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TEACHER EMPOWERMENT
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Lincoln Fillmore
House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends several programs to better empower and retain teachers in the state.

Highlighted Provisions:

This bill:

- expands the allowable uses of funds allocated for paid professional hours;
 - establishes an alternative teacher evaluation process;
 - prohibits data of a chronically absent student from being used in a teacher's evaluation;
- and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 53F-2-203**, as last amended by Laws of Utah 2022, Chapter 456
- 53F-2-208**, as last amended by Laws of Utah 2023, Chapters 129, 161 and 356
- 53F-7-203**, as last amended by Laws of Utah 2023, Chapter 348
- 53G-11-501**, as last amended by Laws of Utah 2020, Chapter 354
- 53G-11-501.5**, as last amended by Laws of Utah 2019, Chapter 293
- 53G-11-502**, as enacted by Laws of Utah 2018, Chapter 3
- 53G-11-505**, as last amended by Laws of Utah 2021, Chapter 251
- 53G-11-507**, as last amended by Laws of Utah 2019, Chapter 293
- 53G-11-511**, as last amended by Laws of Utah 2020, Chapter 408

28 **53G-11-512**, as last amended by Laws of Utah 2019, Chapter 293
 29 **53G-11-518**, as last amended by Laws of Utah 2020, Chapter 408
 30 **53G-11-519**, as enacted by Laws of Utah 2020, Chapter 73
 31 **63I-2-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21,
 32 33, 142, 167, 168, 380, 383, and 467
 33 **63I-2-253**, as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 310,
 34 380, 383, and 467

35 ENACTS:

36 **53G-11-520**, as Utah Code Annotated 1953

37 REPEALS:

38 **53G-11-504.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10
 39

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

41 Section 1. Section **53F-2-203** is amended to read:

42 **53F-2-203 . Reduction of LEA governing board allocation based on insufficient**
 43 **revenues.**

- 44 (1) As used in this section, "Minimum School Program funds" means the total of state and
 45 local funds appropriated for the Minimum School Program, excluding:
 46 (a) an appropriation for a state guaranteed local levy increment as described in Section
 47 53F-2-601; and
 48 (b) the appropriation to charter schools to replace local property tax revenues pursuant to
 49 Section 53F-2-704.
- 50 (2) If the Legislature reduces appropriations made to support public schools under this
 51 chapter because an Income Tax Fund budget deficit, as defined in Section 63J-1-312,
 52 exists, the state board, after consultation with each LEA governing board, shall allocate
 53 the reduction among school districts and charter schools in proportion to each school
 54 district's or charter school's percentage share of Minimum School Program funds.
- 55 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection (7),
 56 an LEA governing board shall determine which programs are affected by a reduction
 57 pursuant to Subsection (2) and the amount each program is reduced.
- 58 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
 59 amount in any particular program is waived if reductions are made pursuant to
 60 Subsection (2).
- 61 (5) An LEA governing board may not reduce or reallocate spending of funds distributed to

- 62 the school district or charter school for the following programs:
- 63 (a) educator salary adjustments provided in Section 53F-2-405;
- 64 (b) the [~~Teacher Salary Supplement Program~~] Salary Supplement for Highly Needed
- 65 Educators Program provided in Section 53F-2-504;
- 66 (c) the extended year for special educators provided in Section 53F-2-310;
- 67 (d) the School LAND Trust Program described in Sections 53F-2-404 and 53G-7-1206;
- 68 or
- 69 (e) a special education program within the basic school program.
- 70 (6) An LEA governing board may not reallocate spending of funds distributed to the school
- 71 district or charter school to a reserve account.
- 72 (7) An LEA governing board that reduces or reallocates funds in accordance with this
- 73 section shall report all transfers into, or out of, Minimum School Program programs to
- 74 the state board as part of the school district or charter school's Annual Financial and
- 75 Program report.

