

EDUCATOR GROWTH PLAN FRAMEWORK

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends requirements and processes for the growth review of public educator performance.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the scope of the role of the State Board of Education (state board) and local education agency (LEA) governing boards in enhancing educator effectiveness;
- ▶ requires LEA governing boards to:
 - annually monitor and review educator growth; and
 - adopt an educator growth plan framework in consultation with the LEA's joint committee;
- ▶ requires the state board to:
 - make rules regarding the establishment and implementation of local educator growth plan frameworks; and
 - make rules regarding annual educator growth reviews;
- ▶ requires the assignment of a mentor for a provisional educator
- ▶ modifies requirements and timelines for the individual responsible for administering an educator's growth plan and annual growth review;
- ▶ separates growth performance from improper conduct that could trigger certain employment actions and repeals certain associated requirements;
- ▶ repeals an out-of-date exemption for the employee evaluation requirement;
- ▶ repeals a restriction on the transfer of an employee based on performance;
- ▶ repeals state board rulemaking authority regarding performance compensation; and

31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53E-1-203**, as last amended by Laws of Utah 2022, Chapters 36, 218

39 **53G-11-501**, as last amended by Laws of Utah 2020, Chapter 354

40 **53G-11-501.5**, as last amended by Laws of Utah 2019, Chapter 293

41 **53G-11-503**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
42 amended by Laws of Utah 2018, Chapter 3

43 **53G-11-504**, as last amended by Laws of Utah 2020, Chapter 408

44 **53G-11-505**, as last amended by Laws of Utah 2021, Chapter 251

45 **53G-11-506**, as last amended by Laws of Utah 2019, Chapter 293

46 **53G-11-507**, as last amended by Laws of Utah 2019, Chapter 293

47 **53G-11-508**, as last amended by Laws of Utah 2020, Chapter 408

48 **53G-11-509**, as last amended by Laws of Utah 2019, Chapter 293

49 **53G-11-510**, as last amended by Laws of Utah 2020, Chapter 408

50 **53G-11-512**, as last amended by Laws of Utah 2019, Chapter 293

51 **53G-11-513**, as renumbered and amended by Laws of Utah 2018, Chapter 3

52 **53G-11-514**, as renumbered and amended by Laws of Utah 2018, Chapter 3

53 **53G-11-515**, as last amended by Laws of Utah 2021, Chapter 130

54 **53G-11-516**, as renumbered and amended by Laws of Utah 2018, Chapter 3

55 REPEALS AND REENACTS:

56 **53G-11-511**, as last amended by Laws of Utah 2020, Chapter 408

57 REPEALS:

58 **53G-11-504.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10

59 **53G-11-517**, as renumbered and amended by Laws of Utah 2018, Chapter 3

60 **53G-11-518**, as last amended by Laws of Utah 2020, Chapter 408

61

62 *Be it enacted by the Legislature of the state of Utah:*

63 Section 1. Section **53E-1-203** is amended to read:

64 **53E-1-203. State Superintendent's Annual Report.**

65 (1) The state board shall prepare and submit to the governor, the Education Interim
66 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each
67 year, an annual written report known as the State Superintendent's Annual Report that includes:

68 (a) the operations, activities, programs, and services of the state board;

69 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

70 (c) data on the general condition of the schools with recommendations considered
71 desirable for specific programs, including:

72 (i) a complete statement of fund balances;

73 (ii) a complete statement of revenues by fund and source;

74 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
75 indebtedness, the cost of new school plants, and school levies;

76 (iv) a complete statement of state funds allocated to each school district and charter
77 school by source, including supplemental appropriations, and a complete statement of
78 expenditures by each school district and charter school, including supplemental appropriations,
79 by function and object as outlined in the United States Department of Education publication
80 "Financial Accounting for Local and State School Systems";

81 (v) a statement that includes data on:

82 (A) fall enrollments;

83 (B) average membership;

84 (C) high school graduates;

85 (D) licensed and classified employees [~~including data reported by school districts~~] [
86 ~~on educator ratings described in Section 53G-11-511~~];

87 (E) pupil-teacher ratios;

88 (F) average class sizes;

89 (G) average salaries;

