

Senator Lincoln Fillmore proposes the following substitute bill:

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



26 **53G-11-501**, as last amended by Laws of Utah 2020, Chapter 354
 27 **53G-11-501.5**, as last amended by Laws of Utah 2019, Chapter 293
 28 **53G-11-502**, as enacted by Laws of Utah 2018, Chapter 3
 29 **53G-11-505**, as last amended by Laws of Utah 2021, Chapter 251
 30 **53G-11-507**, as last amended by Laws of Utah 2019, Chapter 293
 31 **53G-11-511**, as last amended by Laws of Utah 2020, Chapter 408
 32 **53G-11-512**, as last amended by Laws of Utah 2019, Chapter 293
 33 **53G-11-518**, as last amended by Laws of Utah 2020, Chapter 408
 34 **53G-11-519**, as enacted by Laws of Utah 2020, Chapter 73
 35 **63I-2-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7,
 36 21, 33, 142, 167, 168, 380, 383, and 467
 37 **63I-2-253 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21,
 38 33, 142, 167, 168, 310, 380, 383, and 467

39 ENACTS:

40 **53G-11-520 (Effective 07/01/24)**, Utah Code Annotated 1953

41 REPEALS:

42 **53G-11-504.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10

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

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

46 **53F-2-203. Reduction of LEA governing board allocation based on insufficient**
 47 **revenues.**

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

50 (a) an appropriation for a state guaranteed local levy increment as described in Section
 51 **53F-2-601**; and

52 (b) the appropriation to charter schools to replace local property tax revenues pursuant
 53 to Section **53F-2-704**.

54 (2) If the Legislature reduces appropriations made to support public schools under this
 55 chapter because an Income Tax Fund budget deficit, as defined in Section **63J-1-312**, exists,
 56 the state board, after consultation with each LEA governing board, shall allocate the reduction

57 among school districts and charter schools in proportion to each school district's or charter
58 school's percentage share of Minimum School Program funds.

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

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

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

66 (a) educator salary adjustments provided in Section 53F-2-405;

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

69 (c) the extended year for special educators provided in Section 53F-2-310;

70 (d) the School LAND Trust Program described in Sections 53F-2-404 and
71 53G-7-1206; or

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

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

75 (7) An LEA governing board that reduces or reallocates funds in accordance with this
76 section shall report all transfers into, or out of, Minimum School Program programs to the state
77 board as part of the school district or charter school's Annual Financial and Program report.

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

79 **53F-2-208. Cost of adjustments for growth and inflation.**

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

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

84 (i) education for youth in custody, described in Section 53E-3-503;

85 (ii) concurrent enrollment courses for accelerated foreign language students described
86 in Section 53E-10-307;

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

- 88 (iv) the Adult Education Program, described in Section 53F-2-401;
- 89 (v) state support of pupil transportation, described in Section 53F-2-402;
- 90 (vi) the Enhancement for Accelerated Students Program, described in Section
- 91 53F-2-408;
- 92 (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;
- 93 (viii) the juvenile gang and other violent crime prevention and intervention program,
- 94 described in Section 53F-2-410; and
- 95 (ix) dual language immersion, described in Section 53F-2-502; and
- 96 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
- 97 the current fiscal year's ongoing state tax fund appropriations to the following programs:
- 98 (i) a program described in Subsection (1)(a);
- 99 (ii) educator salary adjustments, described in Section 53F-2-405;
- 100 (iii) the [~~Teacher Salary Supplement Program~~] Salary Supplement for Highly Needed
- 101 Educators Program, described in Section 53F-2-504;
- 102 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
- 103 53F-2-601; and
- 104 (v) charter school local replacement funding, described in Section 53F-2-702.
- 105 (2) (a) In or before December each year, the Executive Appropriations Committee shall
- 106 determine:
- 107 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
- 108 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
- 109 (b) The Executive Appropriations Committee shall make the determinations described
- 110 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
- 111 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
- 112 Budget.
- 113 (3) If the Executive Appropriations Committee includes in the public education base
- 114 budget or the final public education budget an increase in the value of the WPU in excess of
- 115 the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also
- 116 include an appropriation to the Local Levy Growth Account established in Section 53F-9-305
- 117 in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the
- 118 relevant budget.

