

Part 4 Educator Evaluations

53A-8a-401 Legislative findings.

- (1) The Legislature recognizes that the quality of public education can be improved and enhanced by 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.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-402 Definitions.

As used in this chapter:

- (1) "Career educator" means a licensed employee 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 not achieved status as a career educator within the school district.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-403 Establishment of educator evaluation program -- Joint committee.

- (1) A local school board shall develop an educator evaluation program in consultation with its joint committee.
- (2) The joint committee described in Subsection (1) shall consist of an equal number of classroom teachers, parents, and administrators appointed by the local school board.
- (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) Subject to Subsection (5), the joint committee may:
 - (a) adopt or adapt an evaluation program for teachers based on a model developed by the State Board of Education; or
 - (b) create its own evaluation program for teachers.

- (5) The evaluation program developed by the joint committee must comply with the requirements of this part and rules adopted by the State Board of Education under Section 53A-8a-409.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-404 Evaluation orientation.

- (1) The principal of each school shall orient all educators assigned to the school concerning the school board'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.

Renumbered and Amended by Chapter 425, 2012 General Session

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:
 - (a) a reliable and valid evaluation program consistent with generally accepted professional standards for personnel evaluation systems;
 - (b)
 - (i) the evaluation of provisional and probationary educators at least twice each school year; and
 - (ii) the annual evaluation of all career educators;
 - (c) systematic evaluation procedures for both provisional and career educators;
 - (d) the use of multiple lines of evidence, including:
 - (i) self-evaluation;
 - (ii) student and parent input;
 - (iii) peer observation;
 - (iv) supervisor observations;
 - (v) evidence of professional growth;
 - (vi) student achievement data; and
 - (vii) other indicators of instructional improvement;
 - (e) a reasonable number of observation periods for an evaluation to ensure adequate reliability;
 - (f) administration of an educator's evaluation by:
 - (i) the principal;
 - (ii) the principal's designee;
 - (iii) the educator's immediate supervisor; or
 - (iv) another person specified in the evaluation program;
 - (g) an orientation for educators on the educator evaluation program; and
 - (h) a summative evaluation that differentiates among four levels of performance; and
- (2) may not use end-of-level assessment scores in educator evaluation.

Amended by Chapter 204, 2016 General Session

53A-8a-406 Summative evaluation timelines -- Review of summative evaluations.

- (1) The person responsible for administering an educator's summative evaluation shall:
 - (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 15 days after receiving the written evaluation.
- (3)
 - (a) 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 the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.
 - (b) The State Board of Education shall make rules prescribing standards for an independent review of an educator's summative evaluation.
 - (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be conducted in accordance with State Board of Education rules made under Subsection (3)(b).

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-407 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) specific, measurable, and actionable deficiencies;
 - (b) the available resources that will be provided for improvement; and
 - (c) a recommended course of action that will improve the educator's performance.
- (2) An educator is responsible for improving performance, including using any resources identified by the school district, and demonstrating acceptable levels of improvement in the designated areas of deficiencies.
- (3) Subsections (1)(b), (1)(c), and (2) do not apply if the educator's unsatisfactory performance was documented for the same deficiency within the previous three years and a plan of assistance was implemented as provided in Section 53A-8a-503.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-408 Mentor for provisional educator.

- (1) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.
- (2) Where possible, the mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years of educational experience.
- (3) The mentor shall assist the provisional educator to become effective and competent in the teaching profession and school system, but may not serve as an evaluator of the provisional educator.

- (4) An educator who is assigned as a mentor may receive compensation for those services in addition to the educator's regular salary.

Renumbered and Amended by Chapter 425, 2012 General Session

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

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
 - (a) establishing a framework for the evaluation of educators that is consistent with the requirements of Part 3, Employee Evaluations, and this part;
 - (b) requiring a teacher's summative evaluation to be based on standards of instructional quality; and
 - (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 end-of-level assessment scores in educator evaluation.

Amended by Chapter 204, 2016 General Session

53A-8a-410 Report of educator ratings.

- (1) A school district shall report to the State Board of Education the number and percent of educators in each of the four rating categories referred to in Section 53A-8a-405 based on an educator's annual evaluation.
- (2) The data reported under Subsection (1) shall be separately reported for the following educator classifications:
 - (a) administrators;
 - (b) teachers; and
 - (c) educators other than administrators or teachers.
- (3) The data reported by school districts under this section shall be included in the state superintendent's annual report of the public school system required by Section 53A-1-301.
- (4) The State Board of Education shall make rules to ensure the privacy and protection of individual evaluation data.

Enacted by Chapter 425, 2012 General Session