

**TEACHER EFFECTIVENESS AND OUTCOMES BASED  
COMPENSATION**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prescribes requirements for teacher evaluations and directs that teacher evaluations be used as a basis for termination, compensation, and attaining professional teacher status.

**Highlighted Provisions:**

This bill:

- ▶ provides for reporting of noncompliance, and enforcement of compliance, of certain State Board of Education rules;
- ▶ limits an employment contract entered into by a local school board to one year, with exceptions;
- ▶ requires that summative evaluations of teachers:
  - differentiate among four levels of performance; and
  - be based on student learning growth and the extent to which a teacher meets teacher effectiveness standards;
- ▶ requires reporting on the number and percentage of a school's teachers in each of the four summative evaluation rating categories;
- ▶ prohibits a student from being assigned for two consecutive years to a teacher whose rating is ineffective, without notice to the student's parent;
- ▶ requires a local school board to develop and implement salary schedules for



28 teachers based on a teacher's performance;

29       ▶ establishes a professional teacher standard, requirements to attain professional  
30 teacher status, and causes for losing professional teacher status;

31       ▶ establishes a probationary teacher standard and provides that a school district may  
32 decline to renew a probationary teacher's contract without cause;

33       ▶ addresses the authority of a school principal regarding the hiring and termination of  
34 school personnel; and

35       ▶ makes technical amendments.

36 **Money Appropriated in this Bill:**

37       None

38 **Other Special Clauses:**

39       None

40 **Utah Code Sections Affected:**

41 AMENDS:

42       **53A-1-1112**, as enacted by Laws of Utah 2011, Chapter 417

43       **53A-3-411**, as last amended by Laws of Utah 2005, Chapter 285

44       **53A-8-102**, as last amended by Laws of Utah 2011, Chapter 420

45       **53A-8-104**, as last amended by Laws of Utah 2011, Chapter 286

46       **53A-10-102**, as last amended by Laws of Utah 2011, Chapter 434

47       **53A-10-103**, as last amended by Laws of Utah 2011, Chapter 434

48       **53A-10-106**, as last amended by Laws of Utah 2011, Chapter 434

49       **53A-10-106.5**, as last amended by Laws of Utah 2011, Chapter 434

50       **53A-10-107**, as last amended by Laws of Utah 2011, Chapter 434

51 ENACTS:

52       **53A-1-410**, Utah Code Annotated 1953

53       **53A-3-430**, Utah Code Annotated 1953

54       **53A-3-431**, Utah Code Annotated 1953

55       **53A-8-108**, Utah Code Annotated 1953

56       **53A-10-106.1**, Utah Code Annotated 1953



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

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

60 **53A-1-410. Report of noncompliance to the State Board of Education.**

61 (1) The state superintendent shall report to the State Board of Education any report  
62 made to a member of the staff of the State Board of Education regarding noncompliance of the  
63 following:

64 (a) Subsection 53A-3-411(1);

65 (b) Section 53A-3-430;

66 (c) Section 53A-3-431;

67 (d) Chapter 8, Utah Orderly School Termination Procedures Act; or

68 (e) Chapter 10, Educator Evaluation.

69 (2) In accordance with the powers granted to the State Board of Education under  
70 Section 53A-1-401, the State Board of Education may take action to enforce compliance with  
71 State Board of Education rules related to the provisions listed in Subsections (1)(a) through  
72 (1)(e).

73 Section 2. Section **53A-1-1112** is amended to read:

74 **53A-1-1112. Reporting.**

75 (1) For the 2011-12 school year and thereafter, the State Board of Education, in  
76 collaboration with school districts and charter schools, shall annually develop a school report  
77 card to be delivered to parents of students in public schools.

78 (2) The report card shall include:

79 (a) the school's grade;

80 (b) the percent of the maximum number of points that may be earned; [~~and~~]

81 (c) information indicating the school's performance on the various criteria upon which  
82 the grade is based[~~;~~]; and

83 (d) for schools of a school district, the number and percentage of teachers on staff in  
84 each of the four rating categories listed in Section 53A-10-106.1 based on a teacher's  
85 summative evaluation.

