

TEACHER EMPOWERMENT

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends or creates 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;
- ▶ allows a local education agency (school district) to create policies that conflict with federal guidance under certain circumstances;
- ▶ creates a litigation fund for and indemnifies an LEA under certain circumstances;
- ▶ requires an LEA to amend the LEA's discipline policy to empower a teacher in classroom discipline;
- ▶ 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:

This bill appropriates in fiscal year 2025:

- ▶ to Basic School Program - Uniform School Fund Restricted - Public Education Economic Stabilization Restricted Account - Litigation Account as a one-time appropriation:



28 • from the Public Education Economic Stabilization Restricted Account,
29 One-time, \$10,000,000

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **53F-2-203**, as last amended by Laws of Utah 2022, Chapter 456
- 35 **53F-2-208**, as last amended by Laws of Utah 2023, Chapters 129, 161 and 356
- 36 **53F-7-203**, as last amended by Laws of Utah 2023, Chapter 348
- 37 **53G-8-202**, as last amended by Laws of Utah 2019, Chapters 293, 446
- 38 **53G-11-501**, as last amended by Laws of Utah 2020, Chapter 354
- 39 **53G-11-501.5**, as last amended by Laws of Utah 2019, Chapter 293
- 40 **53G-11-502**, as enacted by Laws of Utah 2018, Chapter 3
- 41 **53G-11-505**, as last amended by Laws of Utah 2021, Chapter 251
- 42 **53G-11-507**, as last amended by Laws of Utah 2019, Chapter 293
- 43 **53G-11-511**, as last amended by Laws of Utah 2020, Chapter 408
- 44 **53G-11-512**, as last amended by Laws of Utah 2019, Chapter 293
- 45 **53G-11-518**, as last amended by Laws of Utah 2020, Chapter 408
- 46 **53G-11-519**, as enacted by Laws of Utah 2020, Chapter 73
- 47 **63I-2-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7,
- 48 21, 33, 142, 167, 168, 380, 383, and 467
- 49 **63I-2-253 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21,
- 50 33, 142, 167, 168, 310, 380, 383, and 467

51 ENACTS:

- 52 **53F-9-207**, Utah Code Annotated 1953
- 53 **53G-2-103**, Utah Code Annotated 1953
- 54 **53G-11-520 (Effective 07/01/24)**, Utah Code Annotated 1953

55 REPEALS:

- 56 **53G-11-504.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10



57
58 *Be it enacted by the Legislature of the state of Utah:*

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

60 **53F-2-203. Reduction of LEA governing board allocation based on insufficient**
61 **revenues.**

62 (1) As used in this section, "Minimum School Program funds" means the total of state
63 and local funds appropriated for the Minimum School Program, excluding:

64 (a) an appropriation for a state guaranteed local levy increment as described in Section
65 [53F-2-601](#); and

66 (b) the appropriation to charter schools to replace local property tax revenues pursuant
67 to Section [53F-2-704](#).

68 (2) If the Legislature reduces appropriations made to support public schools under this
69 chapter because an Income Tax Fund budget deficit, as defined in Section [63J-1-312](#), exists,
70 the state board, after consultation with each LEA governing board, shall allocate the reduction
71 among school districts and charter schools in proportion to each school district's or charter
72 school's percentage share of Minimum School Program funds.

73 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
74 (7), an LEA governing board shall determine which programs are affected by a reduction
75 pursuant to Subsection (2) and the amount each program is reduced.

76 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
77 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

78 (5) An LEA governing board may not reduce or reallocate spending of funds
79 distributed to the school district or charter school for the following programs:

80 (a) educator salary adjustments provided in Section [53F-2-405](#);

81 (b) the [~~Teacher Salary Supplement Program~~] Salary Supplement for Highly Needed
82 Educators Program provided in Section [53F-2-504](#);

83 (c) the extended year for special educators provided in Section [53F-2-310](#);

84 (d) the School LAND Trust Program described in Sections [53F-2-404](#) and
85 [53G-7-1206](#); or

86 (e) a special education program within the basic school program.

87 (6) An LEA governing board may not reallocate spending of funds distributed to the
88 school district or charter school to a reserve account.

89 (7) An LEA governing board that reduces or reallocates funds in accordance with this

90 section shall report all transfers into, or out of, Minimum School Program programs to the state
91 board as part of the school district or charter school's Annual Financial and Program report.