76 Section 2. Section **53F-2-208** is amended to read:

77 **53F-2-208 . Cost of adjustments for growth and inflation.**

- 78 (1) In accordance with Subsection (2), the Legislature shall annually determine:
- 79 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
- 80 rolling five-year average ending in the current fiscal year, ongoing state tax fund
- 81 appropriations to the following programs:
- 82 (i) education for youth in custody, described in Section 53E-3-503;
- 83 (ii) concurrent enrollment courses for accelerated foreign language students described
- 84 in Section 53E-10-307;
- 85 (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);
- 86 (iv) the Adult Education Program, described in Section 53F-2-401;
- 87 (v) state support of pupil transportation, described in Section 53F-2-402;
- 88 (vi) the Enhancement for Accelerated Students Program, described in Section
- 89 53F-2-408;
- 90 (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;
- 91 (viii) the juvenile gang and other violent crime prevention and intervention program,
- 92 described in Section 53F-2-410; and
- 93 (ix) dual language immersion, described in Section 53F-2-502; and
- 94 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the
- 95 current fiscal year's ongoing state tax fund appropriations to the following programs:

- 96 (i) a program described in Subsection (1)(a);
 97 (ii) educator salary adjustments, described in Section 53F-2-405;
 98 (iii) the [~~Teacher Salary Supplement Program~~] Salary Supplement for Highly Needed
 99 Educators Program, described in Section 53F-2-504;
 100 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
 101 53F-2-601; and
 102 (v) charter school local replacement funding, described in Section 53F-2-702.
- 103 (2) (a) In or before December each year, the Executive Appropriations Committee shall
 104 determine:
- 105 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
 106 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
- 107 (b) The Executive Appropriations Committee shall make the determinations described in
 108 Subsection (2)(a) based on recommendations developed by the Office of the
 109 Legislative Fiscal Analyst, in consultation with the state board and the Governor's
 110 Office of Planning and Budget.
- 111 (3) If the Executive Appropriations Committee includes in the public education base budget
 112 or the final public education budget an increase in the value of the WPU in excess of the
 113 amounts described in Subsection (1)(a), the Executive Appropriations Committee shall
 114 also include an appropriation to the Local Levy Growth Account established in Section
 115 53F-9-305 in an amount equivalent to at least 0.5% of the total amount appropriated for
 116 WPUs in the relevant budget.

117 Section 3. Section **53F-7-203** is amended to read:

118 **53F-7-203 . Paid professional hours for educators.**

- 119 (1) As used in this section:
- 120 (a) "Paid professional hours" means hours outside of an educator's contracted hours.
 121 (b) "Qualifying time" means the hours spent engaged in professional learning, including:
 122 (i) time spent traveling for the professional learning; and
 123 (ii) time engaged in the professional learning.
 124 (c) "Qualifying time" does not include time spent:
 125 (i) outside of the professional learning environment; or
 126 (ii) between the professional learning activities or sessions once the professional
 127 learning has ended for the day;
- 128 (2) Subject to legislative appropriations, the state board shall provide funding to each LEA
 129 to provide additional paid professional hours to the following educators in accordance

130 with this section:

131 (a) general education and special education teachers;

132 (b) counselors;

133 (c) school administration;

134 (d) school specialists;

135 (e) student support;

136 (f) school psychologists;

137 (g) speech language pathologists; and

138 (h) audiologists.

139 ~~[(2)]~~ (3) The state board shall distribute funds appropriated to the state board under
140 Subsection 53F-9-204(6) to each LEA in proportion to the number of educators
141 described in Subsection ~~[(1)]~~ (2) within the LEA.

142 ~~[(3)]~~ (4) An LEA shall use funding under this section to provide paid professional hours that:

143 (a) provide educators with the knowledge and skills necessary to enable students to
144 succeed in a well-rounded education and to meet the challenging state academic
145 standards; and

146 (b) may include activities that:

147 (i) improve and increase an educator's:

148 (A) knowledge of the academic subjects the educator teaches;

149 (B) time to plan and prepare daily lessons based on student needs;

150 (C) understanding of how students learn; and

151 (D) ability to analyze student work and achievement from multiple sources,
152 including how to adjust instructional strategies, assessments, and materials
153 based on the analysis;

154 (ii) are an integral part of broad school-wide and LEA-wide educational improvement
155 plans;

156 (iii) allow personalized plans for each educator to address the educator's specific
157 needs identified in observation or other feedback;

158 (iv) advance educator understanding of:

159 (A) effective and evidence-based instructional strategies; and

160 (B) strategies for improving student academic achievement or substantially
161 increasing the knowledge and teaching skills of educators;

162 (v) are aligned with, and directly related to, academic goals of the school or LEA; [
163 and]