86 (3) On or before August 15, the State Board of Education shall annually publish, on the  
87 State Board of Education's website, a report card for each school with the information required  
88 in Subsection (2).

89 (4) On or before August 15, a school district shall annually publish on the school

90 district's website, and a school's website[;];

91 (a) a school report card with the grade for the prior school year[~~,-together with~~];

92 (b) the current school improvement plan established in accordance with Section  
93 53A-1a-108.5[;]; and

94 (c) teachers' ratings as described in Subsection (2)(d).

95 (5) On or before August 15, a charter school shall annually publish on the charter  
96 school's website a school report card with the grade for the prior school year.

97 Section 3. Section **53A-3-411** is amended to read:

98 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**  
99 **for cause -- Individual contract of employment -- Employee acknowledgment of liability**  
100 **protection.**

101 (1) [~~A~~] Except as provided in Sections 53A-3-301 and 53A-3-302, a local school board  
102 may enter into a written employment contract for a term not to exceed [five years] one year.

103 (2) Nothing in the terms of the contract shall restrict the power of a local school board  
104 to terminate the contract for cause at any time.

105 (3) (a) A local school board may not enter into a collective bargaining agreement that  
106 prohibits or limits individual contracts of employment.

107 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May  
108 5, 2003.

109 (4) Each local school board shall:

110 (a) ensure that each employment contract complies with the requirements of Section  
111 34-32-1.1;

112 (b) comply with the requirements of Section 34-32-1.1 in employing any personnel,  
113 whether by employment contract or otherwise; and

114 (c) ensure that at the time an employee enters into an employment contract, the  
115 employee shall sign a separate document acknowledging that the employee:

116 (i) has received:

117 (A) the disclosure required under Subsection 63A-4-204(4)(d) if the school district  
118 participates in the Risk Management Fund; or

119 (B) written disclosure similar to the disclosure required under Section 63A-4-204 if the  
120 school district does not participate in the Risk Management Fund; and

121 (ii) understands the legal liability protection provided to the employee and what is not  
122 covered, as explained in the disclosure.

123 Section 4. Section **53A-3-430** is enacted to read:

124 **53A-3-430. Teacher salary schedules.**

125 (1) A local school board shall develop and, beginning with the 2014-15 school year,  
126 implement salary schedules for teachers that award salary increases based on a teacher's  
127 performance as evaluated with a summative evaluation administered pursuant to Chapter 10,  
128 Educator Evaluation, in the previous school year.

129 (2) Beginning with the 2014-15 school year, a salary schedule for teachers:

130 (a) may not award a salary increase, including a cost of living increase, to a teacher  
131 whose rating on a summative evaluation is ineffective or improvement necessary;

132 (b) shall award a higher salary increase to a teacher whose rating is highly effective  
133 than a teacher whose rating is effective; and

134 (c) may base up to 10% of a salary increase on years of experience, degree earned, or  
135 course credits earned.

136 (3) A local school board may award a salary supplement to a teacher who meets one or  
137 more of the following criteria:

138 (a) the teacher is assigned to a school where the school district has difficulty in  
139 recruiting qualified teachers;

140 (b) the teacher has a teaching assignment in a critical shortage area; or

141 (c) the teacher has additional academic responsibilities.

142 (4) The State Board of Education may create a salary model for teachers which a local  
143 school board may chose to adopt.

144 (5) The State Board of Education shall:

145 (a) require a school district to annually submit to the State Board of Education a school  
146 district's salary schedule for teachers; and

147 (b) publish a school district's salary schedule for teachers on the State Board of  
148 Education's website.

149 Section 5. Section **53A-3-431** is enacted to read:

150 **53A-3-431. Authority of school principal to hire and terminate school personnel.**

151 (1) A local school board shall delegate authority to a school principal to hire and

152 terminate teachers and other employees who are under the supervision of the school principal.

153 (2) A school district may not assign to a school a teacher or other employee who is  
154 supervised by the school principal without the approval of the school principal.

