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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: October 6-7, 2016

ACTION: R277-531 *Public Educator Evaluation Requirements (PEER)* (Amendment) and
R277-533 *District Educator Evaluation Systems* (Amendment)

Background: In September, the Law and Licensing Committee discussed amending R277-531 and R277-533 to eliminate any provisions not required by Utah Code. The rules are amended to eliminate provisions not required by Utah Code and to include a requirement that, no later than the 2016-17 school year, a school district implement an employee compensation system that is aligned with the school district's wage or salary schedule and is consistent with the provisions of Section 53A-8a-601.

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 amended, on first reading and, if approved by the Committee, the Board consider approving R277-531, as amended, on second reading.

It is proposed that the Law and Licensing Committee consider approving R277-533, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-533, as amended, on second reading.

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1 **R277. Education, Administration.**

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

3 **R277-531-1. 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) 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.

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

18 (3) The process shall:

19 (a) focus on the improvement of high quality instruction and improved student
20 achievement;

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

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

26 **R277-531-2. Definitions.**

27 (1) "Educator" means an individual licensed under Section 53A-6-103 and
28 who meets the requirements of Rule R277-502.

29 (2) "Educator Evaluation Program" means a school district's process, policies,
30 and procedures for evaluating an educator's performance according to the
31 educator's various assignments.

32 (3) "Formative evaluation" means an evaluation that provides an educator with
33 information and assessments on how to improve the educator's performance.

34 (4) "Instructional quality data" means data acquired through observation of an
35 educator's instructional practices.

36 (5) "Joint educator evaluation committee" means the local committee
37 described under Section 53A-8a-403 that develops and assesses a school district
38 evaluation program.

39 (6) "School administrator" means an educator:

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

42 (b) who supervises Level 2 educators.

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

45 ~~[(8)7] "Summative evaluation" means an evaluation that is used to make
46 annual decisions or ratings of an educator's performance and may inform decisions
47 on salary, confirmed employment, personnel assignments, transfers, or dismissals.~~

48 (9) "Utah Effective Educator Standards" means:

49 (a) the Effective Teaching Standards established in Section R277-530-5;

50 (b) the Educational Leadership Standards established in Section R277-530-6;

51 and

52 (c) the Educational School Counselor Standards established in Section R277-
53 530-7.

54 (10) "Valid and reliable measurement tool" means an instrument that has
55 proved consistent over time and uses non-subjective criteria that require minimal
56 interpretation.

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

58 (1)~~[(a)]~~ The Board provides the public education evaluation framework
59 described in this section, which includes general evaluation system areas and
60 additional discretionary components required in a school district's educator
61 evaluation system.

62 ~~[(b) A school district's educator evaluation system shall conform to the~~

63 ~~framework no later than the 2015-2016 school year.]~~

64 (2) A school district shall:

65 (a) have a joint educator evaluation committee;

66 ~~(a)~~ base the school district’s educator evaluation system on the Utah
67 Effective Educator Standards in Rule R277-530;

68 ~~(b)~~ establish and articulate performance expectations individually for all
69 licensed school district educators;

70 ~~(c)~~ use valid and reliable measurement tools including, at a minimum:

71 (i) observations of instructional quality;

72 (ii) evidence of student growth;

73 (iii) parent and student input; and

74 (iv) other indicators as determined by the school district~~[-];~~

75 ~~(d)~~ provide an annual rating of educator performance using uniform
76 statewide terminology and definitions, and include summative and formative
77 components;

78 ~~(e)~~ direct the revision or alignment of all related school district policies, as
79 necessary, to be consistent with the school district Educator Evaluation System;

80 ~~and~~

81 ~~(f)~~ use valid, reliable, and research-based measurements that shall:

82 (i) employ a variety of measurement tools;

83 (ii) measure student growth for educators;

84 (iii) provide evaluation for non-instructional licensed educators and
85 administrators; and

86 ~~(g)~~ provide both formative and summative evaluation data.

87 (3) A school district may consider data gathered from tools to inform decisions
88 about employment and professional learning.