- 164 (vi) as determined between an educator and principal, use qualifying time for
 165 professional learning that follows a comprehensive evidence-based approach to
 166 improving an educator's effectiveness in raising student achievement, including:
 167 (A) trainings;
 168 (B) conferences;
 169 (C) seminars;
 170 (D) workshops; and
 171 (E) coursework that is not related to requirements for a degree from an institution
 172 of higher education; and
 173 ~~[(vi)]~~ (vii) include instruction in the use of data and assessments to inform and instruct
 174 classroom practice[-] ; and
 175 (c) may include expenses an educator incurs for professional learning, including:
 176 (i) registration fees;
 177 (ii) travel related expenses at the allowable rates established by the Division of
 178 Finance under Sections 63A-3-106 and 63A-3-107;
 179 (iii) required materials; and
 180 (iv) hourly pay for qualifying time equivalent to the educator's contracted hourly rate
 181 in the most recent school year.
- 182 ~~[(4)]~~ (5) (a) An educator shall:
 183 (i) on or before the fifth day of instruction in a given school year, create a plan, in
 184 consultation with the educator's principal, on how the educator plans to use paid
 185 professional hours provided under this section [~~during the school year~~]; and
 186 (ii) before the end of a given [~~school~~] fiscal year, provide a written statement to the
 187 educator's principal of how the educator used paid professional hours provided
 188 under this section [~~during the school year~~].
- 189 (b) (i) Subsection [~~(4)(a)(i)] (5)(a)(i) does not limit an educator who begins~~
 190 employment after the fifth day of instruction in a given year from receiving paid
 191 professional hours under this section.
 192 (ii) An LEA may prorate the paid professional hours of an educator who begins
 193 employment after the fifth day of instruction in a given year according to the
 194 portion of the school year for which the LEA employs the educator.

195 Section 4. Section **53G-11-501** is amended to read:

196 **53G-11-501 . Definitions.**

197 As used in this part:

- 198 (1) "Administrator" means an individual who supervises educators and holds an appropriate
199 license [~~issued by the state board.~~] .
- 200 (2) "Career educator" means a licensed employee who has a reasonable expectation of
201 continued employment under the policies of a local school board.
- 202 (3) "Career employee" means an employee of a school district who has obtained a
203 reasonable expectation of continued employment based upon Section 53G-11-503 and
204 an agreement with the employee or the employee's association, district practice, or
205 policy.
- 206 (4) "Chronically absent" means a student who:
- 207 (a) was enrolled in an LEA for at least 60 calendar days; and
- 208 (b) missed 10% or more days of instruction, whether the absence was excused or not.
- 209 [~~(4)~~] (5) "Contract term" or "term of employment" means the period of time during which an
210 employee is engaged by the school district under a contract of employment, whether oral
211 or written.
- 212 [~~(5)~~] (6) "Dismissal" or "termination" means:
- 213 (a) termination of the status of employment of an employee;
- 214 (b) failure to renew or continue the employment contract of a career employee beyond
215 the then-current school year;
- 216 (c) reduction in salary of an employee not generally applied to all employees of the same
217 category employed by the school district during the employee's contract term; or
- 218 (d) change of assignment of an employee with an accompanying reduction in pay, unless
219 the assignment change and salary reduction are agreed to in writing.
- 220 [~~(6)~~] (7) "Educator" means an individual employed by a school district who is required to
221 hold a professional license issued by the state board, except:
- 222 (a) a superintendent; or
- 223 (b) an individual who works less than three hours per day or is hired for less than half of
224 a school year.
- 225 [~~(7)~~] (8) (a) "Employee" means a career or provisional employee of a school district,
226 except as provided in Subsection (7)(b).
- 227 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not
228 include:
- 229 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
230 Blind;
- 231 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf

- 232 and the Blind; or
- 233 (iii) a temporary employee.
- 234 [(8)] (9) "Formative evaluation" means a planned, ongoing process which allows educators
- 235 to engage in reflection and growth of professional skills as related to the Utah Effective
- 236 Teaching Standards.
- 237 (10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the
- 238 termination of an employee who started to work for a district most recently before
- 239 terminating a more senior employee.
- 240 [(9)] (11) "Provisional educator" means an educator employed by a school district who has
- 241 not achieved status as a career educator within the school district.
- 242 [(10)] (12) "Provisional employee" means an individual, other than a career employee or a
- 243 temporary employee, who is employed by a school district.
- 244 [(11)] (13) "School board" means a local school board or, for the Utah Schools for the Deaf
- 245 and the Blind, the state board.
- 246 [(12)] (14) "School district" or "district" means:
- 247 (a) a public school district; or
- 248 (b) the Utah Schools for the Deaf and the Blind.
- 249 [(13)] (15) "Summative evaluation" means ~~[the annual evaluation that summarizes an~~
- 250 ~~educator's performance during a school year and that is used to make decisions related to~~
- 251 ~~the educator's employment.]~~ an evaluation that:
- 252 (a) a supervisor conducts;
- 253 (b) summarizes an educator's performance during an evaluation cycle; and
- 254 (c) a supervisor or school district may use to make decisions related to an educator's
- 255 employment.
- 256 [(14)] (16) "Temporary employee" means an individual who is employed on a temporary
- 257 basis as defined by policies adopted by the school board. If the class of employees in
- 258 question is represented by an employee organization recognized by the school board, the
- 259 school board shall adopt the school board's policies based upon an agreement with that
- 260 organization. Temporary employees serve at will and have no expectation of continued
- 261 employment.
- 262 [(15)] (17) (a) "Unsatisfactory performance" means a deficiency in performing work
- 263 tasks that may be:
- 264 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
- 265 (ii) remediated through training, study, mentoring, or practice.