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

120 **53F-7-203. Paid professional hours for educators.**

121 (1) As used in this section:

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

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

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

126 (ii) time engaged in the professional learning.

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

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

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

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

134 (a) general education and special education teachers;

135 (b) counselors;

136 (c) school administration;

137 (d) school specialists;

138 (e) student support;

139 (f) school psychologists;

140 (g) speech language pathologists; and

141 (h) audiologists.

142 [~~2~~] (3) The state board shall distribute funds appropriated to the state board under
143 Subsection **53F-9-204**(6) to each LEA in proportion to the number of educators described in
144 Subsection [~~1~~] (2) within the LEA.

145 [~~3~~] (4) An LEA shall use funding under this section to provide paid professional
146 hours that:

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

149 (b) may include activities that:

- 150 (i) improve and increase an educator's:
- 151 (A) knowledge of the academic subjects the educator teaches;
- 152 (B) time to plan and prepare daily lessons based on student needs;
- 153 (C) understanding of how students learn; and
- 154 (D) ability to analyze student work and achievement from multiple sources, including
- 155 how to adjust instructional strategies, assessments, and materials based on the analysis;
- 156 (ii) are an integral part of broad school-wide and LEA-wide educational improvement
- 157 plans;
- 158 (iii) allow personalized plans for each educator to address the educator's specific needs
- 159 identified in observation or other feedback;
- 160 (iv) advance educator understanding of:
- 161 (A) effective and evidence-based instructional strategies; and
- 162 (B) strategies for improving student academic achievement or substantially increasing
- 163 the knowledge and teaching skills of educators;
- 164 (v) are aligned with, and directly related to, academic goals of the school or LEA; [~~and~~]
- 165 (vi) as determined between an educator and principal, use qualifying time for
- 166 professional learning that follows a comprehensive evidence-based approach to improving an
- 167 educator's effectiveness in raising student achievement including:
- 168 (A) trainings;
- 169 (B) conferences;
- 170 (C) seminars;
- 171 (D) workshops; and
- 172 (E) coursework that is not related to requirements for a degree from an institution of
- 173 higher education; and
- 174 [~~(vi)~~] (vii) include instruction in the use of data and assessments to inform and instruct
- 175 classroom practice[-]; and
- 176 (c) may include expenses an educator incurs for professional learning including:
- 177 (i) registration fees;
- 178 (ii) travel related expenses at the allowable rates established by the Division of Finance
- 179 under Sections [63A-3-106](#) and [63A-3-107](#);
- 180 (iii) required materials; and

181 (iv) hourly pay for qualifying time equivalent to the educator's contracted hourly rate in
182 the most recent school year.

183 [~~4~~] (5) (a) An educator shall:

184 (i) on or before the fifth day of instruction in a given school year, create a plan, in
185 consultation with the educator's principal, on how the educator plans to use paid professional
186 hours provided under this section [~~during the school year~~]; and

187 (ii) before the end of a given [~~school~~] fiscal year, provide a written statement to the
188 educator's principal of how the educator used paid professional hours provided under this
189 section [~~during the school year~~].

190 (b) (i) Subsection [~~(4)(a)(i)~~] (5)(a)(i) does not limit an educator who begins
191 employment after the fifth day of instruction in a given year from receiving paid professional
192 hours under this section.

193 (ii) An LEA may prorate the paid professional hours of an educator who begins
194 employment after the fifth day of instruction in a given year according to the portion of the
195 school year for which the LEA employs the educator.

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

197 **53G-11-501. Definitions.**

198 As used in this part:

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

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

203 (3) "Career employee" means an employee of a school district who has obtained a
204 reasonable expectation of continued employment based upon Section **53G-11-503** and an
205 agreement with the employee or the employee's association, district practice, or 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
210 which an employee is engaged by the school district under a contract of employment, whether
211 oral 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
217 same 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,
219 unless 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
221 to 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
224 of 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
235 educators to engage in reflection and growth of professional skills as related to the Utah
236 Effective Teaching Standards.

237 (10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates
238 the 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
241 has not achieved status as a career educator within the school district.

