~~[(10)]~~ (16) "Provisional employee" means an individual, other than a career employee
 249 or a temporary employee, [who is employed by] whom a school district employs.

250 (17) "Reciprocal feedback" means a collaborative exchange between the educator and
 251 the administrator about the successes and opportunities for the educator's growth based on
 252 observation of the educator.

253 (18) "Reflection" or "reflective" means a process of:

254 (a) following a reflective framework to examine one's own practice using evidence to
 255 produce actionable improvement in instruction; and

256 (b) implementing changes that increase the quality of teaching and learning.

257 (19) "Reliable and valid" means that a given measure produces a growth designation
 258 that consistently and accurately reflects:

259 (a) the educator's growth in the standard-based goal chosen; and

260 (b) the degree to which the growth results can authentically inform feedback, coaching,
 261 and pre-service and in-service professional learning.

262 ~~[(11) "School board" means a local school board or, for the Utah Schools for the Deaf~~
 263 ~~and the Blind, the state board.]~~

264 ~~[(12) "School district" or "district" means:]~~

265 ~~[(a) a public school district; or]~~

266 ~~[(b) the Utah Schools for the Deaf and the Blind.]~~

267 ~~[(13) "Summative evaluation" means the annual evaluation that summarizes an~~
 268 ~~educator's performance during a school year and that is used to make decisions related to the~~
 269 ~~educator's employment.]~~

270 ~~[(14)]~~ (20) "Temporary employee" means an individual who:

271 (a) is employed on a temporary basis as defined by policies [adopted by the school]
 272 that the LEA governing board[.–If] adopts, which the LEA governing board shall adopt based
 273 upon an agreement with an employee organization that the governing board recognizes if the
 274 class of employees in question is represented by [an] that employee organization [recognized
 275 by the school board; the school board shall adopt the school board's policies based upon an
 276 agreement with that organization.];

277 (b) [Temporary employees serve] serves at will; and [have]

278 (c) has no expectation of continued employment.

279 ~~[(15) (a) "Unsatisfactory performance" means a deficiency in performing work tasks~~
 280 ~~that may be:]~~

281 ~~[(i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and]~~
 282 ~~[(ii) remediated through training, study, mentoring, or practice.]~~

283 ~~[(b) "Unsatisfactory performance" does not include the following conduct that is~~
 284 ~~designated as a cause for termination under Section 53G-11-512 or a reason for license~~
 285 ~~discipline by the state board or Utah Professional Practices Advisory Commission:]~~

286 ~~[(i) a violation of work policies;]~~

287 ~~[(ii) a violation of school board policies, state board rules, or law;]~~

288 ~~[(iii) a violation of standards of ethical, moral, or professional conduct; or]~~

289 ~~[(iv) insubordination.]~~

290 Section 3. Section **53G-11-501.5** is amended to read:

291 **53G-11-501.5. Public education system to enhance educator performance.**

292 (1) The Legislature finds that the state board and each LEA governing board can
 293 improve and enhance the effectiveness of public educators ~~[can be improved and enhanced]~~ by
 294 providing ~~[specific]~~ ongoing feedback and support for improvement through a systematic, fair,
 295 and competent ~~[annual evaluation and remediation of public educators whose performance is~~
 296 inadequate] growth plan framework to build reflective practitioners who yield increases in
 297 student learning through personalized, professional growth plans.

298 (2) The state board and each ~~[local school]~~ LEA governing board shall implement
 299 ~~[Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and~~
 300 ~~53G-11-511]~~ this part in accordance with Subsections 53E-2-302(7), including equivalent
 301 concepts for a charter school, and 53E-6-103(2)(a) and (b), to:

302 (a) allow the educator and the ~~[school district]~~ LEA to promote the professional growth
 303 of the educator; and

304 (b) identify and encourage quality instruction in order to improve student academic
 305 growth.

306 Section 4. Section **53G-11-503** is amended to read:

307 **53G-11-503. Career employee status for provisional employees -- Career status in**
 308 **the event of change of position -- Continuation of probationary status when position**
 309 **changes -- Temporary status for extra duty assignments.**

310 (1) (a) A provisional employee must work for ~~[a school district]~~ an LEA on at least a
 311 half-time basis for three consecutive years to obtain career employee status.