266 (b) "Unsatisfactory performance" does not include the following conduct that is
 267 designated as a cause for termination under Section 53G-11-512 or a reason for
 268 license discipline by the state board or Utah Professional Practices Advisory
 269 Commission:

270 (i) a violation of work policies;

271 (ii) a violation of school board policies, state board rules, or law;

272 (iii) a violation of standards of ethical, moral, or professional conduct; or

273 (iv) insubordination.

274 Section 5. Section **53G-11-501.5** is amended to read:

275 **53G-11-501.5 . Legislative findings.**

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

280 (2) The state board and each local school board shall implement Sections 53G-11-501,
 281 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, [~~and~~] 53G-11-511,
 282 and 53G-11-520 in accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and
 283 (b), to:

284 (a) allow the educator and the school district to promote the professional growth of the
 285 educator; and

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

288 Section 6. Section **53G-11-502** is amended to read:

289 **53G-11-502 . Applicability.**

290 [~~Reserved~~] A local school board shall implement the educator evaluation process
 291 described in:

292 (1) Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and
 293 53G-11-511; or

294 (2) Section 53G-11-520.

295 Section 7. Section **53G-11-505** is amended to read:

296 **53G-11-505 . State board rules -- Reporting to Legislature.**

297 Subject to Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510,
 298 [~~and~~] 53G-11-511, [~~rules adopted by the state board~~] and 53G-11-520, the state board
 299 shall ensure that the rules the state board adopts under Section 53G-11-504 [~~shall~~]:

- 300 (1) provide general guidelines, requirements, and procedures for the development and
 301 implementation of employee evaluations;
- 302 (2) establish required components and allow for optional components of employee
 303 evaluations;
- 304 (3) require school districts to choose valid and reliable methods and tools to implement the
 305 evaluations; and
- 306 (4) establish a timeline for school districts to implement employee evaluations.

307 Section 8. Section **53G-11-507** is amended to read:

308 **53G-11-507 . Components of educator evaluation program.**

- 309 (1) A local school board in consultation with a joint committee established in Section
 310 53G-11-506 shall adopt a reliable and valid educator evaluation program that evaluates
 311 educators based on educator professional standards established by the state board and
 312 includes:
- 313 (a) a systematic annual evaluation of all provisional, probationary, and career educators;
- 314 (b) use of multiple lines of evidence, including:
- 315 (i) self-evaluation;
- 316 (ii) student and parent input;
- 317 (iii) for an administrator, employee input;
- 318 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
- 319 (v) evidence of professional growth and other indicators of instructional
 320 improvement based on educator professional standards established by the state
 321 board; and
- 322 (vi) student academic growth data;
- 323 (c) a summative evaluation that differentiates among [~~four~~] levels of performance; and
- 324 (d) for an administrator, the effectiveness of evaluating employee performance in a
 325 school or school district for which the administrator has responsibility.
- 326 (2) (a) An educator evaluation program described in Subsection (1) may include a
 327 reasonable number of peer observations.
- 328 (b) An educator evaluation program described in Subsection (1) may not use
 329 end-of-level assessment scores in educator evaluation.

330 Section 9. Section **53G-11-511** is amended to read:

331 **53G-11-511 . Rulemaking for privacy protection.**

- 332 [~~(1) A school district shall report to the state board the number and percent of educators in~~
 333 ~~each of the four levels of performance assigned under Section 53G-11-508.]~~

334 ~~[(2) The data reported under Subsection (1) shall be separately reported for the following~~
 335 ~~educator classifications:]~~

336 ~~[(a) administrators;]~~

337 ~~[(b) teachers, including separately reported data for provisional teachers and career~~
 338 ~~teachers; and]~~

339 ~~[(c) other classifications or demographics of educators as determined by the state board.]~~

340 ~~[(3) The state superintendent shall include the data reported by school districts under this~~
 341 ~~section in the State Superintendent's Annual Report required by Section 53E-3-301. (4)]~~ In
 342 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state
 343 board shall make rules to ensure the privacy and protection of individual evaluation data.

