

1                                   **PROFESSIONAL EXCELLENCE PROGRAMS**

2   2007 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ronda Rudd Menlove**

5                                   Senate Sponsor: Peter C. Knudson

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7 **LONG TITLE**

8 **General Description:**

9           This bill imposes requirements on the State Board of Education, local school boards,  
10 and charter schools designed to improve the quality of instruction and student  
11 achievement and provides funding for programs to improve the quality of instruction.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ requires the State Board of Education to:

- 15                   • collect and maintain data relevant to teacher recruitment;
- 16                   • provide information on alternative preparation programs and support  
17 participants in alternative preparation programs;
- 18                   • develop and implement a Leadership Consortium;
- 19                   • develop and disseminate model evaluation programs;
- 20                   • develop and disseminate model programs for the induction of beginning  
21 teachers and provide technical assistance on supporting provisional educators;
- 22 and
- 23                   • contract for an independent evaluation of teacher and administrator preparation  
24 programs in the state;
- 25           ▶ requires local school boards and charter school governing boards to provide  
26 leadership training to administrators and measure leadership effectiveness;
- 27           ▶ requires local school boards to:



- 28           • develop teacher evaluation programs incorporating measures of student
- 29 performance growth and other factors;
- 30           • evaluate educators on a regular basis; and
- 31           • compensate and train mentors;
- 32         ▶ creates the Professional Excellence Program which provides money for school
- 33 districts and charter schools for:
- 34           • beginning teacher induction programs; and
- 35           • market incentives to recruit and retain teachers who fill positions for which
- 36 there is a critical shortage of qualified educators; and
- 37         ▶ directs the Education Interim Committee to study performance incentives.

**38 Monies Appropriated in this Bill:**

39         This bill appropriates:

- 40         ▶ as an ongoing appropriation, \$28,500,000 from the Uniform School Fund for fiscal
- 41 year 2007-08; and
- 42         ▶ for fiscal year 2007-08 only, \$100,000 from the Uniform School Fund.

**43 Other Special Clauses:**

44         This bill takes effect on July 1, 2007.

45         Uncodified Sections 11, 12, and 13 are repealed on November 30, 2008.

**46 Utah Code Sections Affected:**

47         AMENDS:

- 48           **53A-10-103**, as last amended by Chapter 315, Laws of Utah 2003
- 49           **53A-10-104**, as enacted by Chapter 2, Laws of Utah 1988
- 50           **53A-10-108**, as last amended by Chapter 86, Laws of Utah 2001
- 51           **53A-10-111**, as last amended by Chapter 86, Laws of Utah 2001

52         ENACTS:

- 53           **53A-1-410**, Utah Code Annotated 1953
- 54           **53A-6-113**, Utah Code Annotated 1953
- 55           **53A-6-801**, Utah Code Annotated 1953
- 56           **53A-6-802**, Utah Code Annotated 1953
- 57           **53A-10-112**, Utah Code Annotated 1953
- 58           **53A-17a-153**, Utah Code Annotated 1953

59 **Uncodified Material Affected:**  
60 ENACTS UNCODIFIED MATERIAL



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

62 Section 1. Section **53A-1-410** is enacted to read:

63 **53A-1-410. Board to collect data relevant to teacher recruitment.**

64 The State Board of Education shall collect and maintain data on:

65 (1) the current and future demand for educators, including positions for which there is  
66 a shortage of qualified personnel;

67 (2) enrollment in Utah teacher preparation programs by teaching major;

68 (3) Western states educators' total compensation, salaries, benefits, and working  
69 conditions, including class size and retention data; and

70 (4) other factors relevant to board and legislative decision-making in recruiting and  
71 retaining quality teaching candidates.

72 Section 2. Section **53A-6-113** is enacted to read:

73 **53A-6-113. Alternative preparation programs.**

74 The State Board of Education shall assist school districts and charter schools in meeting  
75 their staffing needs by providing:

76 (1) information to school districts, charter schools, and the public on how a person may  
77 qualify for teaching through alternative preparation programs; and

78 (2) support to participants in alternative preparation programs, including training,  
79 monitoring, and teacher evaluation.