312 (b) ~~[A school district]~~ An LEA may extend the provisional status of an employee up to
 313 an additional two consecutive years in accordance with a written policy adopted by the
 314 ~~[district's school]~~ LEA governing board that specifies the circumstances under which an
 315 employee's provisional status may be extended.

316 (2) Policies of an employing ~~[school district]~~ LEA shall determine the status of a career
 317 employee in the event of the following:

318 (a) the employee accepts a position which is substantially different from the position in
 319 which career status was achieved; or

320 (b) the employee accepts employment in another ~~[school district]~~ LEA.

321 (3) If an employee who is under an order of probation or remediation in one
 322 assignment in ~~[a school district]~~ an LEA is transferred or given a new assignment in the
 323 ~~[district]~~ LEA, the order shall stand until its provisions are satisfied.

324 (4) An employee who is given extra duty assignments in addition to a primary
 325 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
 326 employee in those extra duty assignments and may not acquire career status beyond the primary
 327 assignment.

328 Section 5. Section **53G-11-504** is amended to read:

329 **53G-11-504. Progress review of educator growth.**

330 ~~[(1)]~~ Except as provided in Subsection ~~[(2)]~~ 53G-11-505(2), ~~[a local school]~~ an LEA
 331 governing board shall require [that the performance of each school district employee be
 332 evaluated annually] the annual monitoring and review of the growth plan of each educator
 333 whom the LEA employs in accordance with [rules of] the state board rules described in Section
 334 53G-11-505.[adopted in accordance with this part and Title 63G, Chapter 3, Utah
 335 Administrative Rulemaking Act.]

336 ~~[(2) Rules adopted by the state board under Subsection (1) may include an exemption~~
 337 ~~from annual performance evaluations for a temporary employee or a part-time employee.]~~

338 Section 6. Section **53G-11-505** is amended to read:

339 **53G-11-505. State board rules.**

340 (1) Subject to ~~[Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,~~
 341 ~~53G-11-510, and 53G-11-511]~~ this part, ~~[rules adopted by the state board under Section~~
 342 ~~53G-11-504 shall]~~ the state board shall make rules, in accordance with Title 63G, Chapter 3,

343 Utah Administrative Rulemaking Act, to:

344 ~~[(1)]~~ (a) provide general guidelines, requirements, and procedures for the development
345 and implementation of ~~[employee evaluations]~~ an educator growth plan framework;

346 ~~[(2)]~~ (b) establish required components and allow for optional components of
347 ~~[employee evaluations]~~ an educator growth plan framework;

348 ~~[(3)]~~ (c) require ~~[school districts]~~ LEAs to choose valid and reliable methods and tools
349 to ~~[implement the evaluations]~~ produce evidence of educator growth; ~~[and]~~

350 ~~[(4)]~~ (d) establish a timeline for ~~[school districts]~~ LEAs to implement ~~[employee~~
351 ~~evaluations]~~ an educator growth plan framework; and

352 (e) monitor LEAs' compliance with requirements established in this part to implement
353 an educator growth plan framework.

354 (2) The state board may include in the rules described in Subsection (1) an exemption
355 from an annual growth review for a temporary employee or a part-time employee.

356 Section 7. Section **53G-11-506** is amended to read:

357 **53G-11-506. Establishment of educator growth plan framework -- Joint**
358 **committee.**

359 (1) ~~[A local school]~~ An LEA governing board shall ~~[develop]~~ adopt an educator
360 ~~[evaluation program]~~ growth plan framework in consultation with ~~[its]~~ the LEA's joint
361 committee.

362 (2) The joint committee described in Subsection (1) shall consist of an equal number
363 of:

364 (a) classroom teachers[:];

365 (b) parents or guardians of students enrolled in the LEA[:]; and

366 (c) administrators ~~[appointed by the local school]~~ that the LEA governing board
367 appoints.

