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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: August 11-12, 2016

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

Background: At the June 2016 Board meeting, the Law and Licensing Committee and the Board approved the amendments to R277-531 on first and second reading. The rule was to be scheduled on the Board's August 2016 Consent Calendar for final reading. The rule is also coming due for its five-year review and continuation with an expiration date of November 8, 2016. An oversight resulted in the 5-year review and continuation language being left out of the memo so the Committee and the Board did not address continuation of the rule. As the Law and Licensing Committee and the Board have reviewed and approved the amendments to R277-531, the rule is now provided to the Law and Licensing Committee for the Committee's consideration to approve continuing the rule, and to the Board to consider final approval of the rule.

Board Strategic Plan: This item supports the following imperative and strategies in the Board's Strategic Plan: Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action: It is proposed that the Law and Licensing Committee consider approving R277-531, as continued, on second reading and, if approved by the Committee, the Board consider approving R277-531, as amended and continued, on third and final reading.

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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.]~~

58 ~~[L.](9)~~ "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.](10)~~ “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]~~base the school district’s educator evaluation system on
81 [rigorous performance expectations aligned with]the Utah Effective Educator
82 Standards in Rule R277-530[-];

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

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

87 ~~[(a)i]~~ observations of instructional quality;

88 ~~[(b)ii]~~ evidence of student growth;

89 ~~[(c)iii]~~ parent and student input; and

90 ~~[(d)iv]~~ other indicators as determined by the school district.

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

95 ~~([5]e) [A school district evaluation system shall]~~direct the revision or
96 alignment of all related school district policies, as necessary, to be consistent with
97 the school district Educator Evaluation System~~[-]; and~~

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

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

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

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

107 ~~([d]g)~~ provide both formative and summative evaluation data.

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

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

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

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

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

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

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

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

127 mentors, coaches, and specialists in effective instruction, and setting timelines and
128 benchmarks to assist educators toward greater improved instructional effectiveness
129 and student achievement.

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

132 ([1]8) A school district evaluation system shall require the evaluation of all
133 licensed educators at least once a year in accordance with Section R277-533.

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

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

141 ([4]11) A school district evaluation system shall include the following specific
142 educator performance criteria:

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

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

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

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

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

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

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

159 [G-](16) A school district may include additional components in its evaluation
160 system.

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

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

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

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

169 ~~([1]a)~~ analyze school district evaluation data for purposes of:

170 ~~([a]i)~~ reporting;

171 ~~([b]ii)~~ assessing instructional improvement; and

172 ~~([e]ii)~~ assessing student achievement~~[-]~~;

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

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

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

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

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

188 **R277-531-5. Implementation.**

189 ~~[A.]~~(1) Each school district shall;
190 ~~(a)~~ have an educator evaluation committee~~[-in place.];~~
191 ~~[B.]~~(b) ~~[Each school district shall-]~~design the required evaluation program,
192 including pilot programs as desired~~[-];~~ and
193 ~~[C.]~~(c) ~~[Each school district shall continue to-]~~report educator effectiveness
194 data to the ~~[USOE in the UGA]~~Superintendent annually on or before June 30.
195 ~~[D. Each school district shall implement an evaluation system no later than~~
196 ~~the 2015-2016 school year.]~~
197 ~~[E.]~~(2) A school district shall implement an employee compensation system
198 no later than the 2016-2017 school year that is aligned with the school district's wage
199 or salary schedule and is consistent with the provisions of Section 53A-8a-601(2).
200 ~~[F. Each school district shall implement student growth measures as part of~~
201 ~~the school district evaluation system before the 2015-2016 school year.]~~

202 **KEY: educator, evaluation, requirements**

203 **Date of Enactment or Last Substantive Amendment: ~~[October 9, 2014]~~2016**

204 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-**
205 **402(1)(a)(i); 53A-1-401~~[(3)]~~**