

**EDUCATOR EVALUATION PILOT PROGRAM**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen M. Peterson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows the State Board of Education to create a pilot program as an alternative to annual educator evaluations.

**Highlighted Provisions:**

This bill:

- ▶ allows the State Board of Education (state board) to create a pilot program as an alternative to annual educator evaluations;
- ▶ repeals a requirement for the state board to report on educator ratings;
- ▶ amends a provision regarding a teacher receiving the educator salary adjustment based on the educator's evaluation; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53E-1-203**, as last amended by Laws of Utah 2022, Chapters 36, 218

**53F-2-405**, as last amended by Laws of Utah 2022, Chapter 415

**53G-11-501.5**, as last amended by Laws of Utah 2019, Chapter 293



- 28           **53G-11-504**, as last amended by Laws of Utah 2020, Chapter 408
- 29           **53G-11-505**, as last amended by Laws of Utah 2021, Chapter 251
- 30           **53G-11-506**, as last amended by Laws of Utah 2019, Chapter 293
- 31           **53G-11-507**, as last amended by Laws of Utah 2019, Chapter 293
- 32           **53G-11-510**, as last amended by Laws of Utah 2020, Chapter 408

33 REPEALS:

- 34           **53G-11-511**, as last amended by Laws of Utah 2020, Chapter 408

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

37           Section 1. Section **53E-1-203** is amended to read:

38           **53E-1-203. State Superintendent's Annual Report.**

39           (1) The state board shall prepare and submit to the governor, the Education Interim  
40 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each  
41 year, an annual written report known as the State Superintendent's Annual Report that includes:

- 42           (a) the operations, activities, programs, and services of the state board;
- 43           (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and
- 44           (c) data on the general condition of the schools with recommendations considered

45 desirable for specific programs, including:

- 46           (i) a complete statement of fund balances;
- 47           (ii) a complete statement of revenues by fund and source;
- 48           (iii) a complete statement of adjusted expenditures by fund, the status of bonded  
49 indebtedness, the cost of new school plants, and school levies;
- 50           (iv) a complete statement of state funds allocated to each school district and charter  
51 school by source, including supplemental appropriations, and a complete statement of  
52 expenditures by each school district and charter school, including supplemental appropriations,  
53 by function and object as outlined in the United States Department of Education publication  
54 "Financial Accounting for Local and State School Systems";

55           (v) a statement that includes data on:

- 56           (A) fall enrollments;
- 57           (B) average membership;
- 58           (C) high school graduates;

59 (D) licensed and classified employees~~[-, including data reported by school districts on~~  
60 ~~educator ratings described in Section 53G-11-511];~~

61 (E) pupil-teacher ratios;

62 (F) average class sizes;

63 (G) average salaries;

64 (H) applicable private school data; and

65 (I) data from statewide assessments described in Section 53E-4-301 for each school  
66 and school district;

67 (vi) statistical information regarding incidents of delinquent activity in the schools or at  
68 school-related activities; and

69 (vii) other statistical and financial information about the school system that the state  
70 superintendent considers pertinent.

71 (2) (a) For the purposes of Subsection (1)(c)(v):

72 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of  
73 students enrolled in a school by the number of full-time equivalent teachers assigned to the  
74 school, including regular classroom teachers, school-based specialists, and special education  
75 teachers;

76 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of  
77 the schools within a school district;

78 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median  
79 pupil-teacher ratio of charter schools in the state; and

80 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median  
81 pupil-teacher ratio of public schools in the state.

82 (b) The report shall:

83 (i) include the pupil-teacher ratio for:

84 (A) each school district;

85 (B) the charter schools aggregated; and

86 (C) the state's public schools aggregated; and

87 (ii) identify a website where pupil-teacher ratios for each school in the state may be  
88 accessed.

89 (3) For each operation, activity, program, or service provided by the state board, the

90 annual report shall include:

91 (a) a description of the operation, activity, program, or service;

92 (b) data and metrics:

93 (i) selected and used by the state board to measure progress, performance,  
94 effectiveness, and scope of the operation, activity, program, or service, including summary  
95 data; and

96 (ii) that are consistent and comparable for each state operation, activity, program, or  
97 service;

98 (c) budget data, including the amount and source of funding, expenses, and allocation  
99 of full-time employees for the operation, activity, program, or service;

100 (d) historical data from previous years for comparison with data reported under  
101 Subsections (3)(b) and (c);

102 (e) goals, challenges, and achievements related to the operation, activity, program, or  
103 service;

104 (f) relevant federal and state statutory references and requirements;

105 (g) contact information of officials knowledgeable and responsible for each operation,  
106 activity, program, or service; and

107 (h) other information determined by the state board that:

108 (i) may be needed, useful, or of historical significance; or

109 (ii) promotes accountability and transparency for each operation, activity, program, or  
110 service with the public and elected officials.

