

Representative Ronda Rudd Menlove proposes the following substitute bill:

EDUCATOR EVALUATION AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies requirements for educator evaluations.

Highlighted Provisions:

This bill:

- ▶ requires a local school board to:
 - develop, support, monitor, and maintain an educator evaluation program in accordance with requirements specified in statute; 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; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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 and
46 enhanced by providing for systematic, fair, and competent evaluation of public educators and
47 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 (b) identify and encourage quality instruction in order to improve student achievement;

54 and

55 (c) improve decisions about the educator's employment.

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. Evaluation timelines.**

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

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

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

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

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

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

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

128 evaluation with the educator; and

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

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

131 file; and

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

133 (2) An educator who is not satisfied with an evaluation may request a review of the

134 evaluation within 30 days after receiving the written evaluation.

135 (3) If a review is requested, the school district superintendent or the superintendent's

136 designee shall appoint a person not employed by the school district who has expertise in

137 teacher or personnel evaluation to review and make recommendations to the superintendent

138 regarding the teacher's evaluation.

139 (4) Nothing in this section prevents the educator and the superintendent or

140 superintendent's designee from agreeing to another method of review.

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

142 **53A-10-107. Deficiencies -- Remediation.**

143 (1) [An] The person responsible for administering an educator's evaluation shall give

144 an educator whose performance is inadequate or in need of improvement [shall be provided

145 with] a written document clearly identifying:

146 (a) deficiencies[;];

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

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

149 (2) The district shall provide the educator with reasonable assistance to improve

150 performance.

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

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

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

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

161 **53A-10-108. Mentor for provisional educator.**

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

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

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

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

173 Section 9. **Repealer.**

174 This bill repeals:

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

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

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

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

H.B. 264 1st Sub. (Buff) - Educator Evaluation Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill may result in additional costs for some local school districts and charter schools depending on the current evaluation and data systems they have in place.
