

1 **EDUCATOR EVALUATION AMENDMENTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ronda Rudd Menlove**

5 Senate Sponsor: Margaret Dayton

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies requirements for educator evaluations.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires a local school board to:

13 • develop, support, monitor, and maintain an educator evaluation program in
14 accordance with requirements specified in statute; and

15 • provide ongoing evaluation of career educators;

16 ▶ requires the principal or immediate supervisor of a provisional educator to assign a
17 person who has received training or will receive training in mentoring educators to
18 mentor the provisional educator; and

19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 **AMENDS:**

26 **53A-10-101**, as last amended by Laws of Utah 2001, Chapter 86

27 **53A-10-102**, as last amended by Laws of Utah 1990, Chapter 78

28 **53A-10-103**, as last amended by Laws of Utah 2003, Chapter 315

29 **53A-10-107**, as last amended by Laws of Utah 1990, Chapter 78

30 **53A-10-108**, as last amended by Laws of Utah 2001, Chapter 86

31 ENACTS:

32 **53A-10-102.5**, Utah Code Annotated 1953

33 **53A-10-106.5**, Utah Code Annotated 1953

34 REPEALS AND REENACTS:

35 **53A-10-106**, as last amended by Laws of Utah 1990, Chapter 78

36 REPEALS:

37 **53A-10-104**, as enacted by Laws of Utah 1988, Chapter 2

38 **53A-10-109**, as enacted by Laws of Utah 1988, Chapter 2

39 **53A-10-110**, as last amended by Laws of Utah 1990, Chapter 78

40 **53A-10-111**, as last amended by Laws of Utah 2001, Chapter 86



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

43 Section 1. Section **53A-10-101** is amended to read:

44 **53A-10-101. Legislative findings.**

45 (1) The Legislature recognizes that the quality of public education can be improved
46 and enhanced by providing for systematic, fair, and competent evaluation of public educators
47 and remediation of those whose performance is inadequate.

48 (2) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
49 desired purposes of evaluation are to:

50 (a) allow the educator and the school district to promote the professional growth of the
51 [teacher, to identify and encourage teaching strategies which contribute to student progress, to
52 identify teachers according to their abilities, and to improve the education system.] educator;
53 and

54 (b) identify and encourage quality instruction in order to improve student
55 achievement.

56 Section 2. Section **53A-10-102** is amended to read:

57 **53A-10-102. Definitions.**

58 As used in this chapter:

59 (1) "Career educator" means a [~~certified~~] licensed employee entitled to rely upon
60 continued employment under the policies of a local school board.

61 (2) "Educator" means [~~any~~] an individual[~~, except the superintendent,~~] employed by a
62 school district who is required to hold a professional [~~certificate~~] license issued by the State
63 Board of Education[~~. Educator does not include individuals who work less~~], except:

64 (a) a superintendent; or

65 (b) an individual who:

66 (i) works fewer than three hours per day; or [~~who are~~]

67 (ii) is hired for less than half of a school year.

68 (3) "Probationary educator" means [~~any~~] an educator employed by a school district
69 who, under local school board policy, has been advised by the district that [~~his~~] the educator's
70 performance is inadequate.

71 (4) "Provisional educator" means [~~any~~] an educator employed by a school district who
72 has not achieved status as a career educator within the school district.

73 Section 3. Section **53A-10-102.5** is enacted to read:

74 **53A-10-102.5. Local school board's responsibilities for an educator evaluation**
75 **program.**

76 A local school board shall:

77 (1) develop an educator evaluation program in accordance with this chapter and
78 support, monitor, and maintain the program; and

79 (2) provide for:

80 (a) the evaluation of provisional and probationary educators at least twice each school
81 year;

82 (b) the ongoing evaluation of all career educators; and

83 (c) an orientation on the educator evaluation program.

84 Section 4. Section **53A-10-103** is amended to read:

85 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

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

88 (2) The joint committee shall ~~[be comprised]~~ consist of an equal number of classroom
89 teachers, parents, and administrators appointed by the local school board.

90 (3) A local school board may appoint members of the joint committee from a list of
91 nominees:

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

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

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

95 (4) The evaluation program developed by the joint committee must comply with the
96 requirements of ~~[Section 53A-10-106]~~ this chapter.