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

91 (5)(a) A school district evaluation system shall provide for clear and timely
92 notice to educators of the components, timelines, and consequences of the
93 evaluation process; and

94 (b) A school district evaluation system shall provide for timely discussion with

95 evaluated educators to include professional growth plans as required in Rule R277-
96 500 and evaluation conferences[; and].

97 ~~[(c) A school district evaluation system shall protect personal data gathered
98 in the evaluation process.]~~

99 (6) A school district evaluation system shall provide support for instructional
100 improvement, including:

101 (a) assessing the professional learning needs of educators; and

102 (b) identifying educators who do not meet expectations for instructional quality
103 and providing support as appropriate at the school district level, which may include
104 providing educators with mentors, coaches, and specialists in effective instruction,
105 and setting timelines and benchmarks to assist educators toward greater improved
106 instructional effectiveness and student achievement.

107 (7) A school district evaluation system shall maintain records and
108 documentation of required educator evaluation information.

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

111 (9) A school district evaluation system shall provide at least an annual rating
112 for each licensed educator, including teachers, school administrators, and other non-
113 teaching licensed positions, using Board-directed statewide evaluation terminology
114 and definitions.

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

118 (11) A school district evaluation system shall include the following specific
119 educator performance criteria:

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

121 (b) complete integration of student growth score; and

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

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

126 ~~— (13) A school district evaluation system shall include a plan for recognizing~~

127 ~~educators who demonstrate exemplary professional effectiveness, at least in part,~~
128 ~~by student achievement.]~~

129 (1[4]2) A school district evaluation system shall identify potential employment
130 consequences, including discipline and termination, if an educator fails to meet
131 performance expectations.

132 ((1[5]3) A school district evaluation system shall include a review or appeals
133 procedure for an educator to challenge the process of a summative evaluation that
134 provides for adequate and timely due process for the educator consistent with
135 Section 53A-8a-406(2).

136 (1[6]4) A school district may include additional components in its evaluation
137 system.

138 (1[7]5) A local board of education shall review and approve its school district's
139 proposed evaluation systems in an open meeting prior to the local board's
140 submission to the Board[~~for review and approval~~].

141 (16) A school district shall report educator effectiveness data to the
142 Superintendent annually, on or before June 30.

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

144 ~~[(1) The Board establishes a state evaluation advisory committee to provide~~
145 ~~ongoing review and support for school districts as school districts develop and~~
146 ~~implement evaluation systems consistent with the law (2) and this rule.]~~

147 ~~—— (2) The Committee, described in Subsection (1), shall:~~

148 ~~—— (a) analyze school district evaluation data for purposes of:~~

149 ~~—— (i) reporting;~~

150 ~~—— (ii) assessing instructional improvement; and~~

151 ~~—— (iii) assessing student achievement;~~

152 ~~—— (b) review required Board evaluation components regularly and evaluate their~~
153 ~~usefulness in providing a consistent statewide framework for educator evaluation;~~
154 ~~instructional improvement and commensurate student achievement; and~~

155 ~~—— (c) review school district educator evaluation plans for alignment with Board~~
156 ~~requirements.]~~

157 ~~[(2)]~~The Superintendent, under supervision of the Board, shall:

158 (1) develop a model educator evaluation system that includes performance
159 expectations consistent with this rule[-];

160 ~~[(3)2] [The Superintendent shall] evaluate and recommend tools and~~
161 ~~measures for use by school districts as they develop and initiate their local educator~~
162 ~~evaluation systems[-]; and~~

163 ~~[(4) The Superintendent shall provide professional learning and technical~~
164 ~~support to school districts to assist in evaluation procedures and to improve~~
165 ~~educators' ability to make valid and reliable evaluation judgments.]~~

166 (3) monitor a school district's evaluation system.