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

93 **53F-2-208. Cost of adjustments for growth and inflation.**

94 (1) In accordance with Subsection (2), the Legislature shall annually determine:

95 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
96 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations
97 to the following programs:

98 (i) education for youth in custody, described in Section [53E-3-503](#);

99 (ii) concurrent enrollment courses for accelerated foreign language students described
100 in Section [53E-10-307](#);

101 (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);

102 (iv) the Adult Education Program, described in Section [53F-2-401](#);

103 (v) state support of pupil transportation, described in Section [53F-2-402](#);

104 (vi) the Enhancement for Accelerated Students Program, described in Section
105 [53F-2-408](#);

106 (vii) the Concurrent Enrollment Program, described in Section [53F-2-409](#);

107 (viii) the juvenile gang and other violent crime prevention and intervention program,
108 described in Section [53F-2-410](#); and

109 (ix) dual language immersion, described in Section [53F-2-502](#); and

110 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
111 the current fiscal year's ongoing state tax fund appropriations to the following programs:

112 (i) a program described in Subsection (1)(a);

113 (ii) educator salary adjustments, described in Section [53F-2-405](#);

114 (iii) the [~~Teacher Salary Supplement Program~~] Salary Supplement for Highly Needed
115 Educators Program, described in Section [53F-2-504](#);

116 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
117 [53F-2-601](#); and

118 (v) charter school local replacement funding, described in Section [53F-2-702](#).

119 (2) (a) In or before December each year, the Executive Appropriations Committee shall
120 determine:

121 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
 122 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
 123 (b) The Executive Appropriations Committee shall make the determinations described
 124 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
 125 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
 126 Budget.

127 (3) If the Executive Appropriations Committee includes in the public education base
 128 budget or the final public education budget an increase in the value of the WPU in excess of
 129 the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also
 130 include an appropriation to the Local Levy Growth Account established in Section 53F-9-305
 131 in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the
 132 relevant budget.

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

134 **53F-7-203. Paid professional hours for educators.**

135 (1) As used in this section:

136 (a) "Paid professional hours" means hours outside of an educator's contracted hours.

137 (b) "Qualifying time" means the hours spent engaged in professional learning
 138 including:

139 (i) time spent traveling for the professional learning; and

140 (ii) time engaged in the professional learning.

141 (c) "Qualifying time" does not include time spent:

142 (i) outside of the professional learning environment; or

143 (ii) between the professional learning activities or sessions once the professional
 144 learning has ended for the day;

145 (2) Subject to legislative appropriations, the state board shall provide funding to each
 146 LEA to provide additional paid professional hours to the following educators in accordance
 147 with this section:

148 (a) general education and special education teachers;

149 (b) counselors;

150 (c) school administration;

151 (d) school specialists;

- 152 (e) student support;
- 153 (f) school psychologists;
- 154 (g) speech language pathologists; and
- 155 (h) audiologists.

156 ~~[(2)]~~ (3) The state board shall distribute funds appropriated to the state board under
 157 Subsection ~~53F-9-204~~(6) to each LEA in proportion to the number of educators described in
 158 Subsection ~~[(1)]~~ (2) within the LEA.

159 ~~[(3)]~~ (4) An LEA shall use funding under this section to provide paid professional
 160 hours that:

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

163 (b) may include activities that:

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

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

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

167 (C) understanding of how students learn; and

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

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

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

174 (iv) advance educator understanding of:

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

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

178 (v) are aligned with, and directly related to, academic goals of the school or LEA;

179 (vi) as determined between an educator and principal, use qualifying time for
 180 professional learning that follows a comprehensive evidence-based approach to improving an
 181 educator's effectiveness in raising student achievement including:~~[and]~~

182 (A) trainings;

183 (B) conferences;
 184 (C) seminars;
 185 (D) workshops; and
 186 (E) coursework that is not related to requirements for a degree from an institution of
 187 higher education; and
 188 ~~[(vi)]~~ (vii) include instruction in the use of data and assessments to inform and instruct
 189 classroom practice[-]; and
 190 (c) may include expenses an educator incurs for professional learning including:
 191 (i) registration fees;
 192 (ii) travel related expenses at the allowable rates established by the Division of Finance
 193 under Sections [63A-3-106](#) and [63A-3-107](#);
 194 (iii) required materials; and
 195 (iv) hourly pay for qualifying time equivalent to the educator's contracted hourly rate in
 196 the most recent school year.
 197 ~~[(4)]~~ (5) (a) An educator shall:
 198 (i) on or before the fifth day of instruction in a given school year, create a plan, in
 199 consultation with the educator's principal, on how the educator plans to use paid professional
 200 hours provided under this section [~~during the school year~~]; and
 201 (ii) before the end of a given [~~school~~] fiscal year, provide a written statement to the
 202 educator's principal of how the educator used paid professional hours provided under this
 203 section [~~during the school year~~].
 204 (b) (i) Subsection ~~[(4)(a)(i)]~~ (5)(a)(i) does not limit an educator who begins
 205 employment after the fifth day of instruction in a given year from receiving paid professional
 206 hours under this section.
 207 (ii) An LEA may prorate the paid professional hours of an educator who begins
 208 employment after the fifth day of instruction in a given year according to the portion of the
 209 school year for which the LEA employs the educator.
 210 Section 4. Section **53F-9-207** is enacted to read:
 211 **53F-9-207. Litigation Account -- Access to the account.**
 212 (1) (a) There is created within the Uniform School Fund a restricted account known as
 213 the "Litigation Account" to provide help to LEAs with needs for litigation related to policies or

214 actions described in Section 53G-2-103.