155 Section 6. Section **53A-8-102** is amended to read:

156 **53A-8-102. Definitions.**

157 As used in this chapter:

158 (1) (a) "Career employee" means an employee of a school district who has obtained a  
159 reasonable expectation of continued employment based upon Section 53A-8-106 and an  
160 agreement with the employee or the employee's association, district practice, or policy.

161 (b) "Career employee" does not include:

162 (i) a professional teacher; or

163 (ii) a probationary teacher.

164 (2) "Contract term" or "term of employment" means the period of time during which an  
165 employee is engaged by the school district under a contract of employment, whether oral or  
166 written.

167 (3) "Dismissal" or "termination" means:

168 (a) termination of the status of employment of an employee;

169 (b) failure to renew or continue the employment contract of a career employee beyond  
170 the then-current school year;

171 (c) reduction in salary of an employee not generally applied to all employees of the  
172 same category employed by the school district during the employee's contract term; or

173 (d) change of assignment of an employee with an accompanying reduction in pay,  
174 unless the assignment change and salary reduction are agreed to in writing.

175 (4) "Employee" means [~~a career or provisional~~] an employee of a school district, but  
176 does not include:

177 (a) the district superintendent, or the equivalent at the Schools for the Deaf and the  
178 Blind;

179 (b) the district business administrator or the equivalent at the Schools for the Deaf and  
180 the Blind; or

181 (c) a temporary employee.

182 (5) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates

183 the termination of an employee who started to work for the district most recently before  
184 terminating a more senior employee.

185 (6) "Provisional employee" means an individual[~~, other than a career employee or a~~  
186 ~~temporary employee;~~] who is employed by a school district[~~;~~], except:

- 187 (a) a career employee;
- 188 (b) a temporary employee;
- 189 (c) a professional teacher; or
- 190 (d) a probationary teacher.

191 (7) "School board" or "board" means a district school board or its equivalent at the  
192 Schools for the Deaf and the Blind.

- 193 (8) "School district" or "district" means:
- 194 (a) a public school district; or
- 195 (b) the Schools for the Deaf and the Blind.

196 (9) "Temporary employee" means an individual who is employed on a temporary basis  
197 as defined by policies adopted by the local board of education. If the class of employees in  
198 question is represented by an employee organization recognized by the local board, the board  
199 shall adopt its policies based upon an agreement with that organization. Temporary employees  
200 serve at will and have no expectation of continued employment.

201 Section 7. Section **53A-8-104** is amended to read:

202 **53A-8-104. Dismissal procedures.**

- 203 (1) A district shall provide employees with a written statement specifying:
- 204 (a) the causes under which a career employee's or professional teacher's contract may  
205 not be renewed or continued beyond the current school year;
- 206 (b) the causes under which a career or provisional employee's or a professional or  
207 probationary teacher's contract may be terminated during the contract term; and
- 208 (c) the orderly dismissal procedures that are used by the district in cases of contract  
209 termination, discontinuance, or nonrenewal.

210 (2) If the district intends to terminate a career employee's contract during its term for  
211 reasons of unsatisfactory performance or discontinue a career employee's contract beyond the  
212 current school year for reasons of unsatisfactory performance, the unsatisfactory performance  
213 must be documented in at least two evaluations conducted at any time within the preceding

214 three years in accordance with district policies or practices.

215 (3) (a) A district shall notify a career employee or a professional teacher, at least 30  
216 days prior to issuing under Subsection (3)(d) notice of intent not to renew or continue the  
217 career employee's or professional teacher's contract beyond the current school year, that  
218 continued employment is in question and the reasons for the anticipated nonrenewal or  
219 discontinuance.

220 (b) If a career employee or professional teacher receives a notice under Subsection  
221 (3)(a) that continued employment is in question, the board:

222 (i) shall give the career employee or professional teacher an opportunity to correct the  
223 problem in accordance with the district evaluation policies; and

224 (ii) may grant the career employee or professional teacher assistance to correct the  
225 deficiencies, including informal conferences and the services of school personnel within the  
226 district.