167 **R277-531-5. [Implementation] Compensation.**

168 ~~[(1) Each school district shall:~~

169 ~~——(a) have an educator evaluation committee;~~

170 ~~——(b) design the required evaluation program, including pilot programs as~~
171 ~~desired; and~~

172 ~~——(c) report educator effectiveness data to the Superintendent annually on or~~
173 ~~before June 30.~~

174 ~~——(2) A school district shall implement an employee compensation system no~~
175 ~~later than the 2016-2017 school year that is aligned with the school district's wage~~
176 ~~or salary schedule and is consistent with the provisions of Section 53A-8a-601(2).]~~

177 (1) A school district shall implement an employee compensation system, no
178 later than the 2016-17 school year, that is aligned to the school district's educator
179 evaluation system.

180 (2) An educator's annual advancement on an adopted salary schedule shall
181 be based solely upon an evaluation instrument that differentiates among four levels
182 of performance as described in Section 53A-8a-405 and R277-533, unless the
183 educator:

184 (a) is a provisional educator; or

185 (b) is in the first year of an assignment, including a new subject, grade level,
186 or school.

187 **KEY: educator, evaluation, requirements**

188 **Date of Enactment or Last Substantive Amendment: ~~[2016]~~2017**
189 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-**
190 **402(1)(a)(i); 53A-1-401**

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~~]is 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)4] “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~~
88 ~~system.]~~

89 ([6]4) An educator is responsible for:
90 (a) improving the educator's performance, using resources offered by the
91 school district; and
92 (b) demonstrating acceptable levels of improvement in any designated area
93 of deficiency.

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

95 (1) A school district's system shall include observations.

96 (2) The school district shall use observation tools that:

97 (a) are aligned with the Utah Effective Educator Standards described in Rule
98 R277-530 at the indicator level; and

99 (b) include multiple observations at appropriate intervals.

100 (3) A school district's evaluation system shall:

101 (a) include an orientation for all educators conducted by the principal or
102 designee as required in Section 53A-8a-404;

103 (b) include multiple observation items;

104 (c) a final rating for each observation item described in Subsection (3)(b); and

105 (d) include an opportunity for an educator to contribute additional information
106 to inform their rating at several intervals throughout the process.

107 (4) To ensure a valid evaluation system, a school district shall provide
108 professional development opportunities to all raters and evaluators of licensed
109 educators to:

110 (a) improve a rater or evaluator's abilities; and

111 (b) give the rater or evaluator an opportunity to demonstrate the rater's
112 abilities to rate an educator in accordance with the Utah Effective Educator
113 Standards described in Rule R277-530.

114 (5) A school district shall establish a school district rater reliability plan.

115 (6) A school district rater reliability plan shall:

116 (a) require school district to compare a rater's decisions to standardized
117 ratings established by a committee of expert raters;

118 (b) require a school district to measure a rater's skills and reassess the rater's
119 skills at appropriate intervals to maintain system quality;

120 (c) designate qualified raters as certified;

121 (d) assure that an educator is rated by a certified rater;

122 (e) require a school district to offer a rater opportunities to improve the rater's
123 skills through instruction and practice; and

124 (f) maintain high standards of rater accuracy.

125 **R277-533-5. Student Growth~~[Calculations]~~ and Stakeholder Input.**

126 ~~[(1) A Utah educator's contribution to a student's growth and learning shall be~~
127 ~~measured using SLOs:~~

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

130 ~~[(3)1] A school district shall[:~~

131 ~~—— (a)] ensure that [an SLO described in Subsection (1)]a student growth~~
132 ~~measurement includes the following[:~~

133 ~~—— (i)] three required components:~~

134 ~~([A]a) learning goals measuring long-term outcomes linked to the appropriate~~
135 ~~specific content knowledge and skills from the Utah Core Standards;~~

136 ~~([B]b) assessments; and~~

137 ~~([C]c) targets for incremental monitoring of student growth[; and~~

138 ~~—— (ii) learning goals for an educator linked to the appropriate specific content~~
139 ~~knowledge and skills from the Utah Core Standards;~~

140 ~~—— (b) provide professional development to an educator for the educator to gain~~
141 ~~the knowledge and skills necessary to sustain wide-scale implementation of an SLO~~
142 ~~process;~~

