

EDUCATOR EVALUATION AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies requirements for educator evaluations.

Highlighted Provisions:

This bill:

▶ requires a local school board to:

• develop an educator evaluation program consistent with criteria specified by the State Board of Education in rules;

• support, monitor, and maintain the educator evaluation program; and

• provide ongoing evaluation of career educators;

▶ requires the principal or immediate supervisor of a provisional educator to assign a person who has received training in mentoring educators to mentor the provisional educator;

▶ requires the State Board of Education to make rules specifying criteria for an educator evaluation system adopted by a local school board; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 53A-10-101, as last amended by Laws of Utah 2001, Chapter 86

30 53A-10-102, as last amended by Laws of Utah 1990, Chapter 78

31 53A-10-103, as last amended by Laws of Utah 2003, Chapter 315

32 53A-10-107, as last amended by Laws of Utah 1990, Chapter 78

33 53A-10-108, as last amended by Laws of Utah 2001, Chapter 86

34 ENACTS:

35 53A-10-102.5, Utah Code Annotated 1953

36 53A-10-106.5, Utah Code Annotated 1953

37 53A-10-112, Utah Code Annotated 1953

38 REPEALS AND REENACTS:

39 53A-10-106, as last amended by Laws of Utah 1990, Chapter 78

40 REPEALS:

41 53A-10-104, as enacted by Laws of Utah 1988, Chapter 2

42 53A-10-109, as enacted by Laws of Utah 1988, Chapter 2

43 53A-10-110, as last amended by Laws of Utah 1990, Chapter 78

44 53A-10-111, as last amended by Laws of Utah 2001, Chapter 86



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

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

48 **53A-10-101. Legislative findings.**

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

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

54 (a) allow the educator and the school district to promote the professional growth of the
55 [~~teacher, to identify and encourage teaching strategies which contribute to student progress, to~~
56 ~~identify teachers according to their abilities, and to improve the education system.~~] educator;
57 and

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

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

60 **53A-10-102. Definitions.**

61 As used in this chapter:

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

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

67 (a) a superintendent; or

68 (b) an individual who:

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

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

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

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

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

77 **53A-10-102.5. Local school board's responsibilities for an educator evaluation**
78 **program.**

79 A local school board shall:

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

82 (2) provide for:

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

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

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

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

88 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

89 (1) Each local school board, consistent with criteria specified in rules of the State

90 Board of Education, shall develop an evaluation program in consultation with its educators
91 through appointment of a joint committee.

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

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

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

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

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

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

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

102 **53A-10-106. Components of educator evaluation program.**

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

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

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

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

109 (a) self-evaluation;

110 (b) student and parent input;

111 (c) peer observation;

112 (d) supervisor observations;

113 (e) evidence of professional growth;

114 (f) student achievement data; and

115 (g) other indicators of instructional improvement;

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

118 (5) administration of an educator's evaluation by:

119 (a) the principal;

120 (b) the principal's designee;

- 121 (c) the educator's immediate supervisor; or
- 122 (d) another person specified in the evaluation program.

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

124 **53A-10-106.5. Evaluation timelines.**

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

126 (a) at least 15 days before an educator's first evaluation:

127 (i) notify the educator of the evaluation process; and

128 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;

129 (b) (i) allow the educator to make a written response to any part of the evaluation; and

130 (ii) attach the educator's response to the evaluation;

131 (c) within 15 days after the evaluation process is completed, discuss the written

132 evaluation with the educator; and

133 (d) following any revision of the written evaluation made after the discussion:

134 (i) file the evaluation and any related reports or documents in the educator's personnel

135 file; and

136 (ii) give a copy of the written evaluation and attachments to the educator.

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

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

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

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

146 **53A-10-107. Deficiencies -- Remediation.**

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

150 (a) deficiencies[;];

151 (b) the available resources for improvement[;]; and

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

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

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

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

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

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

165 **53A-10-108. Mentor for provisional educator.**

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

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

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

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

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

178 **53A-10-112. State Board of Education to make rules specifying criteria for an**
179 **educator evaluation program.**

180 The State Board of Education shall make rules in accordance with Title 63G, Chapter 3,
181 Utah Administrative Rulemaking Act, that specify criteria for an educator evaluation program
182 adopted by a local school board.

- 183 Section 10. **Repealer.**
- 184 This bill repeals:
- 185 Section **53A-10-104, Frequency of evaluations.**
- 186 Section **53A-10-109, Final evaluation.**
- 187 Section **53A-10-110, Review of evaluation -- Time limit on request.**
- 188 Section **53A-10-111, Additional compensation for services.**

Legislative Review Note
as of **1-22-09 10:26 AM**

Office of Legislative Research and General Counsel