227 (c) If a career employee or professional teacher does not correct the deficiencies as  
228 determined in accordance with the evaluation and personnel policies of the district and the  
229 district intends to not renew or discontinue the contract of employment of the career employee  
230 or professional teacher at the end of the current school year, it shall give notice of that intention  
231 to the employee.

232 (d) The district shall issue the notice at least 30 days before the end of the career  
233 employee's or professional teacher's contract term.

234 (4) (a) A district is not required to provide a cause for not offering a contract to:

235 (i) a provisional employee[-]; or

236 (ii) a probationary teacher.

237 (b) If a district intends to not offer a contract for a subsequent term of employment to a  
238 provisional employee or a probationary teacher, the district shall give notice of that intention to  
239 the employee at least 60 days before the end of the provisional employee's or probationary  
240 teacher's contract term.

241 (5) In the absence of a notice, an employee is considered employed for the next  
242 contract term with a salary based upon the salary schedule applicable to the class of employee  
243 into which the individual falls.

244 (6) If a district intends to not renew or discontinue the contract of a career employee or



245 a professional teacher or to terminate a career or provisional employee's or a professional or  
246 probationary teacher's contract during the contract term:

247 (a) the district shall give written notice of the intent to the employee;

248 (b) the notice shall be served by personal delivery or by certified mail addressed to the  
249 employee's last-known address as shown on the records of the district;

250 (c) except as provided under Subsection (3), the district shall give notice at least 30  
251 days prior to the proposed date of termination;

252 (d) the notice shall state the date of termination and the detailed reasons for  
253 termination;

254 (e) the notice shall advise the employee that the employee has a right to a fair hearing  
255 and that the hearing is waived if it is not requested within 15 days after the notice of  
256 termination was either personally delivered or mailed to the employee's most recent address  
257 shown on the district's personnel records; and

258 (f) the notice shall state that failure of the employee to request a hearing in accordance  
259 with procedures set forth in the notice constitutes a waiver of that right and that the district may  
260 then proceed with termination without further notice.

261 (7) (a) The procedure under which a contract is terminated during its term may include  
262 a provision under which the active service of the employee is suspended pending a hearing if it  
263 appears that the continued employment of the individual may be harmful to students or to the  
264 district.

265 (b) Suspension pending a hearing may be without pay if an authorized representative of  
266 the district determines, after providing the employee with an opportunity for an informal  
267 conference to discuss the allegations, that it is more likely than not that the allegations against  
268 the employee are true.

269 (c) If termination is not subsequently ordered, the employee shall receive back pay for  
270 the period of suspension without pay.

271 (8) The procedure under which an employee's contract is terminated during its term  
272 shall provide for a written notice of suspension or final termination including findings of fact  
273 upon which the action is based.

274 (9) A district may decline to renew a probationary teacher's contract if the probationary  
275 teacher receives an ineffective rating or two consecutive improvement necessary ratings on a

276 summative evaluation administered pursuant to Chapter 10, Educator Evaluation.

277 Section 8. Section **53A-8-108** is enacted to read:

278 **53A-8-108. Probationary teacher -- Professional teacher.**

279 (1) A probationary teacher is a teacher who:

280 (a) has not attained career status on or before June 30, 2012; and

281 (b) (i) has not received a rating, or has received a rating of ineffective, on a summative  
282 evaluation administered pursuant to Chapter 10, Educator Evaluation; or

283 (ii) has not received three ratings in a five-year period of effective or highly effective  
284 on a summative evaluation administered pursuant to Chapter 10, Educator Evaluation.

285 (2) A teacher may not attain career status after June 30, 2012.

286 (3) Except as provided in Subsection (4), a professional teacher is a teacher who:

287 (a) has not attained career status on or before June 30, 2012; and

288 (b) receives three ratings in a five-year period of effective or highly effective on a  
289 summative evaluation administered pursuant to Chapter 10, Educator Evaluation.

290 (4) A probationary teacher who was employed by a school district in the 2011-12  
291 school year may attain professional teacher status after receiving one rating of effective or  
292 highly effective on a summative evaluation administered pursuant to Chapter 10, Educator  
293 Evaluation.

