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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Diana Suddreth
Director, Teaching & Learning

DATE: September 8-9, 2016

DISCUSSION: Alignment of State Code and Board Rule for Educator Evaluation

Background:

In August 2016 the Law and Licensing Committee and the Board continued R277-533 with amendments. During discussion, the Law and Licensing Committee requested staff to prepare a report comparing alignment of Title 53A, Chapter 8a with Administrative Rules R277-531 and R277-533 with the intent of lessening district requirements where possible.

Board Strategic Plan:

This item supports the following imperative(s) and strategies in the Board's Strategic Plan:

- Imperatives Quality Learning and System Values
- Strategies Accountability and Oversight

Anticipated Action:

The Law and Licensing Committee will be presented with the document articulating the alignment of Code and Administrative Rule and discuss what can and cannot be removed from rule due to the statutory requirements in Title 53A, Chapter 8a. Written feedback from districts will also be provided. It is anticipated that the Board will direct staff regarding requested language changes to rule.

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EDUCATOR EVALUATION REQUIREMENTS



Prepared by the
Utah State Board of Education

September 8-9, 2016

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Alignment of Utah State Code and USBE Administrative Rule Discussion

53A-8a Public Education Human Resource Management Act
 R277-531 Public Educator Evaluation Requirements (PEER)
 R277-533 District Educator Evaluation Systems

Educator Evaluation	Code	Rule
Requirements		
Annual evaluation of all educators	ü	ü
Report to Interim	ü	
Evaluate provisional educator 2x/year	ü	ü
Evaluate career educator 2x/year	ü	ü
District evaluation system created with the local board and a joint committee	ü	ü
Components		
Professional standards	ü	ü
Self-evaluation	ü	ü
Student and parent input	ü	ü
Peer observations	ü	ü
Evidence of professional growth	ü	ü
Student achievement data	ü	ü
Other indicators of instructional improvement (optional)	ü	ü
Reasonable number of observation periods	ü	ü
Orientation for educators	ü	ü
Summative rating differentiates among four levels of performance	ü	ü
Evaluation may not use end-of-level assessment scores	ü	ü
Use of "formative" evaluation	ü	ü
Superintendent or designee appoint person outside district with expertise in evaluation to review procedures and make recommendations	ü	ü
USBE to make rules prescribing standards for an independent review (certification)	ü	ü
Include a plan for recognizing exemplary educators		ü
Board-established advisory committee		ü
Superintendent evaluate and recommend tools and measures		ü
Superintendent provide professional learning and technical support		ü
Require regular conferences		ü
Process for educator to contribution additional information at <i>several intervals</i>		ü
Measure educator's professional performance in capacities outside the classroom		ü
Provide process for educator to <ol style="list-style-type: none"> 1. Analyze stakeholder input 2. Analyze data related to performance 3. Provide appropriate responses to information 		ü

Provide procedure to include educator's response to stakeholder data in rating calculation		ü
Measure student achievement using SLOs		ü
Deficiencies and improvement		
Employee whose performance is inadequate or in need of improvement shall be given written document identifying specific, measurable, and actionable deficiencies; available resources; and recommended course of action for improvement	ü	ü
Educator is responsible for improving performance and demonstrating acceptable levels of improvement	ü	ü
Mentor for provisional educator		
Principal or immediate supervisor shall assign a person trained in mentoring educators	ü	ü
Mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least 3 years of educational experience	ü	ü
Mentor shall assist the provisional educator to become effective and competent, but may not be the evaluator	ü	ü
Mentor may receive compensation in addition to a regular salary	ü	ü
State Board of Education to establish a framework for the evaluation of educators		
Districts shall report to the USBE the number and percent of educators in each of the four rating categories	ü	ü
Data reported separately for classifications of administrators, teachers, and educator other than administrators and teachers	ü	ü
Data reported by school districts shall be included in the state superintendent's annual report of the public school system	ü	ü
USBE shall make rules to ensure the privacy and protection of individual evaluation data	ü	ü
State Board of Education shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system		
Establish timeline for developing implementation	ü	
Advancement on an adopted wage or salary schedule shall be based primarily on an evaluation and not on end-of-level scores	ü	
Employee may not advance if most recent rating is at lowest level	ü	
Educator may not advance if rating is at the second lowest level *Unless provisional or in first year of new assignment (subject, grade level, or school)	ü	
Administrator's salary shall be based on most recent evaluation	ü	
District shall continue each year to award any salary increases until at least 15% of a school or district administrator's salary is contingent upon the evaluation	ü	

Questions for consideration:

1. Should the rule continue the plan for recognizing exemplary educators?
2. Should the Board continue the PEER committee as a Board advisory committee?
3. Should the recommendation of tools and measures be included in rule?
4. Should professional learning and technical support be required in rule?
5. Should the rule require educator/supervisor conferences?
6. Should the rule require a process for educators to contribute additional information at several intervals?
7. Should professional performance outside the classroom be required by rule?
8. Should the board required process for educators to analyze stakeholder input, analyze data related to performance, and provide an appropriate response be continued?
9. Must the educator's response to stakeholder data be required as part of the rating calculation?
10. Should SLOs be required for measuring student achievement?
11. What is the Board's will in writing a rule requiring a school district's employee compensation system to be aligned with the district's annual evaluation system?

R277-531 received final approval by the Utah State Board of Education on August 12, 2016. R277-531 is published in the September 1, 2016 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of October 10, 2016.

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.]~~

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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[1]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.]

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58 ~~[E.](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) [A school district evaluation system shall]~~ use valid and reliable

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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 ([c]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;

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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 ([+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 ([+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;

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

170 ([a]i) reporting;

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

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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 UCA]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).