90 (H) applicable private school data; and

- 91 (I) data from statewide assessments described in Section 53E-4-301 for each school
92 and school district;
- 93 (vi) statistical information regarding incidents of delinquent activity in the schools or at
94 school-related activities; and
- 95 (vii) other statistical and financial information about the school system that the state
96 superintendent considers pertinent.
- 97 (2) (a) For the purposes of Subsection (1)(c)(v):
- 98 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
99 students enrolled in a school by the number of full-time equivalent teachers assigned to the
100 school, including regular classroom teachers, school-based specialists, and special education
101 teachers;
- 102 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
103 the schools within a school district;
- 104 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
105 pupil-teacher ratio of charter schools in the state; and
- 106 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
107 pupil-teacher ratio of public schools in the state.
- 108 (b) The report shall:
- 109 (i) include the pupil-teacher ratio for:
- 110 (A) each school district;
- 111 (B) the charter schools aggregated; and
- 112 (C) the state's public schools aggregated; and
- 113 (ii) identify a website where pupil-teacher ratios for each school in the state may be
114 accessed.
- 115 (3) For each operation, activity, program, or service provided by the state board, the
116 annual report shall include:
- 117 (a) a description of the operation, activity, program, or service;
- 118 (b) data and metrics:
- 119 (i) selected and used by the state board to measure progress, performance,
120 effectiveness, and scope of the operation, activity, program, or service, including summary

- 121 data; and
- 122 (ii) that are consistent and comparable for each state operation, activity, program, or
- 123 service;
- 124 (c) budget data, including the amount and source of funding, expenses, and allocation
- 125 of full-time employees for the operation, activity, program, or service;
- 126 (d) historical data from previous years for comparison with data reported under
- 127 Subsections (3)(b) and (c);
- 128 (e) goals, challenges, and achievements related to the operation, activity, program, or
- 129 service;
- 130 (f) relevant federal and state statutory references and requirements;
- 131 (g) contact information of officials knowledgeable and responsible for each operation,
- 132 activity, program, or service; and
- 133 (h) other information determined by the state board that:
- 134 (i) may be needed, useful, or of historical significance; or
- 135 (ii) promotes accountability and transparency for each operation, activity, program, or
- 136 service with the public and elected officials.
- 137 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:
- 138 (i) the report described in Section 53E-3-507 by the state board on career and technical
- 139 education needs and program access;
- 140 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality and
- 141 Tourism Management Career and Technical Education Pilot Program;
- 142 (iii) beginning on July 1, 2023, the report described in Section 53E-3-516 by the state
- 143 board on certain incidents that occur on school grounds;
- 144 (iv) the report described in Section 53E-4-202 by the state board on the development
- 145 and implementation of the core standards for Utah public schools;
- 146 (v) the report described in Section 53E-5-310 by the state board on school turnaround
- 147 and leadership development;
- 148 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
- 149 Higher Education on student participation in the concurrent enrollment program;
- 150 (vii) the report described in Section 53F-5-207 by the state board on the

151 Intergenerational Poverty Interventions Grant Program;

152 (viii) the report described in Section 53F-5-506 by the state board on information
153 related to personalized, competency-based learning; and

154 (ix) the report described in Section 53G-9-802 by the state board on dropout prevention
155 and recovery services.

156 (b) The Education Interim Committee or the Public Education Appropriations
157 Subcommittee may request a report described in Subsection (4)(a) to be reported separately
158 from the State Superintendent's Annual Report.

159 (5) The annual report shall be designed to provide clear, accurate, and accessible
160 information to the public, the governor, and the Legislature.

161 (6) The state board shall:

162 (a) submit the annual report in accordance with Section 68-3-14; and

163 (b) make the annual report, and previous annual reports, accessible to the public by
164 placing a link to the reports on the state board's website.

165 (7) (a) Upon request of the Education Interim Committee or Public Education
166 Appropriations Subcommittee, the state board shall present the State Superintendent's Annual
167 Report to either committee.

168 (b) After submitting the State Superintendent's Annual Report in accordance with this
169 section, the state board may supplement the report at a later time with updated data,
170 information, or other materials as necessary or upon request by the governor, the Education
171 Interim Committee, or the Public Education Appropriations Subcommittee.