80 Section 3. Section **53A-6-801** is enacted to read:

81 **Part 8. Leadership Consortium**

82 **53A-6-801. Leadership Consortium.**

83 (1) The State Board of Education shall develop and implement a Leadership  
84 Consortium for administrators new to the profession or seeking relicensure to provide:

85 (a) regular professional development in specific areas including financial management,  
86 student assessment, legal issues, public relations, and human resource management;

87 (b) model policies for effective management of schools and school districts;

88 (c) opportunities to practice corrective action, employee performance evaluations, and  
89

90 administrative strategies; and

91 (d) access to professional development materials and technical assistance on specific  
92 issues and policies.

93 (2) The State Board of Education shall appoint or designate an employee, with  
94 successful administrative experience, who will design and coordinate professional development  
95 opportunities and offer assistance to administrators.

96 Section 4. Section **53A-6-802** is enacted to read:

97 **53A-6-802. School boards' responsibility for leadership training and evaluation.**

98 Each local school board and charter school governing board shall:

99 (1) provide leadership training to administrators, in concert with the Leadership  
100 Consortium, if desired, to encourage administrators to acquire and upgrade specifically  
101 identified administrative skills;

102 (2) assure adequate administrative training for administrators without previous public  
103 education experience;

104 (3) measure leadership effectiveness using:

105 (a) research-based performance assessment tools; and

106 (b) multiple measures of assessment, including student performance data, and reviews  
107 by faculty and community members and peers;

108 (4) require professional development plans for individual administrators; and

109 (5) provide for specific training on corrective action, working with marginal  
110 employees, and professional ethics.

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

112 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

113 (1) Each local school board shall develop an evaluation program in consultation with  
114 its educators through appointment of a joint committee.

115 (2) The joint committee shall be comprised of an equal number of classroom teachers,  
116 parents, and administrators appointed by the board.

117 (3) A board may appoint members of the joint committee from a list of nominees:

118 (a) voted on by classroom teachers in a nomination election;

119 (b) voted on by the administrators in a nomination election; and

120 (c) of parents submitted by school community councils within the district.

121 (4) The evaluation program developed by the joint committee;  
 122 (a) must comply with the requirements of ~~[Section 53A-10-106.]~~ this chapter;  
 123 (b) shall include measures of:  
 124 (i) student performance;  
 125 (ii) student performance growth;  
 126 (iii) parent and community satisfaction; and  
 127 (iv) school climate and safety; and  
 128 (c) may be based on a model evaluation program developed by the State Board of  
 129 Education.

130 (5) The State Board of Education shall develop and disseminate to school districts  
 131 model evaluation programs.

132 Section 6. Section **53A-10-104** is amended to read:

133 **53A-10-104. Frequency of evaluations.**

134 A local school board shall provide for the evaluation of ~~[its]~~:

- 135 (1) provisional and probationary educators at least twice each school year[-]; and
- 136 (2) other educators on a regular basis to improve practice and student achievement.

137 Section 7. Section **53A-10-108** is amended to read:

138 **53A-10-108. Mentor for provisional educator.**

139 (1) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the  
 140 principal or ~~[immediate]~~ supervisor of a provisional educator shall assign a mentor to the  
 141 provisional educator.

142 (2) Where possible, the mentor shall be a career educator who ~~[performs substantially~~  
 143 ~~the same duties as the provisional educator and]~~ has at least three years of educational  
 144 experience[-] and:

- 145 (a) performs substantially the same duties as the provisional educator; or
- 146 (b) is assigned as a mentor on a full or part-time basis.

147 (3) The mentor shall assist the provisional educator to become effective and competent  
 148 in the teaching profession and school system, but may not serve as an evaluator of the  
 149 provisional educator.

150 Section 8. Section **53A-10-111** is amended to read:

151 **53A-10-111. Additional compensation for services.**

152           ~~[The] A school district [may] shall~~ compensate and provide training in effective  
153 mentoring to a person [employed] assigned as a mentor under Section 53A-10-108 [or  
154 participant in the evaluation for those services, in addition to the person's regular salary, if  
155 additional time is required in the evaluation process].

156           Section 9. Section **53A-10-112** is enacted to read:

157           **53A-10-112. Model beginning teacher induction programs -- Technical assistance.**

158           The State Board of Education shall develop and disseminate to school districts and  
159 charter schools model programs for the induction of beginning teachers and offer technical  
160 assistance in providing support to provisional educators.

161           Section 10. Section **53A-17a-153** is enacted to read:

162           **53A-17a-153. Professional Excellence Program.**

163           (1) As used in this section:

164           (a) "Board" means the State Board of Education.

