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## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Martell Menlove, Ph.D.  
Chief Executive Officer

**DATE:** June 6, 2014

**ACTION:** R277-531 *Public Educator Evaluation Requirements (PEER)* (Amendment)

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### **Background:**

R277-531 *Public Educator Evaluation Requirements (PEER)* is amended in response to SB 101 *Public Education Human Resource Management Amendments*, 2014 Legislative Session.

### **Key Points:**

R277-531 *Public Educator Evaluation Requirements (PEER)* provides changes to the dates for school districts to fully implement an evaluation system for educators from the 2014-15 school year to the 2015-16 school year.

### **Anticipated Action:**

It is proposed that the Law and Licensing Committee consider approving R277-531, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-531, as amended, on second reading.

**Contact:** Brenda Hales, 801-538-7515  
Sydney Dickson, 801-538-7739

1 **R277. Education, Administration.**

2 **R277-531. Public Educator Evaluation Requirements (PEER).**

3 **R277-531-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Educator" means an individual licensed under Section  
6 53A-6-104 and who meets the requirements of R277-501.

7 ~~[G]~~C. "~~[LEA]~~Educator Evaluation Program" means a[n  
8 ~~LEA's]~~ school district's process, policies and procedures for  
9 evaluating educators' performance according to their various  
10 assignments; those policies and procedures shall align with  
11 R277-531.

12 ~~[E]~~D. "Formative evaluation" means evaluations that  
13 provide educators with ~~[feedback]~~ information and assessments  
14 on how to improve their performance.

15 ~~[D]~~E. "Instructional quality data" means data acquired  
16 through observation of educator's instructional practices.

17 ~~[E]~~F. "Joint educator evaluation committee" means the  
18 local committee described under Section 53A-8a-403 that  
19 develops and assesses a[n ~~LEA]~~ school district evaluation  
20 program.

21 ~~[F. "LEA" means a local education agency directly  
22 responsible for the public education of Utah students,  
23 including traditional local school boards and school  
24 districts, and, for purposes of this rule, the Utah Schools  
25 for the Deaf and the Blind.]~~

26 ~~[H]~~G. "School administrator" means an educator serving  
27 in a position that requires a Utah Educator License with an  
28 Administrative area of concentration and who supervises Level  
29 2 educators.

30 ~~[I]~~H. "Student growth score" means a measurement of a  
31 student's achievement towards educational goals in the course  
32 of a school year.

33 ~~[J]~~I. "Summative evaluation" means evaluations that are  
34 used to make annual decisions or ratings of educator

35 performance and may inform decisions on salary, confirmed  
36 employment, personnel assignments, transfers, or dismissals.

37 [K]J. "USOE" means the Utah State Office of Education.

38 [H]K. "Utah Consolidated Application (UCA)" means the  
39 web-based grants management tool employed by the Utah State  
40 Office of Education by which local education agencies submit  
41 plans and budgets for approval of the Utah State Office of  
42 Education.

43 [M]L. "Utah Effective Teaching Standards" means the  
44 teaching standards identified and ~~[adopted]~~provided in R277-  
45 530.

46 [N]M. "Utah Educational Leadership Standards" means the  
47 standards for educational leadership identified and adopted in  
48 R277-530.

49 [O]N. "Valid and reliable measurement tool(s)" means an  
50 instrument that has proved consistent over time and uses non-  
51 subjective criteria that require minimal interpretation.

52 **R277-531-2. Authority and Purpose.**

53 A. This rule is authorized under Utah Constitution  
54 Article X, Section 3 which vests general control and  
55 supervision over public education in the Board, by Sections  
56 53A-1-402(1)(a)(i) and (ii) which require the Board to  
57 establish rules and minimum standards for the qualification  
58 and certification of educators and for required school  
59 administrative and supervisory services, Section 53A-8a-301  
60 which directs that the Board adopt rules to guide school  
61 district employee evaluations, and Section 53A-1-401(3) which  
62 allows the Board to make rules in accordance with its  
63 responsibilities.

64 B. The purpose of this rule is to provide a statewide  
65 educator evaluation system framework that includes required  
66 Board directed expectations and components and additional  
67 ~~[LEA]~~school district determined components and procedures to

68 ensure the availability of data about educator effectiveness  
69 ~~[are available]~~. The process shall focus on the improvement  
70 of high quality instruction and improved student achievement.  
71 Additionally, the process shall include common data that can  
72 be aggregated and disaggregated to inform Board and  
73 ~~[LEA]~~school district decisions about retention, preparation,  
74 recruitment, improved professional development practices and  
75 ensure ~~[LEAs]~~school districts engage in a consistent process  
76 statewide of educator evaluation.