172 Section 2. Section **53G-11-501** is amended to read:

173 **53G-11-501. Definitions.**

174 As used in this part:

175 (1) "Administrator" means an individual who :

176 (a) supervises educators ; and

177 (b) except for charter school administrators, holds an appropriate license [issued by]
178 that the state board issues .

179 (2) "Annual growth review" means a yearly, collaborative exchange between an
180 educator and an evaluator to review and summarize the educator's growth.

181 ~~[(2)]~~ (3) "Career educator" means a licensed employee who has a reasonable
182 expectation of continued employment under the policies of ~~[a local school]~~ an LEA governing
183 board.

184 ~~[(3)]~~ (4) "Career employee" means an employee of a school district who has obtained
185 a reasonable expectation of continued employment based upon :

186 (a) the career status requirements in Section 53G-11-503 ; and ~~[an]~~

187 (b) a documented agreement with the employee or the employee's association,
188 ~~[district]~~ LEA practice, or policy.

189 ~~[(4)]~~ (5) "Contract term" or "term of employment" means the period of time during
190 which an LEA engages an employee ~~[is engaged by the school district]~~ under a contract of
191 employment, whether oral or written.

192 ~~[(5)]~~ (6) "Dismissal" or "termination" means:

193 (a) termination of the status of employment of an employee;

194 (b) failure to renew or continue the employment contract of a career employee beyond
195 the then-current school year;

196 (c) reduction in salary of an employee not generally applied to all employees of the
197 same category ~~[employed by the school district]~~ that the LEA employs during the employee's
198 contract term; or

199 (d) change of assignment of an employee with an accompanying reduction in pay,
200 unless the assignment change and salary reduction are agreed to in writing.

201 (7) "Educational practice visits" means live or recorded instruction, student and
202 educator interactions, scheduled or unscheduled classroom visits, grade level or content team
203 learning or professional learning communities meetings, student-based discussions, or other
204 similar opportunities.

205 ~~[(6)]~~ (8) "Educator" means an individual ~~[employed by a school district]~~ whom an
206 LEA employs who is required to hold a professional license ~~[issued by]~~ that the state board
207 issues, except:

208 (a) a superintendent; ~~[or]~~

209 (b) an administrator; or

210 ~~[(b)]~~ (c) an individual who works less than three hours per day or is hired for less

211 than half of a school year.

212 ~~[(7)]~~ (9) (a) "Employee" means a career or provisional employee of ~~[a school district]~~
213 an LEA, except as provided in Subsection (7)(b).

214 (b) ~~[Excluding Section 53G-11-518, for purposes of this part, "employee"]~~

215 "Employee" does not include:

216 (i) a district superintendent or administrator and the equivalent at a charter school or
217 the Utah Schools for the Deaf and the Blind;

218 (ii) a district business administrator or the equivalent at a charter school or the Utah
219 Schools for the Deaf and the Blind; or

220 (iii) a temporary employee.

221 (10) "Formative assessment" means a planned, ongoing process that:

222 (a) all students and teachers use during learning and teaching within classrooms and
223 schools; and

224 (b) elicits and uses evidence of student learning to improve student understanding of
225 intended learning outcomes.

226 (11) "Improper conduct" means:

227 (a) an action that Section 53G-11-512 designates as a cause for termination;

228 (b) a basis for license discipline by the state board or Utah Professional Practices

229 Advisory Commision;

230 (c) a violation of work policies;

231 (d) a violation of school board policies, state board rules, or law;

232 (e) a violation of standards of ethical, moral or professional conduct;

233 (f) insubordination; or

234 (g) a pattern of consistently not performing job duties.

235 (12) "Lack of growth" means a deficiency in achieving the educator's goals described
236 in the educator's growth plan that may be due to insufficient or undeveloped skills or a lack of
237 knowledge or aptitude.

238 ~~[(8)]~~ (13) "Last-hired, first-fired layoff policy" means a staff reduction policy that
239 mandates the termination of an employee who started to work for ~~[a district]~~ an LEA most
240 recently before terminating a more senior employee.

241 ~~[(9)]~~ (14) "Provisional educator" means an educator ~~[employed by]~~ whom a school
 242 district employs who has not achieved status as a career educator within the school district.

243 ~~[(10)]~~ (15) "Provisional employee" means an individual, other than a career employee
 244 or a temporary employee, ~~[who is employed by]~~ whom a school district employs.