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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 **Notice of Continuation: August 15, 2016**

205 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-**

206 **402(1)(a)(i); 53A-1-401[~~3~~]**

1 **R277. Education, Administration.**

2 **R277-533. District Educator Evaluation Systems.**

3 **R277-533-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Title 53A, Chapter 8a, Part 4, Educator Evaluations, which requires the
8 Board to make rules to establish a framework for the evaluation of educators and set
9 policies and procedures related to educator evaluations; and

10 (c) Section 53A-1-401, which allows the Board to make rules to execute the
11 Board's duties and responsibilities under the Utah Constitution and state law.

12 (2) The purpose of this rule is to:

13 (a) specify the requirements for district Educator Evaluation Systems Policies;

14 (b) describe the required components of district Educator Evaluation Systems;

15 and

16 (c) establish requirements for how the Annual Summative Educator
17 Evaluation Rating shall be computed and reported.

18 **R277-533-2. Definitions.**

19 (1) "Attribute" means the process of linking the results of student growth and
20 learning to a specific educator or group of educators using the same SLO.

21 (2) "Evaluator" means a person who is responsible for an educator's overall
22 evaluation, including:

23 (a) professional performance;

24 (b) student growth;

25 (c) stakeholder input; and

26 (d) other indicators of professional improvement.

27 (3) "PEER Committee" means the Public Educator Evaluation Requirements
28 Committee established by the Superintendent.

29 (4) "Rater" means a person who conducts an observation of an educator
30 related to an educator's evaluation.

31 (5) "School district" includes the Utah Schools for the Deaf and the Blind.

32 (6) "Student learning objective" or "SLO" means a content and grade or
33 course specific measurable learning objective that can be used to document student
34 learning over a defined period of time.

35 (7) "System" means a school district's educator evaluation system.

36 **R277-533-3. School District Educator Evaluation Systems.**

37 (1) A local school board shall adopt a district educator evaluation system in
38 consultation with a joint committee established by the local school board as
39 described in Section 53A-8a-403.

40 (2) A district educator evaluation system shall:

41 (a) include the components required in Section 53A-8a-405;

42 (b) include the following four differentiated levels of performance:

43 (i) highly effective;

44 (ii) effective;

45 (iii) emerging/minimally effective; and

46 (iv) not effective;

47 (c) use multiple lines of evidence in evaluation, including:

48 (i) professional performance, as described in Section R277-533-4;

49 (ii) student growth, as described in Section R277-533-5;

50 (iii) stakeholder input, as described in Section R277-533-5; and

51 (iv) other indicators of professional improvement as required by the school
52 district;

53 (d) require regular conferences between an educator and an evaluator;

54 (e) provide a process for an educator to contribute additional information to
55 inform the educator's evaluation at several intervals throughout the process;

56 (f) measure an educator's professional performance when the educator is
57 working in a professional capacity with students, parents, colleagues, or community
58 members;

59 (g) provide a process for an educator to:

60 (i) analyze stakeholder input, including input from parents, students, or
61 teachers;

62 (ii) analyze data related to performance; and

- 63 (iii) develop appropriate responses to the information;
- 64 (h) provide a procedure to include an educator's response to stakeholder data
65 in the rating calculation;
- 66 (i) include a process for an evaluator to give an educator specific,
67 measurable, actionable, and written direction regarding an educator's needed
68 improvement and recommended course of action;
- 69 (j) provide a process for an educator to request a review of the
70 implementation of the educator's evaluation, as described in:
- 71 (i) Subsection 53A-8a-406(3); and
72 (ii) Section R277-533-8;
- 73 (k) include multiple observations as described in Section R277-533-4; and
74 (l) provide a description of the methods for gathering, using, and protecting
75 educator data.
- 76 (3) To form the school district's system, a local school board may adopt:
77 (a) the Utah Model Educator Evaluator System established by the Board;
78 (b) an adapted system; or
79 (c) a school district-developed system evaluated by the PEER Committee,
80 consistent with Rules R277-530, R277-531, and this rule.
- 81 (4) The PEER Committee, as described in Rule R277-531, shall review and
82 evaluate a school district's educator effectiveness system including:
- 83 (a) professional performance;
84 (b) rater-reliability;
85 (c) student growth; and
86 (d) stakeholder input.
- 87 (5) The PEER Committee shall review and evaluate a school district's system.
- 88 (6) An educator is responsible for:
89 (a) improving the educator's performance, using resources offered by the
90 school district; and
91 (b) demonstrating acceptable levels of improvement in any designated area
92 of deficiency.

93 **R277-533-4. Evaluators and Standards for Education Observations.**

- 94 (1) A school district's system shall include observations.
- 95 (2) The school district shall use observation tools that:
- 96 (a) are aligned with the Utah Effective Educator Standards described in Rule
97 R277-530 at the indicator level; and
- 98 (b) include multiple observations at appropriate intervals.
- 99 (3) A school district's evaluation system shall:
- 100 (a) include an orientation for all educators conducted by the principal or
101 designee as required in Section 53A-8a-404;
- 102 (b) include multiple observation items;
- 103 (c) a final rating for each observation item described in Subsection (3)(b); and
- 104 (d) include an opportunity for an educator to contribute additional information
105 to inform their rating at several intervals throughout the process.
- 106 (4) To ensure a valid evaluation system, a school district shall provide
107 professional development opportunities to all raters and evaluators of licensed
108 educators to:
- 109 (a) improve a rater or evaluator's abilities; and
- 110 (b) give the rater or evaluator an opportunity to demonstrate the rater's
111 abilities to rate an educator in accordance with the Utah Effective Educator
112 Standards described in Rule R277-530.
- 113 (5) A school district shall establish a school district rater reliability plan.
- 114 (6) A school district rater reliability plan shall:
- 115 (a) require school district to compare a rater's decisions to standardized
116 ratings established by a committee of expert raters;
- 117 (b) require a school district to measure a rater's skills and reassess the rater's
118 skills at appropriate intervals to maintain system quality;
- 119 (c) designate qualified raters as certified;
- 120 (d) assure that an educator is rated by a certified rater;
- 121 (e) require a school district to offer a rater opportunities to improve the rater's
122 skills through instruction and practice; and
- 123 (f) maintain high standards of rater accuracy.