344 Section 10. Section **53G-11-512** is amended to read:

345 **53G-11-512 . Local school board to establish dismissal procedures.**

346 (1) A local school board shall, by contract with its employees or their associations, or by
 347 resolution of the local school board, establish procedures for dismissal of employees in
 348 an orderly manner without discrimination.

349 (2) The local school board shall ensure that the procedures ~~[shall]~~ described in Subsection
 350 (1) include:

351 (a) standards of due process;

352 (b) causes for dismissal; and

353 (c) procedures and standards related to developing and implementing a plan of
 354 assistance for a career employee whose performance is unsatisfactory.

355 (3) ~~[Procedures]~~ The local school board shall ensure that the procedures and standards for a
 356 plan of assistance adopted under Subsection (2)(c) ~~[shall]~~ require a plan of assistance to
 357 identify:

358 (a) specific, measurable, and actionable deficiencies;

359 (b) the available resources provided for improvement; and

360 (c) a course of action to improve employee performance.

361 (4) If a career employee exhibits both unsatisfactory performance as described in
 362 Subsection ~~[53G-11-501(15)(a)]~~ 53G-11-501(16)(a) and conduct described in Subsection [
 363 ~~53G-11-501(15)(b)]~~ 53G-11-501(16)(b), an employer:

364 (a) may:

365 (i) attempt to remediate the conduct of the career employee; or

366 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
 367 with procedures established by the local school board; and

- 368 (b) is not required to develop and implement a plan of assistance for the career
 369 employee, as provided in Section 53G-11-514.
- 370 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
 371 remediated, and unsatisfactory performance issues remain, an employer shall develop
 372 and implement a plan of assistance for the career employee, as provided in Section
 373 53G-11-514.
- 374 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
 375 remediated, an employer:
- 376 (a) may dismiss the career employee for cause in accordance with procedures
 377 established by the local school board that include standards of due process and causes
 378 for dismissal; and
- 379 (b) is not required to develop and implement a plan of assistance for the career
 380 employee, as provided in Section 53G-11-514.

381 Section 11. Section **53G-11-518** is amended to read:

382 **53G-11-518 . State board to make rules on performance compensation.**

- 383 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 384 state board shall make rules requiring a school district's employee compensation system
 385 to be aligned with the district's annual evaluation system described in Section
 386 53G-11-507.
- 387 (2) ~~[Rules adopted]~~ The state board shall ensure that rules the state board adopts under
 388 Subsection (1) ~~[shall]~~:
- 389 (a) establish a timeline for developing and implementing an employee compensation
 390 system that is aligned with an annual evaluation system; and
- 391 (b) provide that ~~[beginning no later than the 2016-17 school year]~~:
- 392 (i) any advancement on an adopted wage or salary schedule:
- 393 (A) shall be based primarily on an evaluation; and
- 394 (B) may not be based on end-of-level assessment scores; and
- 395 (ii) an employee may not advance on an adopted wage or salary schedule if the
 396 employee's rating on the most recent evaluation is at the lowest level of an
 397 evaluation instrument.

398 Section 12. Section **53G-11-519** is amended to read:

399 **53G-11-519 . Utah Recognizing Inspiring School Employees Award.**

- 400 (1) As used in this section:
- 401 (a) "Association" means the governing board of the association that represents a

- 402 majority of classified school employees employed in the state.
- 403 (b) "Classified school employee" means the same as that term is defined in the
404 Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6682.
- 405 (c) "Eligible individual" means a classified school employee who meets the eligibility
406 requirements to be a nominee for the Recognizing Achievement in Classified School
407 Employees Act, 20 U.S.C. Sec. 6681 et seq.
- 408 (2) (a) In accordance with the Recognizing Achievement in Classified School
409 Employees Act, 20 U.S.C. Sec. 6681 et seq., the governor shall annually nominate a
410 classified school employee for the Recognizing Inspiring School Employees Award
411 Program.
- 412 (b) The governor shall consider submissions from the association in making the
413 nomination described in Subsection (2)(a).
- 414 (c) The association shall submit a list of eligible individuals to the governor no later than
415 September 1 each year[~~, beginning on September 1, 2020~~].
- 416 (3) (a) There is created the Utah Recognizing Inspiring School Employees Award
417 Program to recognize excellence exhibited by public school system employees
418 providing services to students in pre-kindergarten through grade 12.
- 419 (b) The Utah Recognizing Inspiring School Employees Award shall be awarded to the
420 governor's nominee for the federal Recognizing Inspiring School Employees Award
421 Program under the Recognizing Achievement in Classified School Employees Act,
422 20 U.S.C. Sec. 6681 et seq.