242 [~~10~~] (12) "Provisional employee" means an individual, other than a career employee

243 or a 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
245 Deaf 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 the~~
251 ~~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
257 temporary basis as defined by policies adopted by the school board. If the class of employees
258 in 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 license
268 discipline by the state board or Utah Professional Practices Advisory Commission:

269 (i) a violation of work policies;

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

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

272 (iv) insubordination.

273 Section 5. Section [53G-11-501.5](#) is amended to read:

274 **53G-11-501.5. Legislative findings.**

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

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

282 (a) allow the educator and the school district to promote the professional growth of the
283 educator; and

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

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

287 **53G-11-502. Applicability.**

288 ~~[Reserved]~~ An local school board shall implement the educator evaluation process
289 described in:

290 (1) Sections [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and
291 [53G-11-511](#); or

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

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

294 **53G-11-505. State board rules -- Reporting to Legislature.**

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

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

300 (2) establish required components and allow for optional components of employee
301 evaluations;

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

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

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

306 **53G-11-507. Components of educator evaluation program.**

307 (1) A local school board in consultation with a joint committee established in Section
308 **53G-11-506** shall adopt a reliable and valid educator evaluation program that evaluates
309 educators based on educator professional standards established by the state board and includes:

310 (a) a systematic annual evaluation of all provisional, probationary, and career
311 educators;

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

313 (i) self-evaluation;

314 (ii) student and parent input;

315 (iii) for an administrator, employee input;

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

317 (v) evidence of professional growth and other indicators of instructional improvement
318 based on educator professional standards established by the state board; and

319 (vi) student academic growth data;

320 (c) a summative evaluation that differentiates among [~~four~~] levels of performance; and

321 (d) for an administrator, the effectiveness of evaluating employee performance in a
322 school or school district for which the administrator has responsibility.

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

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

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

328 **53G-11-511. Rulemaking for privacy protection.**

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

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

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

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

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

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

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

343 **53G-11-512. Local school board to establish dismissal procedures.**

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

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

349 (a) standards of due process;

350 (b) causes for dismissal; and

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

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

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

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

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

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

362 (a) may:

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

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

366 (b) is not required to develop and implement a plan of assistance for the career

367 employee, as provided in Section 53G-11-514.

368 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
369 remediated, and unsatisfactory performance issues remain, an employer shall develop and
370 implement a plan of assistance for the career employee, as provided in Section 53G-11-514.

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

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

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

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

379 **53G-11-518. State board to make rules on performance compensation.**

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

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

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

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

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

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

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

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

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

395 **53G-11-519. Utah Recognizing Inspiring School Employees Award.**

396 (1) As used in this section:

397 (a) "Association" means the governing board of the association that represents a

398 majority of classified school employees employed in the state.

399 (b) "Classified school employee" means the same as that term is defined in the
400 Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6682.

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

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

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

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

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

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

418 Section 13. Section **53G-11-520 (Effective 07/01/24)** is enacted to read:

419 **53G-11-520 (Effective 07/01/24). Alternative educator evaluation process.**

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

422 (2) A school district that chooses the educator evaluation process described in this
423 section is exempt from the requirements described in Sections [53G-11-506](#), [53G-11-507](#),
424 [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and [53G-11-511](#).

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

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

- 429 (b) require an educator's summative evaluation to be based on:
430 (i) educator professional standards established by the state board; and
431 (ii) the requirements described in Subsection (9) and (10);
432 (c) establish standards for an independent review of an educator's summative
433 evaluation; and
434 (d) ensure the privacy and protection of individual evaluation data.
435 (4) A school district shall develop an educator evaluation program in consultation with
436 the school district's joint committee.
437 (5) A school district shall ensure the joint committee described in Subsection (4)
438 consists of an equal number of classroom teachers, parents, and administrators the school
439 district appoints.
440 (6) A school district may appoint members of the joint committee from:
441 (a) a list of nominees who are classroom teachers, created through a vote of teachers in
442 a nomination election;
443 (b) a list of nominees who are administrators, created through a vote of administrators
444 in a nomination election; and
445 (c) a list of nominees who are parents that school community councils within the
446 school district submit to the school district.
447 (7) Subject to Subsection (8), the joint committee may:
448 (a) adopt or adapt an evaluation program for educators based on a model the state
449 board develops; or
450 (b) create the school district's own evaluation program for educators.
451 (8) A school district shall ensure that an evaluation program the joint committee
452 develops complies with the requirements of this section including the rules the state board
453 adopts under Subsection (3).
454 (9) A school district in consultation with a joint committee described in Subsection (4)
455 shall adopt a reliable and valid educator evaluation program that evaluates educators based on
456 educator professional standards the state board establishes including:
457 (a) an annual formative assessment for an educator, a provisional educator, and a career
458 educator;
459 (b) as described in Subsections (11), (12), and (13), a summative assessment for an

