

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Diana Suddreth
Director, Teaching and Learning

DATE: June 9-10, 2016

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

Background:

The 2016 Legislature passed H.B. 201 *Student Testing Amendments*, which prohibits a school district from using student scores on the SAGE end-of-level assessment for evaluation of the school district's educators and administrators. R277-531 is amended to update the rule consistent with the new legislation, add a new definition for Educator Standards that incorporates Teaching, Educational Leadership, and School Counselors, and to provide technical and conforming changes.

Board Strategic Plan:

This item supports the Educational Equity Imperative and Strategy in the Board's Strategic Plan by focusing on intended learning outcomes as a key to student achievement and oversight for which the State Board has responsibility.

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: Jeannie Rowland, 801-538-7923
Diana Suddreth, 801-538-7739
Rich Nye, 801-538-7550
Angie Stallings, 801-538-7550

1 **R277. Education, Administration.**

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

3 **R277-531-~~2~~1. Authority and Purpose.**

4 ~~[A.](1)~~ This rule is authorized ~~[under]~~by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board~~[, by]~~;

7 (b) Section 53A-1-401, which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsections 53A-1-402(1)(a)(i) and (ii), which require the Board to
10 establish rules and minimum standards for the qualification and certification of
11 educators and for required school administrative and supervisory services~~;~~; and

12 (d) Section 53A-8a-301, which directs that the Board adopt rules to guide
13 school district employee evaluations~~;~~ and ~~Section 53A-1-401(3) which allows the~~
14 ~~Board to make rules in accordance with its responsibilities].~~

15 ~~[B.](2)~~ The purpose of this rule is to provide a statewide educator evaluation
16 system framework that includes required Board directed expectations and
17 components and additional school district determined components and procedures
18 to ensure the availability of data about educator effectiveness.

19 (3) The process shall:

20 (a) focus on the improvement of high quality instruction and improved student
21 achievement~~[- Additionally, the process shall]~~;

22 (b) include common data that can be aggregated and disaggregated to inform
23 Board and school district decisions about retention, preparation, recruitment, and
24 improved professional ~~[development]~~learning practices; and

25 (c) ensure school districts engage in a consistent process statewide of
26 educator evaluation.

27 **R277-531-~~4~~2. Definitions.**

28 ~~[A. "Board" means the Utah State Board of Education.]~~

29 ~~[B.](1)~~ "Educator" means an individual licensed under Section 53A-6-10~~[4]~~3
30 and who meets the requirements of Rule R277-50~~[4]~~2.

31 ~~[C.](2)~~ "Educator Evaluation Program" means a school district's process,

32 policies, and procedures for evaluating an educator's^[?] performance according to
33 the^[if] educator's various assignments[;] ~~those policies and procedures shall align~~
34 ~~with R277-531~~].

35 ~~[D.](3)~~ "Formative evaluation" means an evaluation^[s] that provides an
36 educator^[s] with information and assessments on how to improve the^[if] educator's
37 performance.

38 ~~[E.](4)~~ "Instructional quality data" means data acquired through observation
39 of an educator's instructional practices.

40 ~~[F.](5)~~ "Joint educator evaluation committee" means the local committee
41 described under Section 53A-8a-403 that develops and assesses a school district
42 evaluation program.

43 ~~[G.](6)~~ "School administrator" means an educator;

44 (a) serving in a position that requires a Utah Educator License with an
45 Administrative area of concentration; and

46 (b) who supervises Level 2 educators.

47 ~~[H.](7)~~ "Student growth score" means a measurement of a student's
48 achievement towards educational goals in the course of a school year.

49 ~~[I.](8)~~ "Summative evaluation" means an evaluation^[s] that ~~[are]~~is used to
50 make annual decisions or ratings of an educator's performance and may inform
51 decisions on salary, confirmed employment, personnel assignments, transfers, or
52 dismissals.

53 ~~[J. "USOE" means the Utah State Office of Education.]~~

54 ~~[K.](9)~~ "Utah Consolidated Application (UCA)" means the web-based grants
55 management tool employed by the Utah State Office of Education by which local
56 education agencies submit plans and budgets for approval ~~[of the Utah State Office~~
57 ~~of Education]~~by the Board.