423 Section 13. Section **53G-11-520** is enacted to read:

424 **53G-11-520 . Alternative educator evaluation process.**

- 425 (1) As described in Section 53G-11-502, a school district may choose to perform an
426 educator evaluation as described in this section.
- 427 (2) A school district that chooses the educator evaluation process described in this section is
428 exempt from the requirements described in Sections 53G-11-506, 53G-11-507,
429 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511.
- 430 (3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative
431 Rulemaking Act, the state board shall make rules that:
- 432 (a) describe a framework for the evaluation of educators in accordance with Part 3,
433 Licensed Employee Requirements, and this section;
- 434 (b) require an educator's summative evaluation to be based on:
- 435 (i) educator professional standards established by the state board; and

- 436 (ii) the requirements described in Subsections (9) and (10);
- 437 (c) establish standards for an independent review of an educator's summative evaluation;
- 438 and
- 439 (d) ensure the privacy and protection of individual evaluation data.
- 440 (4) A school district shall develop an educator evaluation program in consultation with the
- 441 school district's joint committee.
- 442 (5) A school district shall ensure the joint committee described in Subsection (4) consists of
- 443 an equal number of classroom teachers, parents, and administrators the school district
- 444 appoints.
- 445 (6) A school district may appoint members of the joint committee from:
- 446 (a) a list of nominees who are classroom teachers, created through a vote of teachers in a
- 447 nomination election;
- 448 (b) a list of nominees who are administrators, created through a vote of administrators in
- 449 a nomination election; and
- 450 (c) a list of nominees who are parents that school community councils within the school
- 451 district submit to the school district.
- 452 (7) Subject to Subsection (8), the joint committee may:
- 453 (a) adopt or adapt an evaluation program for educators based on a model the state board
- 454 develops; or
- 455 (b) create the school district's own evaluation program for educators.
- 456 (8) A school district shall ensure that an evaluation program the joint committee develops
- 457 complies with the requirements of this section including the rules the state board adopts
- 458 under Subsection (3).
- 459 (9) A school district, in consultation with a joint committee described in Subsection (4),
- 460 shall adopt a reliable and valid educator evaluation program that evaluates educators
- 461 based on educator professional standards the state board establishes, including:
- 462 (a) an annual formative assessment for an educator, a provisional educator, and a career
- 463 educator;
- 464 (b) as described in Subsections (11), (12), and (13), a summative assessment for an
- 465 educator that occurs at least once every four years;
- 466 (c) use of multiple lines of evidence, including:
- 467 (i) self-evaluation;
- 468 (ii) student and parent input;
- 469 (iii) for an administrator, employee input;

- 470 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
471 (v) evidence of professional growth and other indicators of instructional
472 improvement; and
473 (vi) student academic growth data;
474 (d) a summative evaluation that differentiates among levels of performance; and
475 (e) for an administrator, the effectiveness of evaluating employee performance in a
476 school or school district for which the administrator has responsibility.
477 (10) A school district, in relation to an educator evaluation program described in Subsection
478 (9):
479 (a) may include a reasonable number of peer observations; and
480 (b) may not use:
481 (i) end-of-level assessment scores; or
482 (ii) the data of a student that is chronically absent.
483 (11) The individual whom the school district and joint committee designate to be
484 responsible for administering an educator's summative evaluation shall:
485 (a) at least 15 days before an educator's first evaluation:
486 (i) notify the educator of the evaluation process; and
487 (ii) give the educator a copy of a relevant evaluation instrument;
488 (b) allow the educator to respond to any part of the evaluation;
489 (c) attach the educator's response to the evaluation if the educator provides a response in
490 writing;
491 (d) within 15 days after the day on which the evaluation process is complete, discuss the
492 written evaluation with the educator; and
493 (e) based upon the educator's performance, assign to the educator one of the levels of
494 performance required in Subsection (9)(d).
495 (12) (a) An educator who is not satisfied with a summative evaluation may request a
496 review of the evaluation within 15 days after receiving the written evaluation.
497 (b) (i) If an educator requests a review in accordance with Subsection (12), the school
498 district superintendent or the superintendent's designee shall appoint an individual
499 whom the school district does not employ who has expertise in teacher or
500 personnel evaluation to review the evaluation procedures and make
501 recommendations to the superintendent regarding the educator's summative
502 evaluation.
503 (ii) The individual conducting a review of an educator's summative evaluation under

504 Subsection (12)(b)(i) shall conduct the review in accordance with the rules that the
 505 state board makes under Subsection (3).