165           (b) "Consortium" means two or more school districts, charter schools, or both, that  
166 jointly develop and implement a beginning teacher induction plan.

167           (c) "Educator" has the same meaning as defined in Section 53A-6-103.

168           (d) "Level 1 teacher" means a teacher who holds a level 1 license as defined in Section  
169 53A-6-103.

170           (e) "Licensed teacher" means a teacher who holds:

171           (i) a level 1, level 2, level 3, or competency-based license; and

172           (ii) the endorsements required by board rule for the teacher's assignments.

173           (f) "Program monies" means monies appropriated for the Professional Excellence  
174 Program.

175           (2) The Professional Excellence Program is created to improve teacher performance,  
176 increase the retention of effective teachers, and meet the demand for qualified teachers in  
177 positions and locations where teacher shortages exist.

178           (3) Subject to future budget constraints, the Legislature shall annually appropriate  
179 money to the State Board of Education for the Professional Excellence Program.

180           (4) Program monies may be used for:

181           (a) beginning teacher induction programs; or

182           (b) additional compensation to attract and retain teachers who fill positions for which

183 there is a critical shortage of qualified personnel.

184 (5) (a) School districts, charter schools, and consortiums may apply to the board for  
185 program monies to:

186 (i) implement a beginning teacher induction program; or

187 (ii) continue and improve an existing beginning teacher induction program.

188 (b) To apply for program monies for a beginning teacher induction program, a school  
189 district, charter school, or consortium shall submit a plan to the board for a beginning teacher  
190 induction program to be implemented by the district, school, or consortium.

191 (c) Each applicant shall include within the applicant's plan:

192 (i) measurable goals consistent with the purpose of the Professional Excellence  
193 Program as specified in Subsection (2); and

194 (ii) methods and instruments to evaluate the district's, school's, or consortium's  
195 beginning teacher induction program, such as:

196 (A) student test scores;

197 (B) evaluations of provisional educators as required by Section 53A-10-104; or

198 (C) data on teacher retention or attrition.

199 (d) A school district or charter school submitting an application for monies to continue  
200 an existing beginning teacher induction program shall include with its application evidence  
201 demonstrating the effectiveness of the program.

202 (e) The board may approve, disapprove, or recommend modifications to a beginning  
203 teacher induction plan.

204 (f) A school district, charter school, or consortium shall receive program monies for a  
205 beginning teacher induction program if the board approves the plan.

206 (g) Monies for beginning teacher induction programs shall be awarded:

207 (i) from program monies appropriated specifically for that purpose; and

208 (ii) based on the number of level 1 teachers employed by the school district, charter  
209 school, or consortium members.

210 (h) A school district, charter school, or consortium shall use the monies awarded under  
211 Subsection (5)(g) to implement its beginning teacher induction plan.

212 (i) To receive continued funding for beginning teacher induction programs, a school  
213 district, charter school, or consortium shall annually submit:

214 (i) an evaluation of the program's effectiveness in achieving the measurable program  
215 goals; and

216 (ii) revisions to the plan based upon the evaluation data to further improve teacher  
217 performance and increase the retention of effective teachers.

218 (j) The board may not approve a plan and distribute program monies designated for  
219 beginning teacher induction programs to any school district, charter school, or consortium that  
220 after three years has not demonstrated substantial success in improving teacher performance  
221 and retention.

222 (6) (a) A school district or charter school may apply for program monies for market  
223 incentives in the form of additional compensation to teachers and other educators who fill  
224 positions for which there is a critical shortage of qualified personnel.

225 (b) The board shall annually:

226 (i) survey school districts and charter schools to identify educator positions for which  
227 there is a shortage of qualified personnel; and

228 (ii) develop a criticality index that classifies positions based on the degree of difficulty  
229 in recruiting qualified personnel.

230 (c) A school district or charter school may provide additional compensation to:

231 (i) licensed teachers and other educators who fill positions for which there is a critical  
232 shortage of qualified personnel as identified by the board pursuant to Subsection (6)(b); or

233 (ii) if approved by the board, licensed teachers and other educators who fill positions,  
234 other than those identified pursuant to Subsection (6)(b), for which a school district is having  
235 great difficulty in recruiting or retaining qualified personnel.

236 (d) Program monies appropriated for market incentives shall be distributed to school  
237 districts and charter schools based on the number of full-time-equivalent positions that qualify  
238 for additional compensation.