368 (3) ~~[A local school]~~ An LEA governing board may appoint members of the joint
369 committee, in accordance with LEA governing board policy, from ~~[a list]~~ respective lists of
370 nominees that are produced by:

371 (a) ~~[voted on by]~~ for the nominees who are classroom teachers, a vote of classroom
372 teachers in a nomination election;

373 (b) ~~[voted on by]~~ for the nominees who are administrators, a vote of the administrators

374 in a nomination election; and

375 (c) ~~[of]~~ for the nominees who are parents [submitted by] or guardians, submissions
 376 from school community councils within the [district] LEA with proportional representation of
 377 the LEA's student population.

378 (4) Subject to Subsection (5), the ~~[joint committee]~~ LEA governing board may[:]
 379 ~~[(a)]~~ adopt or [adapt an evaluation program] or enhance an educator growth plan for
 380 educators based on [a model developed by the state board] the required components described
 381 in Section 53G-11-507.[:~~or~~]

382 ~~[(b) create the local school board's own evaluation program for educators.]~~

383 (5) The ~~[evaluation program developed by the]~~ joint committee shall ~~[comply]~~ ensure
 384 that the educator growth plan framework that the committee recommends complies with the
 385 requirements of [Sections 53G-11-507 through 53G-11-511] this part and rules [adopted by]
 386 that the state board makes under Section 53G-11-510.

387 Section 8. Section **53G-11-507** is amended to read:

388 **53G-11-507. Components of educator growth plan.**

389 (1) ~~[A local school]~~ An LEA governing board, in consultation with ~~[a]~~ the LEA's joint
 390 committee established in Section 53G-11-506, shall ~~[adopt a]~~ ensure that the educator growth
 391 plan framework that the LEA governing board adopts under Section 53G-11-506:

392 (a) is a reliable and valid [educator evaluation program that evaluates educators]
 393 evidence-based framework that is based on educator professional standards [established by]
 394 and rules that the state board establishes;

395 (b) provides for educator-directed goals and ongoing feedback;

396 (c) builds reflective practitioners; and

397 (d) increases student learning[and] .

398 (2) An LEA governing board shall ensure that the educator growth plan framework
 399 described in Subsection (1) includes the following components:

400 (a) a systematic annual ~~[evaluation of all provisional, probationary, and career]~~ growth
 401 review of educators who work regularly with students;

402 (b) use of multiple lines of evidence, including:

403 (i) self-~~[evaluation]~~ assessment aligned to the educator professional standards;

404 (ii) no more than three goals that are connected to impacting student learning and

405 aligned to the self-assessment results;
 406 (iii) at least two educational practice visits at intervals and lengths that the state board
 407 deems necessary to provide reciprocal feedback;
 408 (iv) reciprocal feedback following education practice visits that is timely, face-to-face,
 409 and includes reflection and plans for adjustments to practice; and
 410 (v) reflection that leads to professional and student learning growth that are
 411 demonstrated by the use of formative assessment evidence which may include:
 412 (A) student input;
 413 (B) parent or guardian input;
 414 (C) video observation and reflection;
 415 (D) student work samples;
 416 (E) peer or coach feedback; and
 417 (F) other lines of evidence that relate to the educator's goals; and
 418 (c) an annual growth review and summary of evidence of goal progress that
 419 differentiates among three designations of growth for each goal.
 420 ~~[(ii) student and parent input;]~~
 421 ~~[(iii) for an administrator, employee input;]~~
 422 ~~[(iv) a reasonable number of supervisor observations to ensure adequate reliability;]~~
 423 ~~[(v) evidence of professional growth and other indicators of instructional improvement~~
 424 ~~based on educator professional standards established by the state board; and]~~
 425 ~~[(vi) student academic growth data;]~~
 426 ~~[(c) a summative evaluation that differentiates among four levels of performance; and]~~
 427 ~~[(d) for an administrator, the effectiveness of evaluating employee performance in a~~
 428 ~~school or school district for which the administrator has responsibility. (2) (a) An educator~~
 429 ~~evaluation program described in Subsection (1) may include a reasonable number of peer~~
 430 ~~observations.]~~
 431 ~~[(b) (3) [An] The educator [evaluation program] growth plan framework described in~~
 432 ~~Subsection (1) may not use end-of-level assessment scores [in educator evaluation].~~
 433 Section 9. Section **53G-11-508** is amended to read:
 434 **53G-11-508. Growth setting and review process -- establishing timelines.**
 435 (1) The ~~[person]~~ administrator responsible for administering an educator's ~~[summative~~