506 (13) (a) In accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), the
 507 principal or immediate supervisor of a provisional educator shall assign an individual
 508 who has received training or will receive training in mentoring educators as a mentor
 509 to the provisional educator.

510 (b) Where possible, the principal or immediate supervisor described in Subsection
 511 (13)(a) shall assign as a mentor a career educator who:

512 (i) performs substantially the same duties as the provisional educator; and
 513 (ii) has at least three years of educational experience.

514 (c) The mentor described in this Subsection (13):

515 (i) shall assist the provisional educator to become effective and competent in the
 516 teaching profession and school system; and
 517 (ii) may not serve as an evaluator of the provisional educator.

518 (d) An educator who is assigned as a mentor described in this Subsection (13) may
 519 receive compensation for mentor services in addition to the educator's regular salary.

520 (14) The state board shall:

521 (a) consult with school districts; and

522 (b) report to the Education Interim Committee's November 2028 committee meeting
 523 regarding:

524 (i) implementation of the alternative educator evaluation process; and
 525 (ii) making recommendations for needed changes.

526 Section 14. Section **63I-2-253** is amended to read:

527 **63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

528 (1) Section 53-1-118 is repealed on July 1, 2024.

529 (2) Section 53-1-120 is repealed on July 1, 2024.

530 (3) Section 53-7-109 is repealed on July 1, 2024.

531 (4) Section 53-22-104 is repealed December 31, 2023.

532 (5) Section 53B-6-105.7 is repealed July 1, 2024.

533 (6) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July
 534 1, 2023.

535 (7) Section 53B-8-114 is repealed July 1, 2024.

536 (8) The following provisions, regarding the Regents' scholarship program, are repealed on
 537 July 1, 2023:

- 538 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship
539 established under Sections 53B-8-202 through 53B-8-205";
- 540 (b) Section 53B-8-202;
- 541 (c) Section 53B-8-203;
- 542 (d) Section 53B-8-204; and
- 543 (e) Section 53B-8-205.
- 544 (9) Section 53B-10-101 is repealed on July 1, 2027.
- 545 (10) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and
546 Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 547 (11) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee
548 evaluation and recommendations, is repealed January 1, 2024.
- 549 (12) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed
550 July 1, 2024.
- 551 (13) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU
552 add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 553 (14) Subsection 53F-2-504(11), regarding a report on the Salary Supplement for Highly
554 Needed Educators, is repealed on July 1, 2026.
- 555 ~~[(14)]~~ (15) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is
556 repealed July 1, 2024.
- 557 ~~[(15)]~~ (16) Section 53F-5-221, regarding a management of energy and water pilot program,
558 is repealed July 1, 2028.
- 559 ~~[(16)]~~ (17) Section 53F-9-401 is repealed on July 1, 2024.
- 560 ~~[(17)]~~ (18) Section 53F-9-403 is repealed on July 1, 2024.
- 561 (19) Subsection 53G-11-502(1), regarding implementation of the educator evaluation
562 process, is repealed on July 1, 2029.
- 563 (20) Section 53G-11-506, Establishment of educator evaluation program -- Joint
564 committee, is repealed on July 1, 2029.
- 565 (21) Section 53G-11-507, Components of educator evaluation program, is repealed on July
566 1, 2029.
- 567 (22) Section 53G-11-508, Summative evaluation timelines -- Review of summative
568 evaluations, is repealed on July 1, 2029.
- 569 (23) Section 53G-11-509, Mentor for provisional educator, is repealed on July 1, 2029.
- 570 (24) Section 53G-11-510, State board to describe a framework for the evaluation of
571 educators, is repealed on July 1, 2029.