215 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
216 state board, in consultation with the state risk manager and the Attorney General's Office, shall
217 make rules to determine how to prioritize funding requests from LEAs to use the Litigation
218 Account.

219 (2) The state board may not allocate funds from the Litigation Account that exceed an
220 LEA's litigation expenses less any expenses covered by a coverage agreement issued by the
221 State Risk Management Fund.

222 (3) In order to receive money from the Litigation Account, an LEA shall:

223 (a) submit to the state board an itemized request for all litigation expenses incurred and
224 which expenses the LEA is seeking be covered though the litigation fund;

225 (b) provide documentation explaining the reason for the litigation; and

226 (c) submit any other information the LEA determines is relevant to the funding request.

227 (4) (a) The state board shall establish a committee, including representatives from the
228 state board, Division of Risk Management, and the Attorney General's office, to:

229 (i) review a request by an LEA; and

230 (ii) make recommendations regarding approval or disapproval of an award from the
231 litigation fund; and

232 (b) if the committee recommends approval of a funding request application under
233 Subsection (4)(a)(ii), the committee's recommendation shall include:

234 (i) the amount of the award; and

235 (ii) any required conditions for the award.

236 Section 5. Section **53G-2-103** is enacted to read:

237 **53G-2-103. LEA Policies -- Indemnification.**

238 (1) An LEA may adopt a policy and take actions that conflict with non-legally binding
239 federal guidance, including non-regulatory letters, recommendations, or statements that a
240 federal agency or official makes generally or to a specific LEA.

241 (2) The state shall defend, indemnify, and hold harmless a person or entity acting under
242 color of state law to execute or enforce this section for any claims or damages, including court
243 costs and attorney fees, that:

244 (a) arise as a result of this section; and

245 (b) are not covered by the person or entity's insurance policies or any coverage
 246 agreement that the State Risk Management Fund issues.

247 (3) The state may use funds in the Litigation Account as described in Section
 248 53F-9-207 to comply with this section.

249 Section 6. Section **53G-8-202** is amended to read:

250 **53G-8-202. Public school discipline policies -- Basis of the policies --**
 251 **Enforcement.**

252 (1) The Legislature recognizes that every student in the public schools should have the
 253 opportunity to learn in an environment which is safe, conducive to the learning process, and
 254 free from unnecessary disruption.

255 (2) (a) To foster such an environment, each [~~local school board or charter school~~] LEA
 256 governing board, with input from school employees, parents of students, students, and the
 257 community at large, shall adopt conduct and discipline policies for the public schools in
 258 accordance with Section 53G-8-211.

259 (b) [~~A district or charter school~~] An LEA shall base [its] the LEA's policies on the
 260 principle that every student is expected:

261 (i) to follow accepted standards of conduct; and

262 (ii) to show respect for other people and to obey persons in authority at the school.

263 (c) (i) [~~On or before September 1, 2015, the~~] The state board shall [revise] ensure the
 264 conduct and discipline policy models for elementary and secondary public schools [~~to include~~]
 265 includes procedures for responding to reports received through the SafeUT Crisis Line under
 266 Subsection 53B-17-1202(3).

267 (ii) Each [~~district or charter school~~] LEA shall use the models described in Subsection
 268 (2)(c)(i), where appropriate, in developing its conduct and discipline policies under this
 269 chapter.

270 (d) The state board shall ensure that the policies [shall] described in Subsection
 271 (2)(c)(i):

272 (i) emphasize that certain behavior, most particularly behavior which disrupts, is
 273 unacceptable and may result in disciplinary action[-]; and

274 (ii) provide for the direct empowerment and training of an educator to be able to refer a
 275 student to an appropriate intervention or request the removal of a student from the classroom

276 including:

277 (A) as described in Subsection (2)(e), the circumstances for which a referral to a
278 behavioral team or removal is appropriate;

279 (B) a system with levels of appropriate interventions that match the severity of offenses
280 a student commits;

281 (C) for removal from a classroom, the allowable period of time for removal as outlined
282 in the LEA's policy and in accordance with Section [53G-8-207](#); and

283 (D) the protocol an educator shall follow including a de-escalation protocol an educator
284 shall follow to regain management of the classroom from a disruption.

285 (e) In accordance with state and federal law, an LEA may not limit an educator's ability
286 to refer or remove a student from the educator's classroom more than the same ability of a
287 school administrator.