58 ~~[L.](10)~~ "Utah Effective ~~[Teaching]~~Educator Standards" means:

59 (a) the Effective [t]Teaching [s]Standards [identified and provided]established
60 in Section R277-530-5[-];

61 (b) [

62 ~~—— M. "Utah [the Educational Leadership Standards]" means the standards for~~
63 ~~educational leadership identified and adopted]~~established in Section R277-530-6[-];

64 and

65 (c) the Educational School Counselor Standards established in Section R277-
66 530-7.

67 ~~[N.](11)~~ “Valid and reliable measurement tool~~[(s)]~~” means an instrument that
68 has proved consistent over time and uses non-subjective criteria that require minimal
69 interpretation.

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

71 ~~[A.](1)(a)~~ The Board~~[-shall]~~ provides [a]the public education evaluation
72 framework [that]described in this section, which includes~~[-five]~~ general evaluation
73 system areas and additional discretionary components required in a school district's
74 educator evaluation system.

75 (b) A school district's educator evaluation system shall conform to the
76 framework no later than the 2015-2016 school year.

77 ~~[B.](2)~~ A school district shall~~[-align its evaluation policies with Board~~
78 ~~standards:~~

79 ~~—— (1) A school district educator evaluation system shall]:~~
80 (a) be based on [rigorous performance expectations aligned with]the Utah
81 Effective Educator Standards in Rule R277-530[:];

82 ~~[(2)b] [A school district evaluation system shall]establish and articulate~~
83 ~~performance expectations individually for all licensed school district educators[:];~~

84 ~~[(3)c] [AA school district evaluation system shall]use valid and reliable~~
85 ~~measurement tools including, at a minimum:~~

- 86 ~~[(a)i]~~ observations of instructional quality;
- 87 ~~[(b)ii]~~ evidence of student growth;
- 88 ~~[(c)iii]~~ parent and student input; and
- 89 ~~[(d)iv]~~ other indicators as determined by the school district.

90 ~~[(4)d] [A school district evaluation system shall]provide [a summative~~
91 ~~yearly]an annual~~ rating of educator performance using uniform statewide terminology
92 and definitions~~[- A school district evaluation system shall], and~~ include summative
93 and formative components[:];

94 ~~[(5)e] [A school district evaluation system shall]direct the revision or~~

95 alignment of all related school district policies, as necessary, to be consistent with
96 the school district Educator Evaluation System[-]; and

97 ~~([6]f) [A school district evaluation system shall]use valid, reliable, and~~
98 ~~research-based [measurement tool(s) for all educator evaluations. Such]~~
99 ~~measurements that shall:~~

100 ~~([a]i) employ a variety of measurement tools;~~

101 ~~([b]ii) [adopt differentiated methodologies for]measur[ing]e student growth for~~
102 ~~educators[in subject areas for which standardized tests are available and in subject~~
103 ~~areas for which standardized tests are not available];~~

104 ~~([c]iii) provide evaluation for non-instructional licensed educators and~~
105 ~~administrators; and~~

106 ~~([d]4) provide both formative and summative evaluation data.~~

107 ~~[C-](3) A school district may consider data gathered from tools to inform~~
108 ~~decisions about employment and professional [development]learning.~~

109 ~~[D-](4) A school district shall discuss, collaborate, and protect the~~
110 ~~confidentiality of educator data in the evaluation process[-].~~

111 ~~([1]5)(a) [a]A school district evaluation system shall provide for clear and~~
112 ~~timely notice to educators of the components, timelines, and consequences of the~~
113 ~~evaluation process;~~

114 ~~([2]b) [a]A school district evaluation system shall provide for timely discussion~~
115 ~~with evaluated educators to include professional growth plans as required in Rule~~
116 ~~R277-50[4]0 and evaluation conferences; and~~

117 ~~([3]c) [a]A school district evaluation system shall protect personal data~~
118 ~~gathered in the evaluation process.~~

119 ~~[E-](6) A [S]school district [plans]evaluation system shall provide support for~~
120 ~~instructional improvement, including[-]:~~

121 ~~([1]a) [A school district evaluation system shall]assessing the professional~~
122 ~~[development]learning needs of educators[-]; and~~

123 ~~([2]b) [A school district evaluation system shall]identifying educators who do~~
124 ~~not meet expectations for instructional quality and provid[e]ing support as~~
125 ~~appropriate at the school district level, which may include providing educators with~~
126 ~~mentors, coaches, and specialists in effective instruction, and setting timelines and~~

127 benchmarks to assist educators toward greater improved instructional effectiveness
128 and student achievement.