- 572 (25) Section 53G-11-511, Report of performance levels, is repealed on July 1, 2029.
- 573 (26) Subsections 53G-11-520(1) and (2), regarding optional alternative educator evaluation
 574 processes, are repealed on July 1, 2029.
- 575 [(18)] (27) On July 1, 2023, when making changes in this section, the Office of Legislative
 576 Research and General Counsel shall, in addition to the office's authority under Section
 577 36-12-12, make corrections necessary to ensure that sections and subsections identified
 578 in this section are complete sentences and accurately reflect the office's perception of the
 579 Legislature's intent.
- 580 Section 15. Section **63I-2-253** is amended to read:
 581 **63I-2-253 . Repeal dates: Titles 53 through 53G.**
- 582 (1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1,
 583 2024.
- 584 (2) Section 53-1-118 is repealed on July 1, 2024.
- 585 (3) Section 53-1-120 is repealed on July 1, 2024.
- 586 (4) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1, 2024.
- 587 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 53-2d-702(1)(a)
 588 is amended to read:
- 589 "(a) provide the patient or the patient's representative with the following information
 590 before contacting an air medical transport provider:
- 591 (i) which health insurers in the state the air medical transport provider contracts with;
 592 (ii) if sufficient data is available, the average charge for air medical transport services for a
 593 patient who is uninsured or out of network; and
 594 (iii) whether the air medical transport provider balance bills a patient for any charge not paid
 595 by the patient's health insurer; and".
- 596 (6) Section 53-7-109 is repealed on July 1, 2024.
- 597 (7) Section 53-22-104 is repealed December 31, 2023.
- 598 (8) Section 53B-6-105.7 is repealed July 1, 2024.
- 599 (9) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July
 600 1, 2023.
- 601 (10) Section 53B-8-114 is repealed July 1, 2024.
- 602 (11) The following provisions, regarding the Regents' scholarship program, are repealed on
 603 July 1, 2023:
- 604 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship
 605 established under Sections 53B-8-202 through 53B-8-205";

- 606 (b) Section 53B-8-202;
- 607 (c) Section 53B-8-203;
- 608 (d) Section 53B-8-204; and
- 609 (e) Section 53B-8-205.
- 610 (12) Section 53B-10-101 is repealed on July 1, 2027.
- 611 (13) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and
612 Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 613 (14) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee
614 evaluation and recommendations, is repealed January 1, 2024.
- 615 (15) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed
616 July 1, 2024.
- 617 (16) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU
618 add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 619 (17) Subsection 53F-2-504(11), regarding a report on the Salary Supplement for Highly
620 Needed Educators, is repealed on July 1, 2026.
- 621 ~~[(17)]~~ (18) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is
622 repealed July 1, 2024.
- 623 ~~[(18)]~~ (19) Section 53F-5-221, regarding a management of energy and water pilot program,
624 is repealed July 1, 2028.
- 625 ~~[(19)]~~ (20) Section 53F-9-401 is repealed on July 1, 2024.
- 626 ~~[(20)]~~ (21) Section 53F-9-403 is repealed on July 1, 2024.
- 627 (22) Subsection 53G-11-502(1), regarding implementation of the educator evaluation
628 process, is repealed on July 1, 2029.
- 629 (23) Section 53G-11-506, Establishment of educator evaluation program -- Joint
630 committee, is repealed on July 1, 2029.
- 631 (24) Section 53G-11-507, Components of educator evaluation program, is repealed on July
632 1, 2029.
- 633 (25) Section 53G-11-508, Summative evaluation timelines -- Review of summative
634 evaluations, is repealed on July 1, 2029.
- 635 (26) Section 53G-11-509, Mentor for provisional educator, is repealed on July 1, 2029.
- 636 (27) Section 53G-11-510, State board to describe a framework for the evaluation of
637 educators, is repealed on July 1, 2029.
- 638 (28) Section 53G-11-511, Report of performance levels, is repealed on July 1, 2029.
- 639 (29) Subsections 53G-11-520(1) and (2), regarding optional alternative educator evaluation

640 processes, are repealed on July 1, 2029.
641 [(21)] (30) On July 1, 2023, when making changes in this section, the Office of Legislative
642 Research and General Counsel shall, in addition to the office's authority under Section
643 36-12-12, make corrections necessary to ensure that sections and subsections identified
644 in this section are complete sentences and accurately reflect the office's perception of the
645 Legislature's intent.

646 Section 16. **Repealer.**

647 This bill repeals:

648 Section **53G-11-504.1, Waiver of employee evaluation requirement.**

649 Section 17. **Effective date.**

650 This bill takes effect on July 1, 2024.