77 **R277-531-3. Public Educator Evaluation Framework.**

78 A. The Board shall provide a framework that includes five  
79 general evaluation system areas and additional discretionary  
80 components ~~[of]~~required in a~~[n LEA's]~~ school district's  
81 educator evaluation system no later than the 2015-2016 school  
82 year.

83 B. ~~[Alignment with Board expectations and standards and~~  
84 ~~required consistency of LEA policies with evaluation process]~~A  
85 school district shall align its evaluation policies with Board  
86 standards:

87 (1) ~~[An LEA]~~a school district educator evaluation system  
88 shall be based on rigorous performance expectations aligned  
89 with R277-530~~[-]~~;

90 (2) ~~[An LEA]~~a school district evaluation system shall  
91 establish and articulate performance expectations individually  
92 for all licensed ~~[LEA]~~school district educators~~[-]~~;

93 (3) ~~A[n LEA]~~ school district evaluation system shall  
94 ~~[include]~~use valid and reliable measurement tools including,  
95 at a minimum:

96 (a) observations of instructional quality;

97 (b) evidence of student growth;

98 (c) parent and student input; and

99 (d) other indicators as determined by the ~~[LEA]~~school  
100 district~~[-]~~;

101 (4) ~~[An LEA]~~ a school district evaluation system shall  
102 provide a summative yearly rating of educator performance  
103 using uniform statewide terminology and definitions. A~~n LEA~~  
104 school district evaluation system shall include summative and  
105 formative components~~[-]~~;

106 (5) ~~[An LEA]~~ a school district evaluation system shall  
107 direct the revision or alignment of all related ~~[LEA]~~ school  
108 district policies, as necessary, to be consistent with the  
109 ~~[LEA]~~ school district Educator Evaluation System~~[-]~~; and

110 ~~[C-]~~ (6) ~~[Valid and reliable tools-]~~ a school district  
111 evaluation system

112 ~~— (1) An LEA evaluation system]~~ shall use valid, reliable  
113 and research-based measurement tool(s) for all educator  
114 evaluations. Such measurements shall:

115 (a) employ a variety of measurement tools;

116 (b) adopt differentiated methodologies for measuring  
117 student growth for educators in subject areas for which  
118 standardized tests are available and in subject areas for  
119 which standardized tests are not available;

120 (c) provide evaluation for non-instructional licensed  
121 educators and administrators; and

122 (~~2~~) d) ~~[shall]~~ must provide~~[-for]~~ both formative and  
123 summative evaluation data~~[-]~~.

124 ~~[3]~~ C. A school district may consider data gathered from  
125 tools~~[-may be considered by an LEA]~~ to inform decisions about  
126 employment and professional development.

127 D. A school district shall ~~[D]~~ discuss~~[ion]~~,  
128 collaborate~~[ion]~~ and protect~~[ion]~~ ~~[of]~~ the confidentiality  
129 ~~[with]~~ of educator~~[s]~~ ~~[regarding]~~ data in the evaluation  
130 process:

131 (1) ~~[An LEA]~~ a school district evaluation system shall  
132 provide for clear and timely notice to educators of the  
133 components, timelines and consequences of the evaluation  
134 process~~[-]~~;

135           (2) [~~An LEA~~] a school district evaluation system shall  
136 provide for timely discussion with evaluated educators to  
137 include professional growth plans as required in R277-501 and  
138 evaluation conferences[-]; and

139           (3) [~~An LEA~~] a school district evaluation system shall  
140 protect personal data gathered in the evaluation process.

141           E. School district plans shall provide [~~\$~~] support for  
142 instructional improvement[+].

143           (1) A[~~n LEA~~] school district evaluation system shall  
144 assess professional development needs of educators.

145           (2) A[~~n LEA~~] school district evaluation system shall  
146 identify educators who do not meet expectations for  
147 instructional quality and provide support as appropriate at  
148 the [~~LEA~~] school district level which may include providing  
149 educators with mentors, coaches, specialists in effective  
150 instruction and setting timelines and benchmarks to assist  
151 educators toward greater improved instructional effectiveness  
152 and student achievement.

153           F. A school district evaluation system shall maintain  
154 [~~R~~] records and documentation of required educator evaluation  
155 information[+].

156           (1) A[~~n LEA~~] school district evaluation system shall  
157 [~~include~~] require the evaluation of all licensed educators at  
158 least once a year.

159           (2) A[~~n LEA~~] school district evaluation system shall  
160 provide at least an annual rating for each licensed educator,  
161 including teachers, school administrators and other non-  
162 teaching licensed positions, using Board-directed statewide  
163 evaluation terminology and definitions.