288 (3) The local superintendent and designated employees of the district or charter school
289 shall enforce the policies so that students demonstrating unacceptable behavior and their
290 parents understand that such behavior will not be tolerated and will be dealt with in accordance
291 with the district's conduct and discipline policies.

292 Section 7. Section **53G-11-501** is amended to read:

293 **53G-11-501. Definitions.**

294 As used in this part:

295 (1) "Administrator" means an individual who supervises educators and holds an
296 appropriate license [~~issued by the state board.~~]

297 (2) "Career educator" means a licensed employee who has a reasonable expectation of
298 continued employment under the policies of a local school board.

299 (3) "Career employee" means an employee of a school district who has obtained a
300 reasonable expectation of continued employment based upon Section [53G-11-503](#) and an
301 agreement with the employee or the employee's association, district practice, or policy.

302 (4) "Contract term" or "term of employment" means the period of time during which an
303 employee is engaged by the school district under a contract of employment, whether oral or
304 written.

305 (5) "Dismissal" or "termination" means:

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

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

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

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

313 (6) "Educator" means an individual employed by a school district who is required to
314 hold a professional license issued by the state board, except:

315 (a) a superintendent; or

316 (b) an individual who works less than three hours per day or is hired for less than half
317 of a school year.

318 (7) (a) "Employee" means a career or provisional employee of a school district, except
319 as provided in Subsection (7)(b).

320 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not
321 include:

322 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
323 Blind;

324 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
325 and the Blind; or

326 (iii) a temporary employee.

327 (8) "Formative evaluation" means a planned, ongoing process which allows educators
328 to engage in reflection and growth of professional skills as related to the Utah Effective
329 Teaching Standards.

330 (9) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates
331 the termination of an employee who started to work for a district most recently before
332 terminating a more senior employee.

333 [~~9~~] (10) "Provisional educator" means an educator employed by a school district who
334 has not achieved status as a career educator within the school district.

335 [~~10~~] (11) "Provisional employee" means an individual, other than a career employee
336 or a temporary employee, who is employed by a school district.

337 [~~11~~] (12) "School board" means a local school board or, for the Utah Schools for the

338 Deaf and the Blind, the state board.

339 ~~[(12)]~~ (13) "School district" or "district" means:

340 (a) a public school district; or

341 (b) the Utah Schools for the Deaf and the Blind.

342 ~~[(13)]~~ (14) "Summative evaluation" means ~~[the annual evaluation that summarizes an~~
343 ~~educator's performance during a school year and that is used to make decisions related to the~~
344 ~~educator's employment.]~~ an evaluation that:

345 (a) a supervisor conducts;

346 (b) summarizes an educator's performance during an evaluation cycle; and

347 (c) a supervisor or school district may use to make decisions related to an educator's
348 employment.

349 ~~[(14)]~~ (15) "Temporary employee" means an individual who is employed on a
350 temporary basis as defined by policies adopted by the school board. If the class of employees
351 in question is represented by an employee organization recognized by the school board, the
352 school board shall adopt the school board's policies based upon an agreement with that
353 organization. Temporary employees serve at will and have no expectation of continued
354 employment.

355 ~~[(15)]~~ (16) (a) "Unsatisfactory performance" means a deficiency in performing work
356 tasks that may be:

357 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

358 (ii) remediated through training, study, mentoring, or practice.

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

362 (i) a violation of work policies;

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

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

365 (iv) insubordination.

366 Section 8. Section 53G-11-501.5 is amended to read:

367 **53G-11-501.5. Legislative findings.**

368 (1) The Legislature finds that the effectiveness of public educators can be improved

369 and enhanced by providing specific feedback and support for improvement through a
 370 systematic, fair, and competent [annual] evaluation and remediation of public educators whose
 371 performance is inadequate.

372 (2) The state board and each local school board shall implement Sections [53G-11-501](#),
 373 [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), [and] [53G-11-511](#), and
 374 [53G-11-520](#) in accordance with Subsections [53E-2-302\(7\)](#) and [53E-6-103\(2\)\(a\)](#) and (b), to:

375 (a) allow the educator and the school district to promote the professional growth of the
 376 educator; and

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

379 Section 9. Section **53G-11-502** is amended to read:

380 **53G-11-502. Applicability.**

381 [Reserved] An local school board shall implement the educator evaluation process
 382 described in:

383 (1) Sections [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and
 384 [53G-11-511](#); or

385 (2) Section [53G-11-520](#).

386 Section 10. Section **53G-11-505** is amended to read:

387 **53G-11-505. State board rules -- Reporting to Legislature.**

388 Subject to Sections [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#), [53G-11-510](#),
 389 [and] [53G-11-511](#), [~~rules adopted by the state board~~] and [53G-11-520](#), the state board shall
 390 ensure that the rules the state board adopts under Section [53G-11-504](#) [~~shall~~]:

391 (1) provide general guidelines, requirements, and procedures for the development and
 392 implementation of employee evaluations;

393 (2) establish required components and allow for optional components of employee
 394 evaluations;

395 (3) require school districts to choose valid and reliable methods and tools to implement
 396 the evaluations; and

397 (4) establish a timeline for school districts to implement employee evaluations.