460 educator that occurs at least once every four years;
461 (c) use of multiple lines of evidence, including:
462 (i) self-evaluation;
463 (ii) student and parent input;
464 (iii) for an administrator, employee input;
465 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
466 (v) evidence of professional growth and other indicators of instructional improvement;
467 and
468 (vi) student academic growth data;
469 (d) a summative evaluation that differentiates among levels of performance; and
470 (e) for an administrator, the effectiveness of evaluating employee performance in a
471 school or school district for which the administrator has responsibility.
472 (10) A school district, in relation to an educator evaluation program described in
473 Subsection (9):
474 (a) may include a reasonable number of peer observations; and
475 (b) may not use:
476 (i) end-of-level assessment scores; or
477 (ii) the data of a student that is chronically absent.
478 (11) The individual whom the school district and joint committee designate to be
479 responsible for administering an educator's summative evaluation shall:
480 (a) at least 15 days before an educator's first evaluation:
481 (i) notify the educator of the evaluation process; and
482 (ii) give the educator a copy of a relevant evaluation instrument;
483 (b) allow the educator to respond to any part of the evaluation;
484 (c) attach the educator's response to the evaluation if the educator provides a response
485 is provided in writing;
486 (d) within 15 days after the day on which the evaluation process is complete, discuss
487 the written evaluation with the educator; and
488 (e) based upon the educator's performance, assign to the educator one of the levels of
489 performance required in Subsection (9)(d).
490 (12) (a) An educator who is not satisfied with a summative evaluation may request a

491 review of the evaluation within 15 days after receiving the written evaluation.

492 (b) (i) If an educator requests a review in accordance with Subsection (12), the school
493 district superintendent or the superintendent's designee shall appoint an individual whom the
494 school district does not employ who has expertise in teacher or personnel evaluation to review
495 the evaluation procedures and make recommendations to the superintendent regarding the
496 educator's summative evaluation.

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

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

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

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

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

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

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

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

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

514 (14) The state board shall:

515 (a) consult with school districts; and

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

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

519 (ii) making recommendations for needed changes.

520 Section 14. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:

521 **63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

- 522 (1) Section 53-1-118 is repealed on July 1, 2024.
- 523 (2) Section 53-1-120 is repealed on July 1, 2024.
- 524 (3) Section 53-7-109 is repealed on July 1, 2024.
- 525 (4) Section 53-22-104 is repealed December 31, 2023.
- 526 (5) Section 53B-6-105.7 is repealed July 1, 2024.
- 527 (6) Section 53B-7-707 regarding performance metrics for technical colleges is repealed
528 July 1, 2023.
- 529 (7) Section 53B-8-114 is repealed July 1, 2024.
- 530 (8) The following provisions, regarding the Regents' scholarship program, are repealed
531 on July 1, 2023:
- 532 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship
533 established under Sections 53B-8-202 through 53B-8-205";
- 534 (b) Section 53B-8-202;
- 535 (c) Section 53B-8-203;
- 536 (d) Section 53B-8-204; and
- 537 (e) Section 53B-8-205.
- 538 (9) Section 53B-10-101 is repealed on July 1, 2027.
- 539 (10) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation
540 and Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 541 (11) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee
542 evaluation and recommendations, is repealed January 1, 2024.
- 543 (12) Section 53F-2-209, regarding local education agency budgetary flexibility, is
544 repealed July 1, 2024.
- 545 (13) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk
546 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 547 (14) Subsection 53F-2-504(11), regarding a report on the Salary Supplement for Highly
548 Needed Educators, is repealed on July 1, 2026.
- 549 [~~14~~] (15) Section 53F-2-524, regarding teacher bonuses for extra work assignments,
550 is repealed July 1, 2024.
- 551 [~~15~~] (16) Section 53F-5-221, regarding a management of energy and water pilot
552 program, is repealed July 1, 2028.