164           (3) A[~~n LEA~~] school district evaluation system shall  
165 provide for the evaluation of all provisional educators, as  
166 defined by the [~~LEA~~] school district under Section 53A-8a-405,  
167 at least twice yearly.

168           (4) A[~~n LEA~~] school district evaluation system shall

169 include the following specific educator performance criteria:

170 (a) school district-determined instructional quality  
171 ~~measures [to be determined by the LEA];~~

172 (b) complete integration of student growth score~~[to be~~  
173 ~~completely phased in by]~~before July 1, [2015]2016; and

174 (c) other measures as determined by the [~~LEA~~]school  
175 district, including data [~~gathered~~]required from  
176 student/parent input.

177 (5) [~~†~~]The Board shall determine weightings for specific  
178 educator performance criteria to be used in the [LEA's]school  
179 district's evaluation system.

180 (6) A[~~n LEA~~] school district evaluation system shall  
181 include a plan for recognizing educators who demonstrate  
182 exemplary professional effectiveness, at least in part, by  
183 student achievement.

184 (7) A[~~n LEA~~] school district evaluation system shall  
185 identify potential employment consequences, including  
186 discipline and termination, if an educator fails to meet  
187 performance expectations.

188 (8) A[~~n LEA~~] school district evaluation system shall  
189 include a review or appeals procedure for an educator to  
190 challenge the process of a summative evaluation that provides  
191 for adequate and timely due process for the educator  
192 consistent with Section 53A-8a-406(2).

193 G. A[~~n LEA~~] school district may include additional  
194 components in [~~an~~]its evaluation system.

195 H. A local board of education shall review and approve  
196 [~~an LEA's~~]its school district's proposed evaluation systems in  
197 an open meeting prior to the local board's submission to the  
198 Board for review and approval.

199 **R277-531-4. Board Support and Monitoring of LEA Evaluation**  
200 **Systems.**

201 A. The Board shall establish a state evaluation advisory

202 committee to provide ongoing review and support for  
203 ~~[LEAs]~~school districts as they develop and implement  
204 evaluation systems consistent with the law and this ~~[R]~~rule.

205 The Committee shall:

206 (1) analyze ~~[LEA]~~school district evaluation data for  
207 purposes of:

208 (a) reporting;

209 (b) assessing instructional improvement; and

210 (c) assessing student achievement~~[-]~~;

211 (2) review required Board evaluation components regularly  
212 and evaluate their usefulness in providing a consistent  
213 statewide framework for educator evaluation, instructional  
214 improvement and commensurate student achievement; and

215 (3) review ~~[LEA]~~school district educator evaluation plans  
216 for alignment with Board requirements.

217 B. The USOE, under supervision of the Board, shall  
218 develop a model educator evaluation system that includes  
219 performance expectations consistent with this rule.

220 C. The USOE shall evaluate and recommend tools and  
221 measures for use by ~~[LEAs]~~school districts as they develop and  
222 initiate their local educator evaluation systems.

223 D. The USOE shall provide professional development and  
224 technical support to ~~[LEAs]~~school districts to assist in  
225 evaluation procedures and to improve educators' ability to  
226 make valid and reliable evaluation judgments.

227 **R277-531-5. Implementation.**

228 A. Each ~~[LEA]~~school district shall have an educator  
229 evaluation committee in place~~[-by October 2011]~~.

230 B. Each ~~[LEA]~~school district shall design the required  
231 evaluation program, including pilot programs as desired.

232 C. Each ~~[LEA]~~school district shall continue to report  
233 educator effectiveness data to the USOE in the UCA.

234 D. Each school district shall ~~[f]implement[ation shall be~~

235 ~~in place for~~ an evaluation system no later than the [2013-  
236 ~~2014]~~2015-2016 school year.

237 E. A school district shall implement an employee  
238 compensation system no later than the 2016-2017 school year  
239 that is aligned with the school district's wage or salary  
240 schedule and is consistent with the provisions of Section 53A-  
241 8a-601(2).

242 ~~[E]~~F. [Board directed]Each school district shall  
243 implement student growth measures ~~[shall be implemented]~~as  
244 part of the ~~[LEA]~~school district evaluation system ~~[by]~~before  
245 the ~~[2014-2015]~~2015-2016 school year.

246 **KEY: educator, evaluation, requirements**

247 **Date of Enactment or Last Substantive Amendment: [June 24,**  
248 **2013]2014**

249 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**  
250 **53A-1-402 (1) (a) (i); 53A-1-401 (3)**