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

399 **53G-11-507. Components of educator evaluation program.**

400 (1) A local school board in consultation with a joint committee established in Section
401 53G-11-506 shall adopt a reliable and valid educator evaluation program that evaluates
402 educators based on educator professional standards established by the state board and includes:

- 403 (a) a systematic annual evaluation of all provisional, probationary, and career
404 educators;
- 405 (b) use of multiple lines of evidence, including:
- 406 (i) self-evaluation;
- 407 (ii) student and parent input;
- 408 (iii) for an administrator, employee input;
- 409 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
- 410 (v) evidence of professional growth and other indicators of instructional improvement
411 based on educator professional standards established by the state board; and
- 412 (vi) student academic growth data;
- 413 (c) a summative evaluation that differentiates among [four] levels of performance; and
- 414 (d) for an administrator, the effectiveness of evaluating employee performance in a
415 school or school district for which the administrator has responsibility.

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

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

420 Section 12. Section 53G-11-511 is amended to read:

421 **53G-11-511. Rulemaking for privacy protection.**

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

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

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

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

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

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

435 Section 13. Section **53G-11-512** is amended to read:

436 **53G-11-512. Local school board to establish dismissal procedures.**

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

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

442 (a) standards of due process;

443 (b) causes for dismissal; and

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

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

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

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

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

452 (4) If a career employee exhibits both unsatisfactory performance as described in
 453 Subsection ~~[53G-11-501(15)(a)]~~ 53G-11-501(16)(a) and conduct described in Subsection
 454 ~~[53G-11-501(15)(b)]~~ 53G-11-501(16)(b), an employer:

455 (a) may:

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

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

459 (b) is not required to develop and implement a plan of assistance for the career
 460 employee, as provided in Section 53G-11-514.

461 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily

462 remediated, and unsatisfactory performance issues remain, an employer shall develop and
463 implement a plan of assistance for the career employee, as provided in Section 53G-11-514.

464 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
465 remediated, an employer:

466 (a) may dismiss the career employee for cause in accordance with procedures
467 established by the local school board that include standards of due process and causes for
468 dismissal; and

469 (b) is not required to develop and implement a plan of assistance for the career
470 employee, as provided in Section 53G-11-514.

471 Section 14. Section 53G-11-518 is amended to read:

472 **53G-11-518. State board to make rules on performance compensation.**

473 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
474 state board shall make rules requiring a school district's employee compensation system to be
475 aligned with the district's annual evaluation system described in Section 53G-11-507.

476 (2) ~~[Rules adopted]~~ The state board shall ensure that rules the state board adopts under
477 Subsection (1) ~~[shall]~~:

478 (a) establish a timeline for developing and implementing an employee compensation
479 system that is aligned with an annual evaluation system; and

480 (b) provide that ~~[beginning no later than the 2016-17 school year]~~:

481 (i) any advancement on an adopted wage or salary schedule:

482 (A) shall be based primarily on an evaluation; and

483 (B) may not be based on end-of-level assessment scores; and

484 (ii) an employee may not advance on an adopted wage or salary schedule if the
485 employee's rating on the most recent evaluation is at the lowest level of an evaluation
486 instrument.

487 Section 15. Section 53G-11-519 is amended to read:

488 **53G-11-519. Utah Recognizing Inspiring School Employees Award.**

489 (1) As used in this section:

490 (a) "Association" means the governing board of the association that represents a
491 majority of classified school employees employed in the state.

492 (b) "Classified school employee" means the same as that term is defined in the

493 Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6682.

494 (c) "Eligible individual" means a classified school employee who meets the eligibility
495 requirements to be a nominee for the Recognizing Achievement in Classified School
496 Employees Act, 20 U.S.C. Sec. 6681 et seq.

497 (2) (a) In accordance with the Recognizing Achievement in Classified School
498 Employees Act, 20 U.S.C. Sec. 6681 et seq., the governor shall annually nominate a classified
499 school employee for the Recognizing Inspiring School Employees Award Program.

500 (b) The governor shall consider submissions from the association in making the
501 nomination described in Subsection (2)(a).

502 (c) The association shall submit a list of eligible individuals to the governor no later
503 than September 1 each year[, beginning on September 1, 2020].

504 (3) (a) There is created the Utah Recognizing Inspiring School Employees Award
505 Program to recognize excellence exhibited by public school system employees providing
506 services to students in pre-kindergarten through grade 12.

507 (b) The Utah Recognizing Inspiring School Employees Award shall be awarded to the
508 governor's nominee for the federal Recognizing Inspiring School Employees Award Program
509 under the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681
510 et seq.