111 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:

112 (i) the report described in Section [53E-3-507](#) by the state board on career and technical  
113 education needs and program access;

114 (ii) the report described in Section [53E-3-515](#) by the state board on the Hospitality and  
115 Tourism Management Career and Technical Education Pilot Program;

116 (iii) beginning on July 1, 2023, the report described in Section [53E-3-516](#) by the state  
117 board on certain incidents that occur on school grounds;

118 (iv) the report described in Section [53E-4-202](#) by the state board on the development  
119 and implementation of the core standards for Utah public schools;

120 (v) the report described in Section [53E-5-310](#) by the state board on school turnaround

121 and leadership development;

122 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of  
123 Higher Education on student participation in the concurrent enrollment program;

124 (vii) the report described in Section 53F-5-207 by the state board on the  
125 Intergenerational Poverty Interventions Grant Program;

126 (viii) the report described in Section 53F-5-506 by the state board on information  
127 related to personalized, competency-based learning; and

128 (ix) the report described in Section 53G-9-802 by the state board on dropout prevention  
129 and recovery services.

130 (b) The Education Interim Committee or the Public Education Appropriations  
131 Subcommittee may request a report described in Subsection (4)(a) to be reported separately  
132 from the State Superintendent's Annual Report.

133 (5) The annual report shall be designed to provide clear, accurate, and accessible  
134 information to the public, the governor, and the Legislature.

135 (6) The state board shall:

136 (a) submit the annual report in accordance with Section 68-3-14; and

137 (b) make the annual report, and previous annual reports, accessible to the public by  
138 placing a link to the reports on the state board's website.

139 (7) (a) Upon request of the Education Interim Committee or Public Education  
140 Appropriations Subcommittee, the state board shall present the State Superintendent's Annual  
141 Report to either committee.

142 (b) After submitting the State Superintendent's Annual Report in accordance with this  
143 section, the state board may supplement the report at a later time with updated data,  
144 information, or other materials as necessary or upon request by the governor, the Education  
145 Interim Committee, or the Public Education Appropriations Subcommittee.

146 Section 2. Section 53F-2-405 is amended to read:

147 **53F-2-405. Educator salary adjustments.**

148 (1) As used in this section, "educator" means a person employed by a school district,  
149 charter school, or the Utah Schools for the Deaf and the Blind who holds:

150 (a) (i) a license issued by the state board; and

151 (ii) a position as a:

- 152 (A) classroom teacher;
- 153 (B) speech pathologist;
- 154 (C) librarian or media specialist;
- 155 (D) preschool teacher;
- 156 (E) mentor teacher;
- 157 (F) teacher specialist or teacher leader;
- 158 (G) guidance counselor;
- 159 (H) audiologist;
- 160 (I) psychologist; or
- 161 (J) social worker; or
- 162 (b) (i) a license issued by the Division of Professional Licensing; and
- 163 (ii) a position as a social worker.

164 (2) In recognition of the need to attract and retain highly skilled and dedicated  
165 educators, the Legislature shall annually appropriate money for educator salary adjustments,  
166 subject to future budget constraints.

167 (3) Money appropriated to the state board for educator salary adjustments shall be  
168 distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind  
169 in proportion to the number of full-time-equivalent educator positions in a school district, a  
170 charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number  
171 of full-time-equivalent educator positions in school districts, charter schools, and the Utah  
172 Schools for the Deaf and the Blind.

173 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind  
174 shall award bonuses to educators as follows:

175 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent  
176 educator position in the school district, charter school, or the Utah Schools for the Deaf and the  
177 Blind;

178 (b) an individual who is not a full-time educator shall receive a partial salary  
179 adjustment based on the number of hours the individual works as an educator; and

180 (c) a salary adjustment may not be awarded [~~only to~~] if an educator [~~who~~] has received  
181 [~~a satisfactory~~] an unsatisfactory rating [~~or above~~] on the educator's three most recent  
182 [~~evaluation~~] evaluations.

183 (5) The state board may make rules as necessary to administer this section in  
184 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

185 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient  
186 money each year to:

187 (i) maintain educator salary adjustments provided in prior years; and  
188 (ii) provide educator salary adjustments to new employees.

189 (b) Money appropriated for educator salary adjustments shall include money for the  
190 following employer-paid benefits:

191 (i) retirement;  
192 (ii) worker's compensation;  
193 (iii) social security; and  
194 (iv) Medicare.

195 (7) (a) Subject to future budget constraints, the Legislature shall:

196 (i) maintain the salary adjustments provided to school administrators in the 2007-08  
197 school year; and

198 (ii) provide salary adjustments for new school administrators in the same amount as  
199 provided for existing school administrators.

200 (b) The appropriation provided for educator salary adjustments shall include salary  
201 adjustments for school administrators as specified in Subsection (7)(a).

202 (c) In distributing and awarding salary adjustments for school administrators, the state  
203 board, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall  
204 comply with the requirements for the distribution and award of educator salary adjustments as  
205 provided in Subsections (3) and (4).

206 Section 3. Section **53G-11-501.5** is amended to read:

207 **53G-11-501.5. Legislative findings.**

208 (1) The Legislature finds that the effectiveness of public educators can be improved  
209 and enhanced by providing specific feedback and support for improvement through a  
210 systematic, fair, and competent [~~annual~~] evaluation and remediation of public educators whose  
211 performance is inadequate.