124 **R277-533-5. Student Growth Calculations and Stakeholder Input.**

125 (1) A Utah educator's contribution to a student's growth and learning shall be
126 measured using SLOs.

127 (2) A school district shall attribute an SLO to an educator as part of an
128 educator's evaluation in accordance with the school district's system policies.

129 (3) A school district shall:

130 (a) ensure that an SLO described in Subsection (1) includes:

131 (i) three required components:

132 (A) learning goals;

133 (B) assessments; and

134 (C) targets; and

135 (ii) learning goals for an educator linked to the appropriate specific content
136 knowledge and skills from the Utah Core Standards;

137 (b) provide professional development to an educator for the educator to gain
138 the knowledge and skills necessary to sustain wide-scale implementation of an SLO
139 process;

140 (c) establish a local review process to assist the school district in developing
141 comparability and consistency of SLOs at each grade level or span; and

142 (d) design a structure and process for providing professional development to
143 the school district's educators and administrators.

144 (4)(a) A school district's system shall include a component for stakeholder
145 input for educators, principals, and administrators, which includes annual input from
146 students and parents.

147 (b) In addition to the stakeholder input described in Subsection (4)(a),
148 stakeholder input for principals and other administrators shall include input from
149 teachers and support professionals.

150 (c) A school district may attribute stakeholder input to an educator, principal,
151 or other administrator if the data gathered for the stakeholder input is gathered
152 using:

153 (i) appropriate methods of gathering data as described in the school district's
154 system plan; and

155 (ii) quality practices.

156 (5) A school district's system shall:

- 157 (a) allow an educator to have an opportunity to respond to stakeholder input;
158 and
159 (b) consider an educator's response described in Subsection (5)(a) as part of
160 the educator's final rating.

161 **R277-533-6. Computing the Annual Summative Rating.**

- 162 (1) A school district shall base an educator's component ratings on:
163 (a) actual observations of the educator's performance; and
164 (b) educator, evaluator, or other stakeholder data gathered, calculated, or
165 observed that is aligned with standards and rubrics.
166 (2) A school district shall combine an educator's component ratings using the
167 following formula:
168 (a) 70% for professional performance;
169 (b) 20% for student growth; and
170 (c) 10% for stakeholder input.
171 (3) A school district shall report summative scores annually for all educators
172 using the following approved terminology for reporting:
173 (d) highly effective 3;
174 (c) effective 2;
175 (b) minimal/emerging effective 1; and
176 (a) not effective 0.

177 **R277-533-7. Minimal or Emerging Effective Category.**

- 178 If an evaluator rates an educator's performance within the minimal or
179 emerging effective category, the rater shall:
180 (1) designate an educator as emerging effective if:
181 (a) the educator:
182 (i) holds a Level 1 educator license; or
183 (ii) is being served by the school district's Entry Years Enhancement (EYE)
184 program described in Rule R277-522; or
185 (b) the educator:
186 (i) received a new or different teaching or leadership assignment within the

- 187 last school year; or
188 (ii) is developing in that area; or
189 (2) designate an educator as minimally effective if the educator:
190 (a) holds a Level 2 educator license; and
191 (b) is teaching or leading in a familiar assignment.

192 **R277-533-8. Evaluation Reviews.**

193 (1) An educator who is not satisfied with a summative evaluation may request
194 a review in writing of the summative evaluation within 15 calendar days after
195 receiving the written summative evaluation.

196 (2) A school district shall conduct a review of an educator's summative
197 evaluation:

198 (a) as described in this section; and

199 (b) the requirements of Section 53A-8a-406.

200 (3) A review described in Subsection (2) shall be conducted:

201 (a) by a certified rater:

202 (i) with experience evaluating educators; and

203 (ii) not employed by the school district; and

204 (b) in accordance with the Utah Effective Educator Standards described in

205 Rule R277-530.

206 (4) A certified rater described in Subsection (3) shall:

207 (a) review:

208 (i) the school district's educator evaluation policies and procedures;

209 (ii) the evaluation process conducted for the educator; and

210 (iii) the evaluation data from the professional performance, student growth,
211 and stakeholder input components; and

212 (b) report the certified rater's findings, in writing, to the school district's
213 superintendent for action.

214 (5) The school district shall determine if the initial educator evaluation was
215 issued in accordance with:

216 (a) the school district's educator evaluation policies;

217 (b) the requirements of the performance standards;

218 (c) Title 53A, Chapter 8a, Public Education Human Resource Management
219 Act;
220 (d) Rule R277-531; and
221 (e) this rule.

222 **R277-533-9. Educator Evaluation Data.**

223 (1) A school district shall report to the Board annually on or before June 30
224 the information necessary for the Board to make the report required by Section
225 53A-8a-410.

226 (2) A school district shall maintain confidential records of the educator
227 effectiveness component data of individual educators in accordance with:

228 (a) Rule R277-487; and
229 (b) state law.

230 (3) A school district's system may be monitored by the Board.

231 **KEY: educator, evaluation**

232 **Date of Enactment of Last Substantive Amendment: August 11, 2016**

233 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401**

Chapter 8a
Public Education Human Resource Management Act

Part 1
General Provisions

53A-8a-101 Title.