511 Section 16. Section **53G-11-520 (Effective 07/01/24)** is enacted to read:

512 **53G-11-520 (Effective 07/01/24). Alternative educator evaluation process.**

513 (1) As described in Section [53G-11-502](#), a school district may choose to perform an
514 educator evaluation as described in this section.

515 (2) A school district that chooses the educator evaluation process described in this
516 section is exempt from the requirements described in Sections [53G-11-506](#), [53G-11-507](#),
517 [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and [53G-11-511](#).

518 (3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative
519 Rulemaking Act, the state board shall make rules that:

520 (a) describe a framework for the evaluation of educators in accordance with Part 3,
521 Licensed Employee Requirements, and this section;

522 (b) require an educator's summative evaluation to be based on:

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

- 524 (ii) the requirements described in Subsection (9) and (10);
- 525 (c) establish standards for an independent review of an educator's summative
- 526 evaluation; and
- 527 (d) ensure the privacy and protection of individual evaluation data.
- 528 (4) A school district shall develop an educator evaluation program in consultation with
- 529 the school district's joint committee.
- 530 (5) A school district shall ensure the joint committee described in Subsection (4)
- 531 consists of an equal number of classroom teachers, parents, and administrators the school
- 532 district appoints.
- 533 (6) A school district may appoint members of the joint committee from:
- 534 (a) a list of nominees who are classroom teachers, created through a vote of teachers in
- 535 a nomination election;
- 536 (b) a list of nominees who are administrators, created through a vote of administrators
- 537 in a nomination election; and
- 538 (c) a list of nominees who are parents that school community councils within the
- 539 school district submit to the school district.
- 540 (7) Subject to Subsection (8), the joint committee may:
- 541 (a) adopt or adapt an evaluation program for educators based on a model the state
- 542 board develops; or
- 543 (b) create the school district's own evaluation program for educators.
- 544 (8) A school district shall ensure that an evaluation program the joint committee
- 545 develops complies with the requirements of this section including the rules the state board
- 546 adopts under Subsection (3).
- 547 (9) A school district in consultation with a joint committee described in Subsection (4)
- 548 shall adopt a reliable and valid educator evaluation program that evaluates educators based on
- 549 educator professional standards the state board establishes including:
- 550 (a) an annual formative assessment for an educator, a provisional educator, and a career
- 551 educator;
- 552 (b) as described in Subsections (11), (12), and (13), a summative assessment for an
- 553 educator that occurs at least once every four years;
- 554 (c) use of multiple lines of evidence, including:

- 555 (i) self-evaluation;
556 (ii) student and parent input;
557 (iii) for an administrator, employee input;
558 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
559 (v) evidence of professional growth and other indicators of instructional improvement;
560 and
561 (vi) student academic growth data;
562 (d) a summative evaluation that differentiates among levels of performance; and
563 (e) for an administrator, the effectiveness of evaluating employee performance in a
564 school or school district for which the administrator has responsibility.
565 (10) A school district, in relation to an educator evaluation program described in
566 Subsection (9):
567 (a) may include a reasonable number of peer observations; and
568 (b) may not use:
569 (i) end-of-level assessment scores; or
570 (ii) the data of a student that is chronically absent.
571 (11) The individual whom the school district and joint committee designate to be
572 responsible for administering an educator's summative evaluation shall:
573 (a) at least 15 days before an educator's first evaluation:
574 (i) notify the educator of the evaluation process; and
575 (ii) give the educator a copy of a relevant evaluation instrument;
576 (b) allow the educator to respond to any part of the evaluation;
577 (c) attach the educator's response to the evaluation if the educator provides a response
578 is provided in writing;
579 (d) within 15 days after the day on which the evaluation process is complete, discuss
580 the written evaluation with the educator; and
581 (e) based upon the educator's performance, assign to the educator one of the levels of
582 performance required in Subsection (9)(d).
583 (12) (a) An educator who is not satisfied with a summative evaluation may request a
584 review of the evaluation within 15 days after receiving the written evaluation.
585 (b) (i) If an educator requests a review in accordance with Subsection (12), the school

586 district superintendent or the superintendent's designee shall appoint an individual whom the
587 school district does not employ who has expertise in teacher or personnel evaluation to review
588 the evaluation procedures and make recommendations to the superintendent regarding the
589 educator's summative evaluation.

590 (ii) The individual conducting a review of an educator's summative evaluation under
591 Subsection (12)(b)(i) shall conduct the review in accordance with the rules that the state board
592 makes under Subsection (3).

593 (13) (a) In accordance with Subsections [53E-2-302\(7\)](#) and [53E-6-103\(2\)\(a\)](#) and (b), the
594 principal or immediate supervisor of a provisional educator shall assign an individual who has
595 received training or will receive training in mentoring educators as a mentor to the provisional
596 educator.