436 ~~evaluation]~~ annual growth plan, review, and summary shall:

437 (a) ~~[at least 15 days before an educator's first evaluation]~~ at the beginning of the school
438 year or, for employees who are hired after the beginning of the school year, within 14 calendar
439 days of the employee's hiring date:

440 (i) notify the educator of the ~~[evaluation process]~~ growth plan framework; and

441 (ii) give the educator a copy of the ~~[evaluation instrument, if an instrument is used]~~
442 growth plan framework;

443 (b) no later than 14 calendar days after the day on which the first grading period ends,
444 collaborate with the educator on initial growth plans, including identifying lines of evidence;

445 (c) collaboratively discuss the annual growth review and evidence of reflection for the
446 educator's growth plan on or before the last day of the school year;

447 ~~[(b) allow the educator to respond to any part of the evaluation;]~~

448 ~~[(c)]~~ (d) attach the educator's response to the [evaluation] annual growth review if the
449 educator's response is provided in writing;

450 ~~[(d)]~~ (e) within 15 calendar days after the [evaluation process] day on which the annual
451 growth review is completed, discuss the written [evaluation] annual growth review with the
452 educator; [and]

453 ~~[(e)]~~ (f) based upon the educator's performance, assign to the educator one of the [four
454 levels of performance] three designations of growth described in Section 53G-11-507[-]; and

455 (g) attach the educator's response to the educator's growth designation if the educator
456 responds to the growth designation in writing.

457 (2) An educator who is not satisfied with ~~[a summative evaluation]~~ an annual growth
458 review may request ~~[a]~~ an independent review of the ~~[evaluation]~~ annual growth review within
459 15 days after ~~[receiving the written evaluation]~~ the day on which the discussion described in
460 Subsection (1)(f) takes place.

461 (3) (a) If ~~[a]~~ an independent review is requested in accordance with Subsection (2), the
462 ~~[school district]~~ LEA superintendent or the superintendent's designee shall appoint a person
463 ~~[not employed by the school district]~~ whom the LEA does not employ who has expertise ~~[in~~
464 teacher or personnel evaluation] to review the ~~[evaluation procedures]~~ growth plan framework
465 and the educator's annual growth review and make recommendations to the superintendent
466 regarding the educator's ~~[summative evaluation]~~ annual growth review.

467 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 468 state board shall make rules prescribing standards for an independent review of an educator's
 469 ~~[summative evaluation]~~ annual growth review.

470 (c) ~~[A]~~ The LEA and the individual conducting the independent review of an educator's
 471 ~~[summative evaluation]~~ annual growth review under Subsection (3)(a) shall ~~[be conducted]~~
 472 conduct the independent review in accordance with the state board rules ~~[made under]~~
 473 described in Subsection (3)(b).

474 Section 10. Section **53G-11-509** is amended to read:

475 **53G-11-509. Mentor for provisional educator.**

476 (1) In accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), the
 477 principal or immediate supervisor of a provisional educator shall assign ~~[a person who]~~ an
 478 individual as a mentor to the provisional educator and ensure that the assigned individual:

479 (a) has received training or will receive training in mentoring educators ~~[as a mentor to~~
 480 ~~the provisional educator.];~~

481 ~~[(2)]~~ (b) ~~[Where]~~ where possible, ~~[the mentor shall be]~~ is a career educator who
 482 performs substantially the same duties as the provisional educator; and

483 (c) has at least three years of educational experience.

484 ~~[(3)]~~ (2) The mentor described in Subsection (1):

485 (a) shall assist the provisional educator to become effective and competent in the
 486 teaching profession and school system~~[, but];~~ and

487 (b) may not serve as ~~[an evaluator of]~~ the administrator responsible for administering
 488 the annual growth plan, review, and summary of the provisional educator as described in
 489 Subsection 53G-11-508(1).