239 (e) (i) The board shall annually establish the amount of compensation on a  
240 full-time-equivalent basis to be awarded to educators qualifying for program monies based on  
241 the monies available and the number of qualifying educators.

242 (ii) The amount of compensation on a full-time-equivalent basis shall be equal within  
243 each of the two categories listed in Subsections (6)(c)(i) and (ii); however, the board may  
244 establish a different compensation amount for each category.



245 (f) Additional compensation may be awarded only to licensed teachers and other  
246 educators who have received a satisfactory rating or above on their most recent evaluation.

247 (7) The board may make rules to administer this section in accordance with Title 63,  
248 Chapter 46a, Utah Administrative Rulemaking Act.

249 Section 11. **Education Interim Committee study on performance incentives.**  
250 The Education Interim Committee shall, prior to November 30, 2008:

251 (1) study how performance incentives may be implemented to motivate teachers,  
252 administrators, and schools in improving teaching performance and student achievement;

253 (2) conduct the study in cooperation with the State Board of Education and school  
254 district, charter school, teacher, and administrator representatives; and

255 (3) recommend proposed legislation to implement performance incentives.

256 Section 12. **Evaluation of teacher and administrator preparation programs.**

257 (1) The State Board of Education shall, prior to November 30, 2008:

258 (a) issue a request for proposals to evaluate teacher and administrator preparation  
259 programs in the state;

260 (b) consult with colleges and universities in the state in developing the request for  
261 proposals; and

262 (c) select a qualified contractor who:

263 (i) is not affiliated with any college or university that has a teacher or administrator  
264 preparation program in the state; and

265 (ii) has not had a contracting relationship with a teacher or administrator preparation  
266 program in the state within the past five years that has substantially affected the business of the  
267 contractor.

268 (2) The evaluation of teacher and administrator preparation programs in the state shall:

269 (a) determine to what extent the programs adequately prepare teachers and  
270 administrators for their careers; and

271 (b) identify modifications to the programs to better prepare teachers and administrators  
272 for their careers.

273 (3) There is appropriated for fiscal year 2007-08 only, \$100,000 to the State Board of  
274 Education for an evaluation of teacher and administrator preparation programs in the state.

275 Section 13. **Ongoing appropriation for Professional Excellence Program.**

276           (1) As an ongoing appropriation subject to future budget constraints, there is  
277 appropriated for fiscal year 2007-08, \$28,500,000 from the Uniform School Fund to the State  
278 Board of Education for the Professional Excellence Program established in Section  
279 53A-17a-153.

280           (2) Of the monies appropriated in Subsection (1):

281           (a) \$5,000,000 shall be used for beginning teacher induction programs;

282           (b) \$21,150,000 shall be used for market incentives to recruit and retain educators in  
283 critical shortage areas; and

284           (c) \$2,350,000 shall be used for market incentives, approved by the State Board of  
285 Education, to address local educator shortages as indicated by a school district or charter  
286 school.

287           Section 14. **Effective date.**

288           This bill takes effect on July 1, 2007.

289           Section 15. **Repeal date.**

290           Uncodified Sections 11, 12, and 13 are repealed on November 30, 2008.

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**Legislative Review Note**  
**as of 2-5-07 6:25 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 381 - Professional Excellence Programs**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will appropriate \$28,500,000 in ongoing Uniform School Fund revenues beginning in FY 2008 (plus \$100,000 one-time funds) to the State Board of Education Minimum School Program for the Professional Excellence Program established by this bill. Provisions of this bill include additional requirements on the State Board of Education which will require an additional on-going appropriation from the Uniform School Fund of \$974,600 for staff and program development beginning in FY 2008. Additionally, this bill will require an appropriation in FY 2008 of \$500,000 which will come from the Uniform School Fund Restricted Account for alternative preparation programs.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
Uniform School Fund	\$0	\$974,600	\$974,600	\$0	\$0	\$0
Uniform School Fund	\$0	\$28,500,000	\$28,500,000	\$0	\$0	\$0
Uniform School Fund, One-time	\$0	\$100,000	\$0	\$0	\$0	\$0
Uniform School Fund Restricted	\$0	\$500,000	\$500,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$30,074,600</b>	<b>\$29,974,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals and businesses. Local districts may be impacted by increased workloads to provide additional evaluation and training.