212 (2) The state board and each local school board shall implement Sections **53G-11-501**,  
213 **53G-11-506**, **53G-11-507**, **53G-11-508**, **53G-11-509**, and 53G-11-510~~[, and 53G-11-511]~~ in

214 accordance with Subsections [53E-2-302\(7\)](#) and [53E-6-103\(2\)\(a\)](#) and (b), to:

215 (a) allow the educator and the school district to promote the professional growth of the  
216 educator; and

217 (b) identify and encourage quality instruction in order to improve student academic  
218 growth.

219 Section 4. Section **53G-11-504** is amended to read:

220 **53G-11-504. Evaluation of employee performance.**

221 (1) Except as provided in [~~Subsection (2)~~] Subsections (2) and (3), a local school board  
222 shall require that the performance of each school district employee be evaluated annually in  
223 accordance with rules of the state board adopted in accordance with this part and Title 63G,  
224 Chapter 3, Utah Administrative Rulemaking Act.

225 (2) Rules adopted by the state board under Subsection (1) may include an exemption  
226 from annual performance evaluations for a temporary employee or a part-time employee.

227 (3) An LEA participating in the growth framework pilot program described in Section  
228 [53G-11-505](#):

229 (a) is exempt from the annual evaluation of employees; and

230 (b) shall evaluate employees at least once every five years.

231 Section 5. Section **53G-11-505** is amended to read:

232 **53G-11-505. State board rules -- Reporting to Legislature.**

233 (1) Subject to Sections [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#), and  
234 [53G-11-510](#), [~~and [53G-11-511](#);~~] rules adopted by the state board under Section [53G-11-504](#)  
235 shall:

236 [~~(1)~~] (a) provide general guidelines, requirements, and procedures for the development  
237 and implementation of employee evaluations;

238 [~~(2)~~] (b) establish required components and allow for optional components of  
239 employee evaluations;

240 [~~(3)~~] (c) require school districts to choose valid and reliable methods and tools to  
241 implement the evaluations; and

242 [~~(4)~~] (d) establish a timeline for school districts to implement employee evaluations.

243 (2) Notwithstanding this section, the state board may establish a growth framework  
244 pilot program to measure the growth of an educator's performance as an alternative to the



245 evaluation requirements described in this part.

246 Section 6. Section **53G-11-506** is amended to read:

247 **53G-11-506. Establishment of educator evaluation program -- Joint committee.**

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

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

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

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

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

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

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

258 (a) adopt or adapt an evaluation program for educators based on a model developed by  
259 the state board; or

260 (b) create the local school board's own evaluation program for educators.

261 (5) The evaluation program developed by the joint committee shall comply with the  
262 requirements of Sections [53G-11-507](#) through [~~53G-11-511~~] [53G-11-510](#) and rules [~~adopted~~  
263 ~~by~~] that the state board adopts under Section [53G-11-510](#).

264 Section 7. Section **53G-11-507** is amended to read:

265 **53G-11-507. Components of educator evaluation program.**

266 (1) A local school board in consultation with a joint committee established in Section  
267 [53G-11-506](#) shall adopt a reliable and valid educator evaluation program that evaluates  
268 educators based on educator professional standards established by the state board and includes:

269 (a) a systematic annual evaluation of all provisional, probationary, and career  
270 educators;

271 (b) use of multiple lines of evidence, including:

272 (i) self-evaluation;

273 (ii) student and parent input;

274 (iii) for an administrator, employee input;

275 (iv) a reasonable number of supervisor observations to ensure adequate reliability;

276 (v) evidence of professional growth and other indicators of instructional improvement  
277 based on educator professional standards established by the state board; and  
278 (vi) student academic growth data;  
279 (c) a summative evaluation that differentiates among four levels of performance; and  
280 (d) for an administrator, the effectiveness of evaluating employee performance in a  
281 school or school district for which the administrator has responsibility.

282 (2) (a) An educator evaluation program described in Subsection (1) may include a  
283 reasonable number of peer observations.

284 (b) An educator evaluation program described in Subsection (1) may not use  
285 end-of-level assessment scores in educator evaluation.

286 (3) Notwithstanding Subsection (1), an LEA participating in a growth framework pilot  
287 program described in Section 53G-11-505 shall complete an evaluation at least once every five  
288 years for each educator, as described in Section 53G-11-504.

289 Section 8. Section 53G-11-510 is amended to read:

290 **53G-11-510. State board to describe a framework for the evaluation of educators.**

291 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
292 state board shall make rules:

293 (a) describing a framework for the evaluation of educators that is consistent with the  
294 requirements of Part 3, Licensed Employee Requirements, and Sections 53G-11-506,  
295 53G-11-507, 53G-11-508, 53G-11-509, and 53G-11-510~~[, and 53G-11-511]~~; and

296 (b) requiring an educator's summative evaluation to be based on:

297 (i) educator professional standards established by the state board; and

298 (ii) the requirements described in Subsection 53G-11-507(1).

299 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level  
300 assessment scores in educator evaluation.

301 Section 9. **Repealer.**

302 This bill repeals:

303 Section 53G-11-511, **Report of performance levels.**