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

599 (i) performs substantially the same duties as the provisional educator; and

600 (ii) has at least three years of educational experience.

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

602 (i) shall assist the provisional educator to become effective and competent in the
603 teaching profession and school system; and

604 (ii) may not serve as an evaluator of the provisional educator.

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

607 (14) The state board shall:

608 (a) consult with school districts; and

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

611 (i) implementation of the alternative educator evaluation process; and

612 (ii) making recommendations for needed changes.

613 Section 17. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:

614 **63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

615 (1) Section [53-1-118](#) is repealed on July 1, 2024.

616 (2) Section [53-1-120](#) is repealed on July 1, 2024.

- 617 (3) Section [53-7-109](#) is repealed on July 1, 2024.
- 618 (4) Section [53-22-104](#) is repealed December 31, 2023.
- 619 (5) Section [53B-6-105.7](#) is repealed July 1, 2024.
- 620 (6) Section [53B-7-707](#) regarding performance metrics for technical colleges is repealed
621 July 1, 2023.
- 622 (7) Section [53B-8-114](#) is repealed July 1, 2024.
- 623 (8) The following provisions, regarding the Regents' scholarship program, are repealed
624 on July 1, 2023:
- 625 (a) in Subsection [53B-8-105](#)(12), the language that states, "or any scholarship
626 established under Sections [53B-8-202](#) through [53B-8-205](#)";
- 627 (b) Section [53B-8-202](#);
- 628 (c) Section [53B-8-203](#);
- 629 (d) Section [53B-8-204](#); and
- 630 (e) Section [53B-8-205](#).
- 631 (9) Section [53B-10-101](#) is repealed on July 1, 2027.
- 632 (10) Subsection [53E-1-201](#)(1)(s) regarding the report by the Educational Interpretation
633 and Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 634 (11) Section [53E-1-202.2](#), regarding a Public Education Appropriations Subcommittee
635 evaluation and recommendations, is repealed January 1, 2024.
- 636 (12) Section [53F-2-209](#), regarding local education agency budgetary flexibility, is
637 repealed July 1, 2024.
- 638 (13) Subsection [53F-2-314](#)(4), relating to a one-time expenditure between the at-risk
639 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 640 (14) Subsection [53F-2-504](#)(11), regarding a report on the Salary Supplement for Highly
641 Needed Educators, is repealed on July 1, 2026.
- 642 [~~(14)~~] (15) Section [53F-2-524](#), regarding teacher bonuses for extra work assignments,
643 is repealed July 1, 2024.
- 644 [~~(15)~~] (16) Section [53F-5-221](#), regarding a management of energy and water pilot
645 program, is repealed July 1, 2028.
- 646 [~~(16)~~] (17) Section [53F-9-401](#) is repealed on July 1, 2024.
- 647 [~~(17)~~] (18) Section [53F-9-403](#) is repealed on July 1, 2024.

648 (19) Subsection 53G-11-502(1), regarding implementation of the educator evaluation
649 process, is repealed on July 1, 2029.

650 (20) Section 53G-11-506, Establishment of educator evaluation program -- Joint
651 committee, is repealed on July 1, 2029.

652 (21) Section 53G-11-507, Components of educator evaluation program, is repealed on
653 July 1, 2029.

654 (22) Section 53G-11-508, Summative evaluation timeline -- Review of summative
655 evaluations, is repealed on July 1, 2029.

656 (23) Section 53G-11-509, Mentor for provisional educator, is repealed on July 1, 2029.

657 (24) Section 53G-11-510, State board to describe a framework for the evaluation of
658 educators, is repealed on July 1, 2029.

659 (25) Section 53G-11-511, Report of performance levels, is repealed on July 1, 2029.

660 (26) Subsections 53G-11-520(1) and (2), regarding optional alternative educator
661 evaluation processes, are repealed on July 1, 2029.

662 ~~[(18)]~~ (27) On July 1, 2023, when making changes in this section, the Office of
663 Legislative Research and General Counsel shall, in addition to the office's authority under
664 Section 36-12-12, make corrections necessary to ensure that sections and subsections identified
665 in this section are complete sentences and accurately reflect the office's perception of the
666 Legislature's intent.

667 Section 18. Section **63I-2-253 (Effective 07/01/24)** is amended to read:

668 **63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.**

669 (1) Subsection **53-1-104(1)(b)**, regarding the Air Ambulance Committee, is repealed
670 July 1, 2024.

671 (2) Section **53-1-118** is repealed on July 1, 2024.

672 (3) Section **53-1-120** is repealed on July 1, 2024.

673 (4) Section **53-2d-107**, regarding the Air Ambulance Committee, is repealed July 1,
674 2024.