This chapter is known as the "Public Education Human Resource Management Act."

Enacted by Chapter 425, 2012 General Session

53A-8a-102 Definitions.

As used in this chapter:

- (1) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53A-8a-201 and an agreement with the employee or the employee's association, district practice, or policy.
- (2) "Contract term" or "term of employment" means the period of time during which an employee is engaged by the school district under a contract of employment, whether oral or written.
- (3) "Dismissal" or "termination" means:
 - (a) termination of the status of employment of an employee;
 - (b) failure to renew or continue the employment contract of a career employee beyond the then-current school year;
 - (c) reduction in salary of an employee not generally applied to all employees of the same category employed by the school district during the employee's contract term; or
 - (d) change of assignment of an employee with an accompanying reduction in pay, unless the assignment change and salary reduction are agreed to in writing.
- (4)
 - (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (4)(b).
 - (b) For purposes of Part 2, Status of Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination Procedures, "employee" does not include:
 - (i) the district superintendent, or the equivalent at the Schools for the Deaf and the Blind;
 - (ii) the district business administrator or the equivalent at the Schools for the Deaf and the Blind; or
 - (iii) a temporary employee.
- (5) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for the district most recently before terminating a more senior employee.
- (6) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.
- (7) "School board" or "board" means a district school board or its equivalent at the Schools for the Deaf and the Blind.
- (8) "School district" or "district" means:
 - (a) a public school district; or
 - (b) the Schools for the Deaf and the Blind.
- (9) "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the local board of education. If the class of employees in question is

represented by an employee organization recognized by the local board, the board shall adopt its policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.

(10)

- (a) "Unsatisfactory performance" means a deficiency in performing work tasks which may be:
 - (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
 - (ii) remediated through training, study, mentoring, or practice.
- (b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section 53A-8a-501 or a reason for license discipline by the State Board of Education or Utah Professional Practices Advisory Commission:
 - (i) a violation of work rules;
 - (ii) a violation of local school board policies, State Board of Education rules, or law;
 - (iii) a violation of standards of ethical, moral, or professional conduct; or
 - (iv) insubordination.

Amended by Chapter 203, 2015 General Session

Part 2 Status of Employment

53A-8a-201 Career employee status for provisional employees -- Career status in the event of change of position -- Continuation of probationary status when position changes -- Temporary status for extra duty assignments -- Employees not eligible for career status.

(1)

- (a) A provisional employee must work for a school district on at least a half-time basis for three consecutive years to obtain career employee status.
 - (b) A school district may extend the provisional status of an employee up to an additional two consecutive years in accordance with a written policy adopted by the district's school board that specifies the circumstances under which an employee's provisional status may be extended.
- (2) Policies of an employing school district shall determine the status of a career employee in the event of the following:
- (a) the employee accepts a position which is substantially different from the position in which career status was achieved; or
 - (b) the employee accepts employment in another school district.
- (3) If an employee who is under an order of probation or remediation in one assignment in a school district is transferred or given a new assignment in the district, the order shall stand until its provisions are satisfied.
- (4) An employee who is given extra duty assignments in addition to a primary assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary employee in those extra duty assignments and may not acquire career status beyond the primary assignment.
- (5) A person is an at-will employee and is not eligible for career employee status if the person:
- (a) is a teacher who holds a competency-based license pursuant to Section 53A-6-104.5 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103; or
 - (b) holds an administrative/supervisory letter of authorization pursuant to Section 53A-6-110.

Renumbered and Amended by Chapter 425, 2012 General Session

Part 3 Employee Evaluations

53A-8a-301 Evaluation of employee performance.

- (1) Except as provided in Subsection (2), a local school board shall require that the performance of each school district employee be evaluated annually in accordance with rules of the State Board of Education adopted in accordance with this chapter and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
 - (a) Rules adopted by the State Board of Education under Subsection (1) may include an exemption from annual performance evaluations for temporary or part-time employees.
 - (b) As provided by Section 53A-8a-405, a provisional or probationary educator shall be evaluated at least twice each school year.

Enacted by Chapter 425, 2012 General Session

53A-8a-302 State Board of Education rules -- Reporting to Legislature.

- (1) Subject to Part 4, Educator Evaluations, and Part 7, Evaluation and Compensation of Administrators, rules adopted by the State Board of Education under Section 53A-8a-301 shall:
 - (a) provide general guidelines, requirements, and procedures for the development and implementation of employee evaluations;
 - (b) establish required components and allow for optional components of employee evaluations;
 - (c) require school districts to chose valid and reliable methods and tools to implement the evaluations; and
 - (d) establish a timeline for school districts to implement employee evaluations.
- (2) The State Board of Education shall report to the Education Interim Committee, as requested, on progress in implementing employee evaluations in accordance with this part, Part 4, Educator Evaluations, and Part 7, Evaluation and Compensation of Administrators.

Enacted by Chapter 425, 2012 General Session

Part 4 Educator Evaluations

53A-8a-401 Legislative findings.

- (1) The Legislature recognizes that the quality of public education can be improved and enhanced by systematic, fair, and competent annual evaluation of public educators and remediation of those whose performance is inadequate.
- (2) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the desired purposes of evaluation are to:
 - (a) allow the educator and the school district to promote the professional growth of the educator; and
 - (b) identify and encourage quality instruction in order to improve student achievement.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-402 Definitions.

As used in this chapter:

- (1) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.
- (2) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the State Board of Education, except:
 - (a) a superintendent; or
 - (b) an individual who:
 - (i) works fewer than three hours per day; or
 - (ii) is hired for less than half of a school year.
- (3) "Probationary educator" means an educator employed by a school district who, under local school board policy, has been advised by the district that the educator's performance is inadequate.
- (4) "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-403 Establishment of educator evaluation program -- Joint committee.