553 ~~[(16)]~~ (17) Section [53F-9-401](#) is repealed on July 1, 2024.

554 ~~[(17)]~~ (18) Section [53F-9-403](#) is repealed on July 1, 2024.

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

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

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

561 (22) Section [53G-11-508](#), Summative evaluation timelines -- Review of summative
562 evaluations, is repealed on July 1, 2029.

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

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

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

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

569 ~~[(18)]~~ (27) On July 1, 2023, when making changes in this section, the Office of
570 Legislative Research and General Counsel shall, in addition to the office's authority under
571 Section [36-12-12](#), make corrections necessary to ensure that sections and subsections identified
572 in this section are complete sentences and accurately reflect the office's perception of the
573 Legislature's intent.

574 Section 15. Section **63I-2-253 (Effective 07/01/24)** is amended to read:

575 **63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.**

576 (1) Subsection [53-1-104](#)(1)(b), regarding the Air Ambulance Committee, is repealed
577 July 1, 2024.

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

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

580 (4) Section [53-2d-107](#), regarding the Air Ambulance Committee, is repealed July 1,
581 2024.

582 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
583 [53-2d-702](#)(1)(a) is amended to read:

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

586 (i) which health insurers in the state the air medical transport provider contracts with;

587 (ii) if sufficient data is available, the average charge for air medical transport services
588 for a patient who is uninsured or out of network; and

589 (iii) whether the air medical transport provider balance bills a patient for any charge not
590 paid by the patient's health insurer; and".

591 (6) Section [53-7-109](#) is repealed on July 1, 2024.

592 (7) Section [53-22-104](#) is repealed December 31, 2023.

593 (8) Section [53B-6-105.7](#) is repealed July 1, 2024.

594 (9) Section [53B-7-707](#) regarding performance metrics for technical colleges is repealed
595 July 1, 2023.

596 (10) Section [53B-8-114](#) is repealed July 1, 2024.

597 (11) The following provisions, regarding the Regents' scholarship program, are
598 repealed on July 1, 2023:

599 (a) in Subsection [53B-8-105](#)(12), the language that states, "or any scholarship
600 established under Sections [53B-8-202](#) through [53B-8-205](#)";

601 (b) Section [53B-8-202](#);

602 (c) Section [53B-8-203](#);

603 (d) Section [53B-8-204](#); and

604 (e) Section [53B-8-205](#).

605 (12) Section [53B-10-101](#) is repealed on July 1, 2027.

606 (13) Subsection [53E-1-201](#)(1)(s) regarding the report by the Educational Interpretation
607 and Translation Services Procurement Advisory Council is repealed July 1, 2024.

608 (14) Section [53E-1-202.2](#), regarding a Public Education Appropriations Subcommittee
609 evaluation and recommendations, is repealed January 1, 2024.

610 (15) Section [53F-2-209](#), regarding local education agency budgetary flexibility, is
611 repealed July 1, 2024.

612 (16) Subsection [53F-2-314](#)(4), relating to a one-time expenditure between the at-risk
613 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

614 (17) Subsection [53F-2-504](#)(11), regarding a report on the Salary Supplement for Highly

615 Needed Educators, is repealed on July 1, 2026.

616 [~~(17)~~] (18) Section [53F-2-524](#), regarding teacher bonuses for extra work assignments,
617 is repealed July 1, 2024.

618 [~~(18)~~] (19) Section [53F-5-221](#), regarding a management of energy and water pilot
619 program, is repealed July 1, 2028.

620 [~~(19)~~] (20) Section [53F-9-401](#) is repealed on July 1, 2024.

621 [~~(20)~~] (21) Section [53F-9-403](#) is repealed on July 1, 2024.

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

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

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

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

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

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

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

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

636 [~~(21)~~] (30) On July 1, 2023, when making changes in this section, the Office of
637 Legislative Research and General Counsel shall, in addition to the office's authority under
638 Section [36-12-12](#), make corrections necessary to ensure that sections and subsections identified
639 in this section are complete sentences and accurately reflect the office's perception of the
640 Legislature's intent.

641 Section 16. **Repealer.**

642 This bill repeals:

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

644 Section 17. **Effective date.**

645 This bill takes effect on July 1, 2024.