245 (16) "Reciprocal feedback" means a collaborative exchange between the educator and
 246 the administrator about the successes and opportunities for the educator's growth based on
 247 observation of the educator.

248 (17) "Reflection" or "reflective" means a process of:

249 (a) following a reflective framework to examine one's own practice using evidence to
 250 produce actionable improvement in instruction; and

251 (b) implementing changes that increase the quality of teaching and learning.

252 (18) "Reliable and valid" means that a given measure produces a growth designation
 253 that consistently and accurately reflects:

254 (a) the educator's growth in the standard-based goal chosen; and

255 (b) the degree to which the growth results can authentically inform feedback,
 256 coaching, and professional learning.

257 ~~[(11) "School board" means a local school board or, for the Utah Schools for the Deaf~~
 258 ~~and the Blind, the state board.]~~

259 ~~[(12) "School district" or "district" means:]~~

260 ~~[(a) a public school district; or]~~

261 ~~[(b) the Utah Schools for the Deaf and the Blind.]~~

262 ~~[(13) "Summative evaluation" means the annual evaluation that summarizes an~~
 263 ~~educator's performance during a school year and that is used to make decisions related to the~~
 264 ~~educator's employment.]~~

265 ~~[(14)]~~ (19) "Temporary employee" means an individual who :

266 (a) is employed on a temporary basis as defined by policies ~~[adopted by the school]~~
 267 that the LEA governing board ~~[. -If]~~ adopts, which the LEA governing board shall adopt

268 based upon an agreement with an employee organization that the governing board recognizes

269 if the class of employees in question is represented by [an] that employee organization

270 ~~[recognized by the school board, the school board shall adopt the school board's policies based~~

271 ~~upon an agreement with that organization.] ;~~

272 ~~(b) [Temporary employees serve] serves~~ at will ; and ~~[have]~~

273 ~~(c) has~~ no expectation of continued employment.

274 ~~[(15) (a) "Unsatisfactory performance" means a deficiency in performing work tasks~~
275 ~~that may be:]~~

276 ~~[(i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and]~~

277 ~~[(ii) remediated through training, study, mentoring, or practice:]~~

278 ~~[(b) "Unsatisfactory performance" does not include the following conduct that is~~
279 ~~designated as a cause for termination under Section 53G-11-512 or a reason for license~~
280 ~~discipline by the state board or Utah Professional Practices Advisory Commission:]~~

281 ~~[(i) a violation of work policies;]~~

282 ~~[(ii) a violation of school board policies, state board rules, or law;]~~

283 ~~[(iii) a violation of standards of ethical, moral, or professional conduct; or]~~

284 ~~[(iv) insubordination:]~~

285 Section 3. Section **53G-11-501.5** is amended to read:

286 **53G-11-501.5. Public education system to enhance educator performance.**

287 (1) The Legislature finds that the state board and each LEA governing board can
288 improve and enhance the effectiveness of public educators~~[-can be improved and enhanced-]~~ by
289 providing ~~[specific]~~ ongoing feedback ; and support for improvement through a systematic,
290 fair, and competent ~~[annual evaluation and remediation of public educators whose performance~~
291 ~~is inadequate]~~ growth plan framework to build reflective practitioners who yield increases in
292 student learning through personalized, professional growth plans .

293 (2) The state board and each ~~[local school]~~ LEA governing board shall implement
294 ~~[Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and~~
295 ~~53G-11-511]~~ this part in accordance with Subsections 53E-2-302(7) , including equivalent
296 concepts for a charter school, and 53E-6-103(2)(a) and (b), to:

297 (a) allow the educator and the ~~[school district]~~ LEA to promote the professional
298 growth of the educator; and

299 (b) identify and encourage quality instruction in order to improve student academic
300 growth.

301 Section 4. Section **53G-11-503** is amended to read:

302 **53G-11-503. Career employee status for provisional employees -- Career status in**
303 **the event of change of position -- Continuation of probationary status when position**
304 **changes -- Temporary status for extra duty assignments.**

305 (1) (a) A provisional employee must work for ~~[a school district]~~ an LEA on at least a
306 half-time basis for three consecutive years to obtain career employee status.