- (1) A local school board shall develop an educator evaluation program in consultation with its joint committee.
- (2) The joint committee described in Subsection (1) shall consist of an equal number of classroom teachers, parents, and administrators appointed by the local school board.
- (3) A local school board may appoint members of the joint committee from a list of nominees:
 - (a) voted on by classroom teachers in a nomination election;
 - (b) voted on by the administrators in a nomination election; and
 - (c) of parents submitted by school community councils within the district.
- (4) Subject to Subsection (5), the joint committee may:
 - (a) adopt or adapt an evaluation program for teachers based on a model developed by the State Board of Education; or
 - (b) create its own evaluation program for teachers.
- (5) The evaluation program developed by the joint committee must comply with the requirements of this part and rules adopted by the State Board of Education under Section 53A-8a-409.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-404 Evaluation orientation.

- (1) The principal of each school shall orient all educators assigned to the school concerning the school board's educator evaluation program, including the purpose of the evaluations and the method used to evaluate.
- (2) Evaluations may not occur prior to the orientation by the principal.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-405 Components of educator evaluation program.

An educator evaluation program adopted by a local school board in consultation with a joint committee established in Section 53A-8a-403:

- (1) shall include the following components:
 - (a) a reliable and valid evaluation program consistent with generally accepted professional standards for personnel evaluation systems;
 - (b)
 - (i) the evaluation of provisional and probationary educators at least twice each school year; and
 - (ii) the annual evaluation of all career educators;
 - (c) systematic evaluation procedures for both provisional and career educators;
 - (d) the use of multiple lines of evidence, including:
 - (i) self-evaluation;
 - (ii) student and parent input;
 - (iii) peer observation;
 - (iv) supervisor observations;
 - (v) evidence of professional growth;
 - (vi) student achievement data; and
 - (vii) other indicators of instructional improvement;
 - (e) a reasonable number of observation periods for an evaluation to ensure adequate reliability;
 - (f) administration of an educator's evaluation by:
 - (i) the principal;
 - (ii) the principal's designee;
 - (iii) the educator's immediate supervisor; or
 - (iv) another person specified in the evaluation program;
 - (g) an orientation for educators on the educator evaluation program; and
 - (h) a summative evaluation that differentiates among four levels of performance; and
- (2) may not use end-of-level assessment scores in educator evaluation.

Amended by Chapter 204, 2016 General Session

53A-8a-406 Summative evaluation timelines -- Review of summative evaluations.

- (1) The person responsible for administering an educator's summative evaluation shall:
 - (a) at least 15 days before an educator's first evaluation:
 - (i) notify the educator of the evaluation process; and
 - (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
 - (b)
 - (i) allow the educator to make a written response to any part of the evaluation; and
 - (ii) attach the educator's response to the evaluation;
 - (c) within 15 days after the evaluation process is completed, discuss the written evaluation with the educator; and
 - (d) following any revision of the written evaluation made after the discussion:
 - (i) file the evaluation and any related reports or documents in the educator's personnel file; and
 - (ii) give a copy of the written evaluation and attachments to the educator.
- (2) An educator who is not satisfied with a summative evaluation may request a review of the evaluation within 15 days after receiving the written evaluation.
- (3)
 - (a) If a review is requested, the school district superintendent or the superintendent's designee shall appoint a person not employed by the school district who has expertise in teacher or

personnel evaluation to review the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.

- (b) The State Board of Education shall make rules prescribing standards for an independent review of an educator's summative evaluation.
- (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be conducted in accordance with State Board of Education rules made under Subsection (3)(b).

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-407 Deficiencies -- Improvement.

- (1) The person responsible for administering an educator's evaluation shall give an educator whose performance is inadequate or in need of improvement a written document clearly identifying:
 - (a) specific, measurable, and actionable deficiencies;
 - (b) the available resources that will be provided for improvement; and
 - (c) a recommended course of action that will improve the educator's performance.
- (2) An educator is responsible for improving performance, including using any resources identified by the school district, and demonstrating acceptable levels of improvement in the designated areas of deficiencies.
- (3) Subsections (1)(b), (1)(c), and (2) do not apply if the educator's unsatisfactory performance was documented for the same deficiency within the previous three years and a plan of assistance was implemented as provided in Section 53A-8a-503.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-408 Mentor for provisional educator.

- (1) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.
- (2) Where possible, the mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years of educational experience.
- (3) The mentor shall assist the provisional educator to become effective and competent in the teaching profession and school system, but may not serve as an evaluator of the provisional educator.
- (4) An educator who is assigned as a mentor may receive compensation for those services in addition to the educator's regular salary.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-409 State Board of Education to establish a framework for the evaluation of educators.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
 - (a) establishing a framework for the evaluation of educators that is consistent with the requirements of Part 3, Employee Evaluations, and this part;
 - (b) requiring a teacher's summative evaluation to be based on standards of instructional quality; and

- (c) requiring each school district to fully implement an evaluation system for educators in accordance with the framework established by the State Board of Education no later than the 2015-16 school year.
- (2) The rules described in Subsection (1) shall prohibit the use of end-of-level assessment scores in educator evaluation.

Amended by Chapter 204, 2016 General Session

53A-8a-410 Report of educator ratings.