294 (5) If a professional teacher receives a rating of ineffective on a summative evaluation  
295 administered pursuant to Chapter 10, Educator Evaluation, the teacher's status shall be changed  
296 to a probationary teacher beginning in the following school year.

297 Section 9. Section **53A-10-102** is amended to read:

298 **53A-10-102. Definitions.**

299 As used in this chapter:

300 (1) "Career educator" means a licensed employee who has a reasonable expectation of  
301 continued employment under the policies of a local school board.

302 (2) "Educator" means an individual employed by a school district who is required to  
303 hold a professional license issued by the State Board of Education, except:

304 (a) a superintendent; or

305 (b) an individual who:

306 (i) works fewer than three hours per day; or

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

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

311 (3) "Probationary teacher" means a teacher as described in Section 58A-8-108.

312 (4) "Professional teacher" means a teacher as described in Section 53A-8-108.

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

315 (5) "Summative evaluation" means an evaluation that is used to make annual decisions  
316 or ratings of educator performance and may inform decisions on salary, confirmed  
317 employment, personnel assignments, transfers, or dismissals.

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

319 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

320 (1) A local school board shall develop an educator evaluation program in consultation  
321 with its joint committee.

322 (2) The joint committee described in Subsection (1) shall consist of an equal number of  
323 classroom teachers, parents, and administrators appointed by the local school board.

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

- 326 (a) voted on by classroom teachers in a nomination election;
- 327 (b) voted on by the administrators in a nomination election; and
- 328 (c) of parents submitted by school community councils within the district.

329 (4) Subject to Subsection (5), the joint committee may:

330 (a) develop an evaluation program for teachers based on the Peer Assistance and  
331 Review (PAR) model, Teacher Advancement Program (TAP) model, or a model developed by  
332 the State Board of Education; or

333 (b) create its own evaluation program for teachers.

334 [~~(4)~~ (5) The evaluation program developed by the joint committee must comply with  
335 the requirements of this chapter.

336 Section 11. Section **53A-10-106** is amended to read:

337 **53A-10-106. Components of educator evaluation program.**

338 (1) An educator evaluation program adopted by a local school board in consultation  
 339 with a joint committee established in Section 53A-10-103 shall include the following  
 340 components:

341 ~~[(1)]~~ (a) a reliable and valid evaluation program consistent with generally accepted  
 342 professional standards for personnel evaluation systems;

343 ~~[(2)-(a)]~~ (b) (i) the evaluation of ~~[provisional and probationary educators]~~ probationary  
 344 teachers at least twice each school year; and

345 ~~[(b)]~~ (ii) the annual evaluation of all career educators and professional teachers;

346 ~~[(3)]~~ (c) systematic evaluation procedures for ~~[both provisional and career]~~ educators;

347 ~~[(4)]~~ (d) the use of multiple lines of evidence, such as:

348 ~~[(a)]~~ (i) self-evaluation;

349 ~~[(b)]~~ (ii) student and parent input;

350 ~~[(c)]~~ (iii) peer observation;

351 ~~[(d)]~~ (iv) supervisor observations;

352 ~~[(e)]~~ (v) evidence of professional growth;

353 ~~[(f)]~~ (vi) student achievement data; and

354 ~~[(g)]~~ (vii) other indicators of instructional improvement;

355 ~~[(5)]~~ (e) a reasonable number of observation periods for an evaluation to insure  
 356 adequate reliability;

357 ~~[(6)]~~ (f) administration of an educator's evaluation by:

358 ~~[(a)]~~ (i) the principal;

359 ~~[(b)]~~ (ii) the principal's designee;

360 ~~[(c)]~~ (iii) the educator's immediate supervisor; or

361 ~~[(d)]~~ (iv) another person specified in the evaluation program; and

362 ~~[(7)]~~ (g) an orientation for educators on the educator evaluation program.