490 ~~[(4)]~~ (3) An educator who is assigned as a mentor may receive compensation for
 491 ~~[those]~~ mentoring services in addition to the educator's regular salary.

492 Section 11. Section **53G-11-510** is amended to read:

493 **53G-11-510. State board rules regarding annual growth reviews.**

494 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 495 state board shall make rules that:

496 (a) ~~[describing]~~ describe a framework for the ~~[evaluation]~~ annual growth plan, review,
 497 and summary of educators that is consistent with the requirements ~~[of Part 3, Licensed~~

498 ~~Employee Requirements, and Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,~~
 499 ~~53G-11-510, and 53G-11-511]~~ of this part; and

500 (b) ~~[requiring]~~ require an educator's ~~[summative evaluation]~~ annual growth plan,
 501 review, and summary to be based on:

502 (i) educator professional standards ~~[established by]~~ that the state board establishes; and

503 (ii) the requirements described in ~~[Subsection 53G-11-507(1)]~~ Section 53G-11-507.

504 (2) The state board shall ensure that the rules described in Subsection (1) ~~[shall]~~

505 prohibit the use of end-of-level assessment scores ~~[in educator evaluation].~~

506 Section 12. Section **53G-11-511** is repealed and reenacted to read:

507 **53G-11-511. Annual growth review reporting.**

508 The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
 509 Administrative Rulemaking Act, to determine monitoring processes to ensure compliance,
 510 accountability, and implementation of this part.

511 Section 13. Section **53G-11-511.1**, which is renumbered from Section 53G-11-514 is
 512 renumbered and amended to read:

513 ~~[53G-11-514]~~ **53G-11-511.1. Support plan for growth.**

514 (1) If ~~[a district intends to not renew a career employee's contract for unsatisfactory~~
 515 ~~performance or terminate a career employee's contract during the contract term for~~
 516 ~~unsatisfactory performance, the district shall]~~ a provisional or career employee demonstrates a
 517 lack of growth on any of the employee's goals in the employee's growth plan, the LEA may:

518 (a) provide and discuss with the ~~[career]~~ employee written documentation clearly
 519 identifying the ~~[deficiencies in performance]~~ lack of growth; and

520 ~~[(b) provide written notice that the career employee's contract is subject to nonrenewal~~
 521 ~~or termination if, upon a reevaluation of the career employee's performance, the career~~
 522 ~~employee's performance is determined to be unsatisfactory;]~~

523 ~~[(c)]~~ (b) develop and implement a support plan ~~[of assistance]~~, in accordance with
 524 procedures and standards ~~[established by the local school board under Section 53G-11-512,]~~
 525 that the LEA governing board establishes to allow the ~~[career]~~ employee an opportunity to
 526 improve ~~[performance]~~ growth[;] .

527 ~~[(d) reevaluate the career employee's performance; and]~~

528 ~~[(e) if the career employee's performance remains unsatisfactory, give notice of intent~~

529 ~~to not renew or terminate the career employee's contract in accordance with Subsection~~
 530 ~~53G-11-513(5).]~~

531 (2) (a) The period of time for implementing a support plan ~~[of assistance]~~;
 532 (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
 533 (ii) may continue into the next school year;
 534 (iii) should be sufficient to successfully complete the support plan ~~[of assistance]~~; and
 535 (iv) (A) ~~[shall begin]~~ begins when the ~~[career]~~ employee receives the written notice
 536 ~~[provided under]~~ described in Subsection ~~[(1)(b)]~~ (1)(a); and ~~[end]~~
 537 (B) ends when the LEA makes the determination ~~[is made]~~ that the ~~[career]~~ employee
 538 has successfully ~~[remediated the deficiency or notice of intent to not renew or terminate the~~
 539 ~~career employee's contract is given in accordance with Subsection 53G-11-513(5).]~~ shown
 540 expected growth.