- (1) A school district shall report to the State Board of Education the number and percent of educators in each of the four rating categories referred to in Section 53A-8a-405 based on an educator's annual evaluation.
- (2) The data reported under Subsection (1) shall be separately reported for the following educator classifications:
 - (a) administrators;
 - (b) teachers; and
 - (c) educators other than administrators or teachers.
- (3) The data reported by school districts under this section shall be included in the state superintendent's annual report of the public school system required by Section 53A-1-301.
- (4) The State Board of Education shall make rules to ensure the privacy and protection of individual evaluation data.

Enacted by Chapter 425, 2012 General Session

Part 5
Orderly School Termination Procedures

53A-8a-501 Local school board to establish dismissal procedures.

- (1) A local school board shall, by contract with its employees or their associations, or by resolution of the board, establish procedures for dismissal of employees in an orderly manner without discrimination.
- (2) The procedures shall include:
 - (a) standards of due process;
 - (b) causes for dismissal; and
 - (c) procedures and standards related to developing and implementing a plan of assistance for a career employee whose performance is unsatisfactory.
- (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c) shall require a plan of assistance to identify:
 - (a) specific, measurable, and actionable deficiencies;
 - (b) the available resources provided for improvement; and
 - (c) a course of action to improve employee performance.
- (4) If a career employee exhibits both unsatisfactory performance as described in Subsection 53A-8a-102(10)(a) and conduct described in Subsection 53A-8a-102(10)(b), an employer:
 - (a) may:
 - (i) attempt to remediate the conduct of the career employee; or

- (ii) terminate the career employee for cause if the conduct merits dismissal consistent with procedures established by the local school board; and
 - (b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.
- (5) If the conduct of a career employee described in Subsection (4) is satisfactorily remediated, and unsatisfactory performance issues remain, an employer shall develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.
- (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated, an employer:
- (a) may dismiss the career employee for cause in accordance with procedures established by the local school board that include standards of due process and causes for dismissal; and
 - (b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.

Amended by Chapter 203, 2015 General Session

53A-8a-502 Dismissal procedures.

- (1) A district shall provide employees with a written statement specifying:
- (a) the causes under which a career employee's contract may not be renewed or continued beyond the current school year;
 - (b) the causes under which a career or provisional employee's contract may be terminated during the contract term; and
 - (c) the orderly dismissal procedures that are used by the district in cases of contract termination, discontinuance, or nonrenewal.
- (2) A career employee's contract may be terminated during its term for reasons of unsatisfactory performance or discontinued beyond the current school year for reasons of unsatisfactory performance as provided in Section 53A-8a-503.
- (3)
- (a) A district is not required to provide a cause for not offering a contract to a provisional employee.
 - (b) If a district intends to not offer a contract for a subsequent term of employment to a provisional employee, the district shall give notice of that intention to the employee at least 60 days before the end of the provisional employee's contract term.
- (4) In the absence of a notice, an employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employee into which the individual falls.
- (5) If a district intends to not renew or discontinue the contract of a career employee or to terminate a career or provisional employee's contract during the contract term:
- (a) the district shall give written notice of the intent to the employee;
 - (b) the notice shall be served by personal delivery or by certified mail addressed to the employee's last-known address as shown on the records of the district;
 - (c) the district shall give notice at least 30 days prior to the proposed date of termination;
 - (d) the notice shall state the date of termination and the detailed reasons for termination;
 - (e) the notice shall advise the employee that the employee has a right to a fair hearing and that the hearing is waived if it is not requested within 15 days after the notice of termination was either personally delivered or mailed to the employee's most recent address shown on the district's personnel records; and

- (f) the notice shall state that failure of the employee to request a hearing in accordance with procedures set forth in the notice constitutes a waiver of that right and that the district may then proceed with termination without further notice.
- (6)
 - (a) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the district.
 - (b) Suspension pending a hearing may be without pay if an authorized representative of the district determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true.
 - (c) If termination is not subsequently ordered, the employee shall receive back pay for the period of suspension without pay.
- (7) The procedure under which an employee's contract is terminated during its term shall provide for a written notice of suspension or final termination including findings of fact upon which the action is based.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-503 Nonrenewal or termination of a career employee's contract for unsatisfactory performance.

- (1) If a district intends to not renew a career employee's contract for unsatisfactory performance or terminate a career employee's contract during the contract term for unsatisfactory performance, the district shall:
 - (a) provide and discuss with the career employee written documentation clearly identifying the deficiencies in performance;
 - (b) provide written notice that the career employee's contract is subject to nonrenewal or termination if, upon a reevaluation of the career employee's performance, the career employee's performance is determined to be unsatisfactory;
 - (c) develop and implement a plan of assistance, in accordance with procedures and standards established by the local school board under Section 53A-8a-501, to allow the career employee an opportunity to improve performance;
 - (d) reevaluate the career employee's performance; and
 - (e) if the career employee's performance remains unsatisfactory, give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53A-8a-502(5).
- (2)
 - (a) The period of time for implementing a plan of assistance:
 - (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
 - (ii) may continue into the next school year;
 - (iii) should be sufficient to successfully complete the plan of assistance; and
 - (iv) shall begin when the career employee receives the written notice provided under Subsection (1)(b) and end when the determination is made that the career employee has successfully remediated the deficiency or notice of intent to not renew or terminate the career employee's contract is given in accordance with Subsection 53A-8a-502(5).
 - (b) In accordance with local school board policy, the period of time for implementing a plan of assistance may extend beyond 120 school days if:

- (i) a career employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and
 - (ii)
 - (A) the leave was approved and scheduled before the written notice was provided under Subsection (1)(b); or
 - (B) the leave is specifically approved by the local school board.
- (3)
- (a) If upon a reevaluation of the career employee's performance, the district determines the career employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the district may elect to not renew or terminate the career employee's contract.
 - (b) If a district intends to not renew or terminate a career employee's contract as provided in Subsection (3)(a), the district shall:
 - (i) provide written documentation of the career employee's deficiencies in performance; and
 - (ii) give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53A-8a-502(5).