307 (b) ~~[A school district]~~ An LEA may extend the provisional status of an employee up
308 to an additional two consecutive years in accordance with a written policy adopted by the
309 ~~[district's school]~~ LEA governing board that specifies the circumstances under which an
310 employee's provisional status may be extended.

311 (2) Policies of an employing ~~[school district]~~ LEA shall determine the status of a
312 career employee in the event of the following:

313 (a) the employee accepts a position which is substantially different from the position in
314 which career status was achieved; or

315 (b) the employee accepts employment in another ~~[school district]~~ LEA.

316 (3) If an employee who is under an order of probation or remediation in one
317 assignment in ~~[a school district]~~ an LEA is transferred or given a new assignment in the
318 ~~[district]~~ LEA, the order shall stand until its provisions are satisfied.

319 (4) An employee who is given extra duty assignments in addition to a primary
320 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
321 employee in those extra duty assignments and may not acquire career status beyond the primary
322 assignment.

323 Section 5. Section **53G-11-504** is amended to read:

324 **53G-11-504. Progress review of educator growth.**

325 ~~[†]~~ Except as provided in Subsection ~~[(2)]~~ 53G-11-505(2), ~~[a local school]~~ an LEA
326 governing board shall require ~~[that the performance of each school district employee be~~
327 evaluated annually] the annual monitoring and review of the growth plan of each educator
328 whom the LEA employs in accordance with ~~[rules of]~~ the state board rules described in
329 Section 53G-11-505. ~~[adopted in accordance with this part and Title 63G, Chapter 3, Utah~~
330 Administrative Rulemaking Act.]

331 ~~[(2) Rules adopted by the state board under Subsection (1) may include an exemption~~
 332 ~~from annual performance evaluations for a temporary employee or a part-time employee.]~~

333 Section 6. Section **53G-11-505** is amended to read:

334 **53G-11-505. State board rules.**

335 (1) Subject to [Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,
 336 53G-11-510, and 53G-11-511] this part, the state board shall make rules, in accordance with
 337 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to [rules adopted by the state
 338 board under Section 53G-11-504 shall]:

339 ~~[(1)]~~ (a) provide general guidelines, requirements, and procedures for the
 340 development and implementation of ~~[employee evaluations]~~ an educator growth plan
 341 framework ;

342 ~~[(2)]~~ (b) establish required components and allow for optional components of
 343 ~~[employee evaluations]~~ an educator growth plan framework ;

344 ~~[(3)]~~ (c) require ~~[school districts]~~ LEAs to choose valid and reliable methods and
 345 tools to ~~[implement the evaluations]~~ produce evidence of educator growth ; ~~[and]~~

346 ~~[(4)]~~ (d) establish a timeline for ~~[school districts]~~ LEAs to implement ~~[employee~~
 347 ~~evaluations]~~ an educator growth plan framework; and

348 (e) monitor LEAs' compliance with requirements established in this part to implement
 349 an educator growth plan framework .

350 (2) The state board may include in the rules described in Subsection (1) an exemption
 351 from an annual growth review for a temporary employee or a part-time employee.

352 Section 7. Section **53G-11-506** is amended to read:

353 **53G-11-506. Establishment of educator growth plan framework -- Joint**
 354 **committee.**

355 (1) ~~[A local school]~~ An LEA governing board shall ~~[develop]~~ adopt an educator
 356 ~~[evaluation program]~~ growth plan framework in consultation with ~~[its]~~ the LEA's joint
 357 committee.

358 (2) The joint committee described in Subsection (1) shall consist of an equal number
 359 of :

360 (a) classroom teachers[;] ;