541 (b) In accordance with ~~[local school]~~ LEA governing board policy, the period of time
 542 for implementing a support plan ~~[of assistance]~~ may extend beyond 120 school days if:

543 (i) ~~[a career]~~ an employee is on leave from work during the time period the support
 544 plan ~~[of assistance]~~ is scheduled to be implemented; and

545 (ii) (A) the leave was approved and scheduled before the LEA provided written
 546 [notice] documentation ~~[was provided]~~ under Subsection ~~[(1)(b)]~~ (1)(a); or

547 (B) the leave is specifically approved by the ~~[local school]~~ LEA governing board. ~~[(3)~~

548 ~~(a) If upon a reevaluation of the career employee's performance, the district determines the~~
 549 ~~career employee's performance is satisfactory, and within a three-year period after the initial~~
 550 ~~documentation of unsatisfactory performance for the same deficiency pursuant to Subsection~~
 551 ~~(1)(a), the career employee's performance is determined to be unsatisfactory, the district may~~
 552 ~~elect to not renew or terminate the career employee's contract.]~~

553 ~~[(b) If a district intends to not renew or terminate a career employee's contract as~~
 554 ~~provided in Subsection (3)(a), the district shall:]~~

555 ~~[(i) provide written documentation of the career employee's deficiencies in~~
 556 ~~performance; and]~~

557 ~~[(ii) give notice of intent to not renew or terminate the career employee's contract in~~
 558 ~~accordance with Subsection 53G-11-513(5).]~~

559 Section 14. Section **53G-11-512** is amended to read:

560 **53G-11-512. LEA governing board to establish dismissal procedures.**

561 (1) ~~[A local school]~~ An LEA governing board shall;

562 (a) by contract with ~~[its]~~ the LEA's employees or ~~[their]~~ the employees' associations;

563 or by resolution of the ~~[local school]~~ LEA governing board, establish procedures for dismissal

564 of employees in an orderly manner without discrimination

565 ~~[(2)]~~ (b) ~~[The]~~ ensure that the procedures ~~[shall]~~ described in Subsection (1)(a) include:

566 ~~[(a)]~~ (i) standards of due process;

567 ~~[(b)]~~ (ii) causes for dismissal; and

568 ~~[(c)]~~ (iii) procedures ~~[and standards related to developing and implementing a plan of~~

569 ~~assistance for a career employee whose performance is unsatisfactory]~~ addressing conduct

570 issues related to a pattern of consistently failing to perform job duties in connection to the

571 educator professional standards, which may lead to dismissal;

572 ~~[(3)]~~ (c) ~~[Procedures and standards for a plan of assistance adopted under Subsection~~

573 ~~(2)(c) shall require a plan of assistance to identify]~~ ensure that the procedures described in

574 Subsection (1)(b)(iii) provide reliable and valid evidence to demonstrate:

575 ~~[(a)]~~ (i) specific, measurable, and actionable deficiencies;

576 ~~[(b)]~~ (ii) the available resources provided for improvement; and

577 ~~[(c)]~~ (iii) ~~[a]~~ the course of action to improve employee ~~[performance]~~ conduct with

578 respect to the pattern of consistently failing to perform job duties described in Subsection

579 (1)(b)(iii).

580 ~~[(4)]~~ (2) If a career employee exhibits ~~[both unsatisfactory performance as described in~~

581 ~~Subsection 53G-11-501(15)(a) and conduct described in Subsection 53G-11-501(15)(b)]~~

582 improper conduct, an employer

583 (a) may:

584 (i) attempt to remediate the conduct of the career employee; or

585 (ii) terminate the career employee for cause if the conduct merits dismissal

586 consistent with procedures ~~[established by the local school]~~ that the LEA governing board;

587 and] establishes.

588 ~~[(b)]~~ is not required to develop and implement a plan of assistance for the career

589 employee, as provided in Section 53G-11-514.

590 ~~[(5)]~~ If the conduct of a career employee described in Subsection (4) is satisfactorily

591 remediated, and unsatisfactory performance issues remain, an employer shall develop and
 592 implement a plan of assistance for the career employee, as provided in Section 53G-11-514. (6)
 593 If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated,
 594 an employer:]

595 [(a) may dismiss the career employee for cause in accordance with procedures
 596 established by the local school board that include standards of due process and causes for
 597 dismissal, and]

598 [(b) is not required to develop and implement a plan of assistance for the career
 599 employee, as provided in Section 53G-11-514.]