Enacted by Chapter 425, 2012 General Session

53A-8a-504 Hearings before district board or hearing officers -- Rights of the board and the employee -- Subpoenas -- Appeals.

- (1)
- (a) Hearings are held under this chapter before the board or before hearing officers selected by the board to conduct the hearings and make recommendations concerning findings.
 - (b) The board shall establish procedures to appoint hearing officers.
 - (c) The board may delegate its authority to a hearing officer to make decisions relating to the employment of an employee which are binding upon both the employee and the board.
 - (d) This Subsection (1) does not limit the right of the board or the employee to appeal to an appropriate court of law.
- (2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear testimony against the employee, to cross-examine witnesses, and to examine documentary evidence.
- (3) Subpoenas may be issued and oaths administered as provided under Section 53A-6-603.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-505 Necessary staff reduction not precluded -- Last-hired, first-fired layoffs prohibited.

- (1) Nothing in this chapter prevents staff reduction if necessary to reduce the number of employees because of the following:
- (a) declining student enrollments in the district;
 - (b) the discontinuance or substantial reduction of a particular service or program;
 - (c) the shortage of anticipated revenue after the budget has been adopted; or
 - (d) school consolidation.
- (2) A school district may not utilize a last-hired, first-fired layoff policy when terminating school district employees.
- (3) A school district may consider the following factors when terminating a school district employee:
- (a) the results of an employee's performance evaluation; and

(b) a school's personnel needs.

Renumbered and Amended by Chapter 425, 2012 General Session

53A-8a-506 Restriction on transfer of employee with unsatisfactory performance.

An employee whose performance is unsatisfactory may not be transferred to another school unless the local school board specifically approves the transfer of the employee.

Enacted by Chapter 425, 2012 General Session

**Part 6
Performance Compensation**

53A-8a-601 State Board of Education to make rules on performance compensation.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system described in Section 53A-8a-405.
- (2) Rules adopted under Subsection (1) shall :
 - (a) establish a timeline for developing and implementing an employee compensation system that is aligned with an annual evaluation system; and
 - (b) provide that beginning no later than the 2016-17 school year:
 - (i) any advancement on an adopted wage or salary schedule:
 - (A) shall be based primarily on an evaluation; and
 - (B) may not be based on end-of-level assessment scores; and
 - (ii) an employee may not advance on an adopted wage or salary schedule if the employee's rating on the most recent evaluation is at the lowest level of an evaluation instrument.

Amended by Chapter 204, 2016 General Session

53A-8a-602 Educator's eligibility for a wage increase.

An educator, as defined in Section 53A-6-103, may not advance on an adopted salary schedule if the educator's rating on the most recent evaluation is at the second lowest level of an evaluation instrument that differentiates among four levels of performance as described in Section 53A-8a-405, unless the educator:

- (1) is a provisional educator; or
- (2) is in the first year of an assignment, including a new subject, grade level, or school.

Enacted by Chapter 425, 2012 General Session

**Part 7
Evaluation and Compensation of Administrators**

53A-8a-701 Definitions.

As used in this part:

- (1) "District administrator" means an individual who:

- (a) serves in a position that requires an educator license with an administrative area of concentration, except as provided in Section 53A-3-301 or 53A-6-110; and
 - (b) supervises school administrators.
- (2) "School administrator" means an individual who:
- (a) serves in a position that requires an educator license with an administrative area of concentration, except as provided in Section 53A-6-110; and
 - (b) supervises teachers.

Enacted by Chapter 425, 2012 General Session

53A-8a-702 Evaluation of school and district administrators.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish a framework for the evaluation of school and district administrators that includes the following components:
- (a) student achievement indicators emphasizing learning growth and proficiency;
 - (b) the results of an evaluation tool utilized by the local school board that includes input from employees, parents, and students;
 - (c) the effectiveness of evaluating employee performance in a school or district for which the school or district administrator has responsibility; and
 - (d) other factors as determined by a local school board in implementing state law and State Board of Education rules.
- (2) The rules described in Subsection (1) shall prohibit the use of end-of-level assessment scores in the evaluation of school and district administrators.
- (3) The State Board of Education shall require each school district to fully implement an evaluation system for school and district administrators in accordance with the framework established by the State Board of Education no later than the 2015-16 school year.

Amended by Chapter 204, 2016 General Session

53A-8a-703 Compensation of school and district administrators.

- (1) Beginning no later than the 2016-17 school year, a school or district administrator's salary shall be based on the school or district administrator's most recent evaluation.
- (2) A school district shall continue each year to award any salary increases to a school or district administrator based on an evaluation administered pursuant to Section 53A-8a-702 until at least 15% of a school or district administrator's salary is contingent upon the evaluation administered pursuant to Section 53A-8a-702.

Amended by Chapter 262, 2014 General Session

Part 8
Peer Assistance and Review Pilot Program

53A-8a-801 Definitions.

As used in this part:

- (1) "Peer Assistance and Review Pilot Program" or "PAR Program" means the teacher evaluation and mentoring program created in Section 53A-8a-802.

- (2) "Consulting teacher" means a teacher who is appointed as described in Section 53A-8a-803 and provides assistance and review to teachers assigned to a PAR Program.
- (3) "Novice teacher" means a provisional teacher who has not achieved career employee status.
- (4) "PAR Joint Panel" means the governing panel of a district's PAR Program, created according to Section 53A-8a-804.
- (5) "Teacher" means an individual employed by a school district who is required to hold an educator license issued by the State Board of Education and who has an assignment to teach in a classroom.
- (6) "Underperforming veteran teacher" means a teacher who has achieved career employee status as defined in Section 53A-8a-102 and whose work has been judged to fall below the district's standards.