97 Section 5. Section **53A-10-106** is repealed and reenacted to read:

98 **53A-10-106. Components of educator evaluation program.**

99 An educator evaluation program adopted by a local school board in consultation with a
100 committee shall include the following components:

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

103 (2) systematic evaluation procedures for both provisional and career educators;

104 (3) the use of multiple lines of evidence, such as:

105 (a) self-evaluation;

106 (b) student and parent input;

107 (c) peer observation;

108 (d) supervisor observations;

109 (e) evidence of professional growth;

110 (f) student achievement data; and

111 (g) other indicators of instructional improvement;

112 (4) a reasonable number of observation periods for an evaluation to insure adequate
113 reliability; and

- 114 (5) administration of an educator's evaluation by:
- 115 (a) the principal;
- 116 (b) the principal's designee;
- 117 (c) the educator's immediate supervisor; or
- 118 (d) another person specified in the evaluation program.

119 Section 6. Section **53A-10-106.5** is enacted to read:

120 **53A-10-106.5. Summative evaluation timelines -- Review of summative**
121 **evaluations.**

122 (1) The person responsible for administering an educator's summative evaluation shall:

- 123 (a) at least 15 days before an educator's first evaluation:
- 124 (i) notify the educator of the evaluation process; and
- 125 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
- 126 (b) (i) allow the educator to make a written response to any part of the evaluation; and
- 127 (ii) attach the educator's response to the evaluation;
- 128 (c) within 15 days after the evaluation process is completed, discuss the written
129 evaluation with the educator; and
- 130 (d) following any revision of the written evaluation made after the discussion:
- 131 (i) file the evaluation and any related reports or documents in the educator's personnel
132 file; and
- 133 (ii) give a copy of the written evaluation and attachments to the educator.

134 (2) An educator who is not satisfied with a summative evaluation may request a
135 review of the evaluation within 30 days after receiving the written evaluation.

136 (3) If a review is requested, the school district superintendent or the superintendent's
137 designee shall appoint a person not employed by the school district who has expertise in
138 teacher or personnel evaluation to review and make recommendations to the superintendent
139 regarding the teacher's summative evaluation.

140 (4) Nothing in this section prevents the educator and the superintendent or
141 superintendent's designee from agreeing to another method of review.

142 Section 7. Section **53A-10-107** is amended to read:

143 **53A-10-107. Deficiencies -- Remediation.**

144 (1) ~~Art~~ The person responsible for administering an educator's evaluation shall give
145 an educator whose performance is inadequate or in need of improvement ~~[shall be provided~~
146 ~~with]~~ a written document clearly identifying:

147 (a) deficiencies~~;~~;

148 (b) the available resources for improvement~~;~~; and

149 (c) a recommended course of action that will improve the educator's performance.

150 (2) The district shall provide the educator with reasonable assistance to improve
151 performance.

152 (3) An educator is responsible for improving performance by using the resources
153 identified by the school district and demonstrating acceptable levels of improvement in the
154 designated areas of deficiencies.

155 (4) (a) The person responsible for administering the evaluation of an educator whose
156 performance has been determined to be inadequate or in need of improvement shall complete
157 written evaluations and recommendations regarding the educator at least 60 days before the
158 end of the educator's contract school year.

159 (b) The final evaluation shall include only data previously considered and discussed
160 with the educator as required by Section 53A-10-106.5.

161 Section 8. Section **53A-10-108** is amended to read:

162 **53A-10-108. Mentor for provisional educator.**

163 (1) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
164 principal or immediate supervisor of a provisional educator shall assign a person who has
165 received training or will receive training in mentoring educators as a mentor to the provisional
166 educator.

167 (2) Where possible, the mentor shall be a career educator who performs substantially
168 the same duties as the provisional educator and has at least three years of educational
169 experience.

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

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

175 Section 9. **Repealer.**

176 This bill repeals:

177 Section **53A-10-104, Frequency of evaluations.**

178 Section **53A-10-109, Final evaluation.**

179 Section **53A-10-110, Review of evaluation -- Time limit on request.**

180 Section **53A-10-111, Additional compensation for services.**