129 ~~(F.)~~(7) A school district evaluation system shall maintain records and
130 documentation of required educator evaluation information.

131 ~~(1)~~(8) A school district evaluation system shall require the evaluation of all
132 licensed educators at least once a year.

133 ~~(2)~~(9) A school district evaluation system shall provide at least an annual
134 rating for each licensed educator, including teachers, school administrators, and
135 other non-teaching licensed positions, using Board-directed statewide evaluation
136 terminology and definitions.

137 ~~(3)~~(10) A school district evaluation system shall provide for the evaluation of
138 all provisional educators, as defined by the school district under Section 53A-8a-405,
139 at least twice yearly.

140 ~~(4)~~(11) A school district evaluation system shall include the following specific
141 educator performance criteria:

142 (a) school district-determined instructional quality measures;

143 (b) complete integration of student growth score~~[before July 1, 2016]~~; and

144 (c) other measures as determined by the school district, including data
145 required from student/parent input.

146 ~~(5)~~(12) The Board shall determine weightings for specific educator
147 performance criteria to be used in the school district's evaluation system.

148 ~~(6)~~(13) A school district evaluation system shall include a plan for recognizing
149 educators who demonstrate exemplary professional effectiveness, at least in part,
150 by student achievement.

151 ~~(7)~~(14) A school district evaluation system shall identify potential employment
152 consequences, including discipline and termination, if an educator fails to meet
153 performance expectations.

154 ~~(8)~~(15) A school district evaluation system shall include a review or appeals
155 procedure for an educator to challenge the process of a summative evaluation that
156 provides for adequate and timely due process for the educator consistent with
157 Section 53A-8a-406(2).

158 ~~(G.)~~(16) A school district may include additional components in its evaluation

159 system.

160 [H.](17) A local board of education shall review and approve its school
161 district's proposed evaluation systems in an open meeting prior to the local board's
162 submission to the Board for review and approval.

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

164 [A.](1) The Board[~~shall~~] establishes a state evaluation advisory committee to
165 provide ongoing review and support for school districts as [~~they~~]school districts
166 develop and implement evaluation systems consistent with the law (2) and this rule.

167 (2) The Committee, described in Subsection (1), shall:

168 ([1]a) analyze school district evaluation data for purposes of:

169 ([a]i) reporting;

170 ([b]ii) assessing instructional improvement; and

171 ([c]ii) assessing student achievement[-];

172 ([2]b) review required Board evaluation components regularly and evaluate
173 their usefulness in providing a consistent statewide framework for educator
174 evaluation, instructional improvement and commensurate student achievement; and

175 ([3]c) review school district educator evaluation plans for alignment with Board
176 requirements.

177 [B.](2) The [~~USOE~~]Superintendent, under supervision of the Board, shall
178 develop a model educator evaluation system that includes performance expectations
179 consistent with this rule.

180 [C.](3) The [~~USOE~~]Superintendent shall evaluate and recommend tools and
181 measures for use by school districts as they develop and initiate their local educator
182 evaluation systems.

183 [D.](4) The [~~USOE~~]Superintendent shall provide professional
184 [~~development~~]learning and technical support to school districts to assist in evaluation
185 procedures and to improve educators' ability to make valid and reliable evaluation
186 judgments.

187 **R277-531-5. Implementation.**

188 [A.](1) Each school district shall:

189 (a) have an educator evaluation committee~~[in place];~~
190 ~~[B.](b) [Each school district shall]~~design the required evaluation program,
191 including pilot programs as desired~~[;]~~; and
192 ~~[C.](c) [Each school district shall continue to]~~report educator effectiveness
193 data to the ~~[USOE in the UCA]~~Superintendent annually on or before June 30.
194 ~~[D. Each school district shall implement an evaluation system no later than~~
195 ~~the 2015-2016 school year.]~~
196 ~~[E.](2)~~ A school district shall implement an employee compensation system
197 no later than the 2016-2017 school year that is aligned with the school district's wage
198 or salary schedule and is consistent with the provisions of Section 53A-8a-601(2).
199 ~~[F. Each school district shall implement student growth measures as part of~~
200 ~~the school district evaluation system before the 2015-2016 school year.]~~

201 **KEY: educator, evaluation, requirements**

202 **Date of Enactment or Last Substantive Amendment: October 9, 2014**

203 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-**
204 **402(1)(a)(i); 53A-1-401~~[(3)]~~**