Enacted by Chapter 273, 2012 General Session

53A-8a-802 PAR Program guidelines -- Report.

- (1) The PAR Program is created to:
 - (a) conduct regular evaluations of novice teachers and underperforming veteran teachers;
 - (b) provide support and mentoring to novice teachers and underperforming veteran teachers; and
 - (c) make recommendations for continued employment or dismissal of novice teachers and underperforming veteran teachers.
- (2) Subject to future budget constraints, the Legislature shall appropriate money for a five-year period to the State Board of Education for the PAR Program.
- (3) The State Board of Education shall:
 - (a) solicit proposals from school districts for the use of grant money to develop and implement PAR Programs; and
 - (b) award grants to school districts on a competitive basis.
- (4) In awarding a grant under Subsection (3)(b), the State Board of Education shall consider:
 - (a) the applicant's capacity to effectively achieve the purposes of the PAR Program as described in Subsection (1);
 - (b) whether the district has a rigorous and standards-based teacher evaluation system already in place; and
 - (c) other criteria as determined by the State Board of Education.
- (5) To receive a grant, a school district shall submit a proposal to the State Board of Education on how the district intends to develop and implement a PAR Program, within the specifications of Section 53A-8a-803.
- (6) A selected district may use grant money:
 - (a) to develop and design a PAR Program to fit the needs of the district, which may include hiring consultants;
 - (b) to fund additional pay or stipends, computers, travel reimbursement, and office space for consulting teachers;
 - (c) for program administration and clerical support staff;
 - (d) for stipends for PAR Joint Panel members;
 - (e) to pay substitute teachers for PAR Joint Panel members to attend meetings or for teachers enrolled in the PAR Program to visit and observe other classes; and
 - (f) for training costs.
- (7) After each year of the pilot program, the State Board of Education shall make a report to the Education Interim Committee evaluating the impact of the PAR Program on retaining high quality teachers and dismissing ineffective teachers in a timely manner.

- (8) The State Board of Education shall make rules specifying:
 - (a) procedures for applying for and awarding grants under this part;
 - (b) criteria for awarding grants; and
 - (c) reporting requirements for grantees.

Enacted by Chapter 273, 2012 General Session

53A-8a-803 Program components.

- (1) A district that receives a grant under Section 53A-8a-802 to design and implement a PAR Program, shall use the general guidelines as set forth in this section.
- (2) A district's PAR Program shall consist of the following two sections:
 - (a) an induction section for novice teachers; and
 - (b) a remediation section for underperforming veteran teachers.
- (3) The induction section of a district's PAR Program shall include the following components:
 - (a) a novice teacher is automatically enrolled into the induction section of the PAR Program and assigned a consulting teacher who serves as a mentor;
 - (b) the novice teacher receives help from a consulting teacher in setting up a classroom, securing needed supplies, preparing for classroom management, reflecting on lessons, and getting feedback and support;
 - (c) the consulting teacher assesses the novice teacher's work and reports to the district's PAR Joint Panel several times throughout the year, with a summative report and evaluation at the end of the year;
 - (d) the consulting teacher assists the district's PAR Joint Panel in deciding whether to hire the novice teacher for another year; and
 - (e) the principal retains the right and responsibility for evaluating all teachers for career employment status.
- (4) The remediation section of a district's PAR Program shall include the following components:
 - (a) a principal or supervisor recommends an underperforming veteran teacher to the remediation section of the program, or the underperforming veteran teacher may be automatically enrolled in the intervention section of the program in accordance with local school board policy;
 - (b) an underperforming veteran teacher is assigned a consulting teacher who acts as a mentor and initially investigates whether the teacher is, in fact, failing to meet the district standards;
 - (c) the consulting teacher mentors the underperforming veteran teacher for a period of time established in accordance with local school board policy; and
 - (d) the underperforming veteran teacher either meets district standards after close mentoring, or is dismissed or encouraged to resign because the underperforming veteran teacher rejects help or fails to improve sufficiently despite the consulting teacher's mentoring.
- (5) Consulting teachers:
 - (a) are chosen through a competitive process by the district's PAR Joint Panel;
 - (b)
 - (i) are released from regular teaching loads for three to five years; or
 - (ii) are released from regular teaching part-time and serve as consulting teachers part-time;
 - (c) earn regular salary plus an additional stipend for being consulting teachers;
 - (d) are assigned a caseload of teachers to mentor and evaluate, preferably in the same subject and grade level;
 - (e) report on teachers to the district's PAR Joint Panel; and
 - (f) mentor and evaluate teachers participating in the district's PAR Program through:
 - (i) scheduled and unscheduled visits;

- (ii) developing a growth plan with a teacher based on the teacher's strengths and weaknesses;
- (iii) observing lessons and providing feedback;
- (iv) helping with lesson planning;
- (v) providing resources and materials; and
- (vi) arranging for a participating teacher to observe another colleague's

class. Enacted by Chapter 273, 2012 General Session

53A-8a-804 Creation -- Make-up -- Duties of a district PAR Joint Panel.

- (1) A district that receives money to create a PAR Program under Section 53A-8a-802 shall create a PAR Joint Panel consisting of an equal number of teacher representatives and district administrators or their designees.
- (2) A district PAR Joint Panel shall:
 - (a) meet regularly to design the district's PAR Program;
 - (b) review cases of teachers assigned to the district's PAR Program and decide whether the district should continue to employ teachers based on evidence collected by consulting teachers; and
 - (c) select consulting teachers through a competitive process.

Enacted by Chapter 273, 2012 General Session