600 Section 15. Section **53G-11-513** is amended to read:

601 **53G-11-513. Dismissal procedures.**

602 [(1) A district shall provide employees with a written statement specifying:]

603 [(a) the causes under which a career employee's contract may not be renewed or
 604 continued beyond the current school year;]

605 [(b) the causes under which a career or provisional employee's contract may be
 606 terminated during the contract term; and]

607 [(c) the orderly dismissal procedures that are used by the district in cases of contract
 608 termination, discontinuance, or nonrenewal.]

609 [(2) A career employee's contract may be terminated during its term for reasons of
 610 unsatisfactory performance or discontinued beyond the current school year for reasons of
 611 unsatisfactory performance as provided in Section 53G-11-514.]

612 [(3)] (1) (a) [A district] An LEA is not required to provide a cause for not offering a
 613 contract to a provisional employee.

614 (b) If [a district] an LEA intends to not offer a contract for a subsequent term of
 615 employment to a provisional employee, the [district] LEA shall give notice of [that] the
 616 intention to not offer the contract to the employee at least 60 days before the end of the
 617 [provisional] employee's contract term.

618 [(4)] (2) In the absence of a notice, an employee is considered employed for the next
 619 contract term with a salary based upon the salary schedule applicable to the class of employee
 620 into which the individual falls.

621 [(5)] (3) If [a district] an LEA intends to not renew or discontinue the contract of a

622 career employee or to terminate a career or provisional employee's contract during the contract
623 term, the LEA shall:

624 (a) ~~the district shall~~ give written notice of the intent to the employee~~;~~:

625 ~~(b)~~ (i) ~~the notice shall be~~ served by personal delivery or by certified mail addressed
626 to the employee's last-known address as shown on the records of the ~~district~~ LEA; and

627 (ii) ~~(c) the district shall give notice~~ at least 30 ~~days prior to~~ before the proposed date
628 of termination; and

629 ~~(d)~~ (b) ensure that the notice ~~shall state~~:

630 (i) states the date of termination and the detailed reasons for termination;

631 ~~(e)~~ (ii) ~~the notice shall advise~~ advises the employee that:

632 (A) the employee has a right to a fair hearing; and ~~that~~

633 (B) the right to a hearing is waived if [it is not requested] the employee does not
634 request a hearing within 15 days after the day on which the notice of termination was ~~either~~
635 personally delivered or mailed ~~[to the employee's most recent address shown on the district's~~
636 ~~personnel records]~~ in accordance with Subsection (3)(a); and

637 ~~(f)~~ (iii) ~~the notice shall state~~ states that:

638 (A) failure of the employee to request a hearing in accordance with procedures set forth
639 in the notice constitutes a waiver of ~~that~~ the right to a hearing; and ~~that~~

640 (B) if the employee waives the right to a hearing as described in this Subsection (3)(b),
641 the ~~district~~ LEA may ~~then~~ proceed with termination without further notice.

642 ~~(6)~~ (4) (a) ~~The~~ An LEA may include in the LEA's procedure under which [a] the
643 LEA terminates an employee's contract [is terminated during its] during the contract term [may
644 include] a provision under which the LEA suspends the active service of the employee [is
645 suspended] pending a hearing if [it appears] an authorized representative of the LEA
646 determines that the continued employment of the individual may be harmful to students or to
647 the ~~district~~ LEA.

648 (b) (i) ~~[Suspension]~~ An LEA may suspend an employee pending a hearing [may be]
649 without pay if an authorized representative of the [district] LEA determines, after providing the
650 employee with an opportunity for an informal conference to discuss the allegations, that it is
651 more likely than not that the allegations against the employee are true.

652 ~~(e)~~ (ii) If ~~[termination is not subsequently ordered]~~ an LEA does not terminate an

653 employee after suspending the employee without pay in accordance with Subsection (4)(b)(i),
 654 the LEA shall pay the employee [shall receive] back pay for the period of the suspension
 655 without pay.