363 (2) If an evaluator other than a teacher's principal administers the teacher's evaluation:

364 (a) the principal shall approve the appointment of the evaluator; and

365 (b) the evaluator must:

366 (i) have a record of effective teaching;

367 (ii) receive training in evaluation skills; and

368 (iii) have evaluations as the evaluator's major responsibility.

369 Section 12. Section **53A-10-106.1** is enacted to read:

370 **53A-10-106.1. Teachers' summative evaluations -- Levels of performance --**

371 **Evaluation based on student learning growth and teacher effectiveness.**

372 (1) (a) Beginning with the 2013-14 school year, a summative evaluation for a teacher  
373 shall differentiate among four levels of performance as follows:

374 (i) highly effective;

375 (ii) effective;

376 (iii) improvement necessary; and

377 (iv) ineffective.

378 (b) To assure that teachers' summative evaluations statewide are uniformly rigorous,  
379 the State Board of Education shall make rules providing criteria for establishing the four levels  
380 of performance described in Subsection (1)(a).

381 (2) Beginning with the 2013-14 school year:

382 (a) at least 60% of a teacher's summative evaluation shall be based on student learning  
383 growth, except as provided in Subsection (4); and

384 (b) up to 40% of a teacher's summative evaluation shall be based on the extent to  
385 which the teacher meets teacher effectiveness standards.

386 (3) (a) Subject to Subsection (3)(b), student learning growth shall be assessed by:

387 (i) statewide assessments;

388 (ii) assessments administered pursuant to school district policy; or

389 (iii) both Subsections (3)(a)(i) and (ii).

390 (b) For subjects and grades subject to a statewide assessment, the statewide assessment  
391 shall be the only assessment used to assess student learning growth under Subsection (2)(a).

392 (4) An assessment of student proficiency may substitute for an assessment of student  
393 learning growth, if an assessment of student learning growth is not available.

394 (5) An evaluation of the extent to which a teacher meets teacher effectiveness  
395 standards may rely on:

396 (a) a principal's or supervisor's evaluation;

397 (b) peer evaluations;

398 (c) parent input;

399 (d) student input; or

400 (e) a combination of Subsections (5)(a) through (d).

401 (6) A teacher who negatively impacts or is ineffective in enhancing student learning  
402 growth or proficiency may not be rated as effective or highly effective.

403 (7) (a) Except as provided in Subsection (7)(b), a student may not be assigned for two  
404 consecutive years a teacher who is rated as ineffective.

405 (b) If a school district is unable to comply with the requirement of Subsection (7)(a),  
406 the school district shall notify the student's parent or guardian that the student is being assigned  
407 for the second consecutive year to a teacher who is rated as ineffective.

408 Section 13. Section **53A-10-106.5** is amended to read:

409 **53A-10-106.5. Summative evaluation timelines -- Review of summative**  
410 **evaluations.**

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

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

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

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

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

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

417 (c) within [~~15~~] seven days after the evaluation process is completed, discuss the written  
418 evaluation with the educator; and

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

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

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

423 (2) An educator who is not satisfied with a summative evaluation may request a review  
424 of the evaluation within 15 days after receiving the written evaluation.

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

429 Section 14. Section **53A-10-107** is amended to read:

430 **53A-10-107. Deficiencies -- Improvement.**

431 (1) The person responsible for administering an educator's evaluation shall give an  
432 educator whose performance is inadequate or in need of improvement a written document  
433 clearly identifying:

434 (a) deficiencies;

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

436 (c) a recommended course of action that will improve the educator's performance[;];

437 and

438 (d) the time period in which the educator is expected to improve performance.

439 (2) An educator is responsible for improving performance, including using any  
440 resources identified by the school district, and demonstrating acceptable levels of improvement  
441 in the designated areas of deficiencies.

442 (3) (a) The person responsible for administering the evaluation of an educator whose  
443 performance has been determined to be inadequate or in need of improvement shall complete  
444 written evaluations and recommendations regarding the educator at least 30 days before the end  
445 of the educator's contract school year.

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

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**Legislative Review Note**

as of 2-13-12 11:31 AM

**Office of Legislative Research and General Counsel**