675 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
676 **53-2d-702(1)(a)** is amended to read:

677 "(a) provide the patient or the patient's representative with the following information
678 before contacting an air medical transport provider:

- 679 (i) which health insurers in the state the air medical transport provider contracts with;
680 (ii) if sufficient data is available, the average charge for air medical transport services
681 for a patient who is uninsured or out of network; and
682 (iii) whether the air medical transport provider balance bills a patient for any charge not
683 paid by the patient's health insurer; and".
- 684 (6) Section [53-7-109](#) is repealed on July 1, 2024.
685 (7) Section [53-22-104](#) is repealed December 31, 2023.
686 (8) Section [53B-6-105.7](#) is repealed July 1, 2024.
687 (9) Section [53B-7-707](#) regarding performance metrics for technical colleges is repealed
688 July 1, 2023.
689 (10) Section [53B-8-114](#) is repealed July 1, 2024.
690 (11) The following provisions, regarding the Regents' scholarship program, are
691 repealed on July 1, 2023:
692 (a) in Subsection [53B-8-105](#)(12), the language that states, "or any scholarship
693 established under Sections [53B-8-202](#) through [53B-8-205](#)";
694 (b) Section [53B-8-202](#);
695 (c) Section [53B-8-203](#);
696 (d) Section [53B-8-204](#); and
697 (e) Section [53B-8-205](#).
698 (12) Section [53B-10-101](#) is repealed on July 1, 2027.
699 (13) Subsection [53E-1-201](#)(1)(s) regarding the report by the Educational Interpretation
700 and Translation Services Procurement Advisory Council is repealed July 1, 2024.
701 (14) Section [53E-1-202.2](#), regarding a Public Education Appropriations Subcommittee
702 evaluation and recommendations, is repealed January 1, 2024.
703 (15) Section [53F-2-209](#), regarding local education agency budgetary flexibility, is
704 repealed July 1, 2024.
705 (16) Subsection [53F-2-314](#)(4), relating to a one-time expenditure between the at-risk
706 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
707 (17) Subsection [53F-2-504](#)(11), regarding a report on the Salary Supplement for Highly
708 Needed Educators, is repealed on July 1, 2026.
709 [(17)] (18) Section [53F-2-524](#), regarding teacher bonuses for extra work assignments,

710 is repealed July 1, 2024.

711 [~~(18)~~] (19) Section [53F-5-221](#), regarding a management of energy and water pilot
712 program, is repealed July 1, 2028.

713 [~~(19)~~] (20) Section [53F-9-401](#) is repealed on July 1, 2024.

714 [~~(20)~~] (21) Section [53F-9-403](#) is repealed on July 1, 2024.

715 (22) Subsection [53G-11-502](#)(1), regarding implementation of the educator evaluation
716 process, is repealed on July 1, 2029.

717 (23) Section [53G-11-506](#), Establishment of educator evaluation program -- Joint
718 committee, is repealed on July 1, 2029.

719 (24) Section [53G-11-507](#), Components of educator evaluation program, is repealed on
720 July 1, 2029.

721 (25) Section [53G-11-508](#), Summative evaluation timeline -- Review of summative
722 evaluations, is repealed on July 1, 2029.

723 (26) Section [53G-11-509](#), Mentor for provisional educator, is repealed on July 1, 2029.

724 (27) Section [53G-11-510](#), State board to describe a framework for the evaluation of
725 educators, is repealed on July 1, 2029.

726 (28) Section [53G-11-511](#), Report of performance levels, is repealed on July 1, 2029.

727 (29) Subsections [53G-11-520](#)(1) and (2), regarding optional alternative educator
728 evaluation processes, are repealed on July 1, 2029.

729 [~~(21)~~] (30) On July 1, 2023, when making changes in this section, the Office of
730 Legislative Research and General Counsel shall, in addition to the office's authority under
731 Section [36-12-12](#), make corrections necessary to ensure that sections and subsections identified
732 in this section are complete sentences and accurately reflect the office's perception of the
733 Legislature's intent.

734 Section 19. **Repealer.**

735 This bill repeals:

736 Section [53G-11-504.1](#), **Waiver of employee evaluation requirement.**

737 Section 20. **FY 2025 Appropriation.**

738 The following sums of money are appropriated for the fiscal year beginning July 1,
739 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
740 fiscal year 2025.

741 Subsection 20(a). **Operating and Capital Budgets.**

742 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
743 Legislature appropriates the following sums of money from the funds or accounts indicated for
744 the use and support of the government of the state of Utah.

745 ITEM 1 To Basic School Program - Uniform School Fund Restricted - Public Education
746 Economic Stabilization Restricted Account

747 From Public Education Economic Stabilization Restricted \$10,000,000
748 Account, One-time

748 Schedule of Programs:

749 Litigation Account \$10,000,000

750 Section 21. **Effective date.**

751 This bill takes effect on July 1, 2024.