656 ~~[(7)] (5) [The]~~ An LEA shall ensure that the LEA's procedure under which an LEA
 657 terminates an employee's contract [is terminated during its] during the contract term [shall
 658 provide] provides for a written notice of suspension or final termination, including findings of
 659 fact upon which the LEA based the action [is based].

660 Section 16. Section **53G-11-515** is amended to read:

661 **53G-11-515. Hearings before LEA governing board or hearing officers -- Rights**
 662 **of the board and the employee -- Subpoenas -- Appeals.**

663 (1) (a) ~~[Hearings are held under this part before the school]~~ An LEA governing board
 664 or [before] hearing officers [selected by the school] whom the LEA governing board [to
 665 conduct the hearings and make recommendations concerning findings] appoints shall hold
 666 hearings under this part.

667 (b) The ~~[school]~~ LEA governing board shall establish procedures to appoint hearing
 668 officers to conduct hearings and make recommendations concerning findings.

669 (c) The ~~[school]~~ LEA governing board may delegate the ~~[school]~~ LEA governing
 670 board's authority to a hearing officer to make decisions relating to the employment of an
 671 employee that are binding upon both the employee and the [school] LEA governing board.

672 (2) At ~~[the hearings]~~ a hearing described in Subsection (1), an employee has the right:

- 673 (a) to counsel[;];
- 674 (b) to produce witnesses[;];
- 675 (c) to hear testimony against the employee[;];
- 676 (d) to cross-examine witnesses[;]; and
- 677 (e) to examine documentary evidence.

678 (3) ~~[Subpoenas may be issued and oaths administered as provided under]~~ An
 679 authorized person may issue subpoenas and administer an oath in accordance with Section
 680 53E-6-606.

681 (4) ~~[All]~~ The LEA governing board shall ensure that all hearings [shall be] are recorded
 682 at the [school] LEA governing board's expense.

683 (5) (a) Any interested party:

684 (i) may appeal any final action or order of the [school] LEA governing board [may be
685 appealed] to the Court of Appeals for review[;]; and

686 [~~(b)~~] (ii) [A] shall file a notice of appeal [~~shall be filed~~] in accordance with the Utah
687 Rules of Appellate Procedure, Rule 4.

688 [~~(c)~~] (b) A review by the Court of Appeals:

689 (i) is limited to the record of the [school] LEA governing board; and

690 (ii) [~~shall be~~] is for the purpose of determining whether the [school] LEA governing
691 board exceeded;

692 (A) the [school] board's discretion[;]; or

693 (B) the [~~school board exceeded the school~~] board's authority.

694 Section 17. Section **53G-11-516** is amended to read:

695 **53G-11-516. Necessary staff reduction not precluded -- Last-hired, first-fired**
696 **layoffs prohibited.**

697 (1) Nothing in this part prevents staff reduction if necessary to reduce the number of
698 employees because of [~~the following~~]:

699 (a) declining student enrollments in the [~~district~~] LEA;

700 (b) the discontinuance or substantial reduction of a particular service or program;

701 (c) the shortage of anticipated revenue after the budget has been adopted; or

702 (d) school consolidation.

703 (2) [~~A school district~~] An LEA may not [~~utilize~~] use a last-hired, first-fired layoff
704 policy when terminating [~~school district~~] LEA employees.

705 (3) [~~A school district~~] An LEA may consider the following factors when terminating [~~a~~
706 ~~school district~~] an LEA employee:

707 (a) [~~the results of~~] an employee's [~~performance evaluation~~] conduct; and

708 (b) a school's personnel needs.

709 Section 18. **Repealer.**

710 This bill repeals:

711 Section **53G-11-504.1, Waiver of employee evaluation requirement.**

712 Section **53G-11-517, Restriction on transfer of employee with unsatisfactory**
713 **performance.**

714 Section **53G-11-518, State board to make rules on performance compensation.**

715 Section 19. **Effective date.**

716 This bill takes effect on July 1, 2023.