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

145 ~~—— (d) design a structure and process for providing professional development to~~
146 ~~the school district's educators and administrators].~~

147 ~~[(4)2](a) A school district's system shall include[~~a component for~~] stakeholder~~
148 ~~input for educators, principals, and administrators, [~~which includes~~]including annual~~
149 ~~input from students and parents.~~

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

153 ~~[(c) A school district may attribute stakeholder input to an educator, principal,~~
154 ~~or other administrator if the data gathered for the stakeholder input is gathered~~
155 ~~using:~~

156 ~~—— (i) appropriate methods of gathering data as described in the school district's~~

157 system plan; and—

158 ———(ii) quality practices.]

159 ([5]3) A school district's system shall:

160 (a) allow an educator to have an opportunity to respond to stakeholder input;

161 and

162 (b) consider an educator's response described in Subsection (5)(a) as part of

163 the educator's final rating.

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

165 (1) A school district shall base an educator's component ratings on:

166 (a) actual observations of the educator's performance; and

167 (b) educator, evaluator, student growth, or other stakeholder data gathered,
168 calculated, or observed that is aligned with standards and rubrics.

169 [~~(2) A school district shall combine an educator's component ratings using the~~
170 ~~following formula:~~

171 ———~~(a) 70% for professional performance;~~

172 ———~~(b) 20% for student growth; and~~

173 ———~~(c) 10% for stakeholder input.]~~

174 ([3]2) A school district shall report summative scores annually for all educators
175 using the following approved terminology for reporting:

176 (d) highly effective 3;

177 (c) effective 2;

178 (b) minimal/emerging effective 1; and

179 (a) not effective 0.

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

181 If an evaluator rates an educator's performance within the minimal or
182 emerging effective category, the rater shall:

183 (1) designate an educator as emerging effective if:

184 (a) the educator:

185 (i) holds a Level 1 educator license; or

186 (ii) is being served by the school district's Entry Years Enhancement (EYE)

- 187 program described in Rule R277-522; or
- 188 (b) the educator:
- 189 (i) received a new or different teaching or leadership assignment within the
- 190 last school year; or
- 191 (ii) is developing in that area; or
- 192 (2) designate an educator as minimally effective if the educator:
- 193 (a) holds a Level 2 educator license; and
- 194 (b) is teaching or leading in a familiar assignment.

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

196 (1) An educator who is not satisfied with a summative evaluation may request

197 a review in writing of the summative evaluation within 15 calendar days after

198 receiving the written summative evaluation.

199 (2) A school district shall conduct a review of an educator's summative

200 evaluation:

201 (a) as described in this section; and

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

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

204 (a) by a certified rater:

205 (i) with experience evaluating educators; and

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

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

208 Rule R277-530.

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

210 (a) review:

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

212 (ii) the evaluation process conducted for the educator; ~~and~~

213 (iii) the evaluation data from the professional performance, student growth,

214 and stakeholder input components; and

215 (iv) an educator's written response, if submitted as described in Subsection

216 53A-8a-406(1)(b); and

217 (b) report the certified rater's findings, in writing, to the school district's

218 superintendent for action.
219 (5) The school district shall determine if the initial educator evaluation was
220 issued in accordance with:
221 (a) the school district's educator evaluation policies;
222 (b) the requirements of the performance standards;
223 (c) Title 53A, Chapter 8a, Public Education Human Resource Management
224 Act;
225 (d) Rule R277-531; and
226 (e) this rule.

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

228 ~~[(1)]~~A school district shall report to the Board annually on or before June 30
229 the information necessary for the Board to make the report required by Section
230 53A-8a-410.

231 ~~[(2) A school district shall maintain confidential records of the educator~~
232 ~~effectiveness component data of individual educators in accordance with:~~

233 ~~——(a) Rule R277-487; and~~

234 ~~——(b) state law.~~

235 ~~——(3) A school district's system may be monitored by the Board.]~~

236 **KEY: educator, evaluation**

237 **Date of Enactment of Last Substantive Amendment: ~~[August 11, 2016]~~2017**

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