- 361 (b) parents or guardians of students enrolled in the LEA [;] ; and
 362 (c) administrators [appointed by the local school] that the LEA governing board
 363 appoints .
- 364 (3) [A local school] An LEA governing board may appoint members of the joint
 365 committee , in accordance with LEA governing board policy, from [a list] respective lists of
 366 nominees that are produced by :
- 367 (a) [voted on by] for the nominees who are classroom teachers, a vote of classroom
 368 teachers in a nomination election;
- 369 (b) [voted on by] for the nominees who are administrators, a vote of the
 370 administrators in a nomination election; and
- 371 (c) [of] for the nominees who are parents or guardians, submissions from [submitted
 372 by] school community councils within the [district] LEA with proportional representation of
 373 the LEA's student population .
- 374 (4) Subject to Subsection (5), the [joint committee] LEA governing board may~~[:]~~
 375 [(a)] adopt or [adapt an evaluation program] or enhance an educator growth plan for
 376 educators based on [a model developed by the state board] the required components described
 377 in Subsection 53G-11-507. [; or]
- 378 [(b) create the local school board's own evaluation program for educators.]
- 379 (5) The [evaluation program developed by the] joint committee shall [comply] ensure
 380 that the educator growth plan framework that the committee recommends complies with the
 381 requirements of [Sections 53G-11-507 through 53G-11-511] this part and rules [adopted by]
 382 that the state board makes under Section 53G-11-510.
- 383 Section 8. Section **53G-11-507** is amended to read:
- 384 **53G-11-507. Components of educator growth plan.**
- 385 (1) [A local school] An LEA governing board , in consultation with [a] the LEA's
 386 joint committee established in Section 53G-11-506 , shall ensure that the [adopt a] educator
 387 growth plan framework that the LEA governing board adopts under Section 53G-11-506:
- 388 (a) (i) is a reliable and valid [educator evaluation program that evaluates educators]
 389 evidence-based framework that is based on educator professional standards [established by]
 390 and rules that the state board establishes;

- 391 (ii) provides for educator-directed goals and ongoing feedback;
 392 (iii) builds reflective practitioners;
 393 (iv) increases student learning; and
 394 (2) An LEA governing board shall ensure that the educator growth plan framework
 395 described in Subsection (1) includes the following components :
 396 (a) a systematic annual ~~[evaluation of all provisional, probationary, and career]~~ growth
 397 review of educators who work regularly with students ;
 398 (b) use of multiple lines of evidence, including:
 399 (i) self-~~[evaluation]~~ assessment aligned to the educator professional standards ;
 400 (ii) no more than three goals that are connected to impacting student learning and
 401 aligned to the self-assessment results;
 402 (iii) at least two educational practice visits at intervals and lengths that the state board
 403 deems necessary to provide reciprocal feedback;
 404 (iv) reciprocal feedback following education practice visits that is timely, face-to-face,
 405 and includes reflection and plans for adjustments to practice; and
 406 (v) reflection that leads to professional and student learning growth that are
 407 demonstrated by the use of formative assessment evidence which may include:
 408 (A) student input;
 409 (B) parent or guardian input;
 410 (C) video observation and reflection;
 411 (D) student work samples;
 412 (E) peer or coach feedback; and
 413 (F) other lines of evidence that relate to the educator's goals; and
 414 (c) an annual growth review and summary of evidence of goal progress that
 415 differentiates among three designations of growth for each goal.
 416 ~~[(ii) student and parent input;]~~
 417 ~~[(iii) for an administrator, employee input;]~~
 418 ~~[(iv) a reasonable number of supervisor observations to ensure adequate reliability;]~~
 419 ~~[(v) evidence of professional growth and other indicators of instructional improvement~~
 420 ~~based on educator professional standards established by the state board; and]~~

421 ~~[(vi) student academic growth data;]~~
 422 ~~[(c) a summative evaluation that differentiates among four levels of performance; and]~~
 423 ~~[(d) for an administrator, the effectiveness of evaluating employee performance in a~~
 424 ~~school or school district for which the administrator has responsibility. (2) (a) An educator~~
 425 ~~evaluation program described in Subsection (1) may include a reasonable number of peer~~
 426 ~~observations.]~~

427 ~~[(b)]~~ (3) ~~[An]~~ The educator ~~[evaluation program]~~ growth plan framework described
 428 in Subsection (1) may not use end-of-level assessment scores ~~[in educator evaluation]~~.

429 Section 9. Section **53G-11-508** is amended to read:

430 **53G-11-508. Growth setting and review process -- establishing timelines.**

431 (1) The ~~[person]~~ administrator responsible for administering an educator's
 432 ~~[summative evaluation]~~ annual growth plan, review, and summary shall:

433 (a) ~~[at least 15 days before an educator's first evaluation]~~ at the beginning of the school
 434 year or, for employees who are hired after the beginning of the school year, within 14 calendar
 435 days of the employee's hiring date :

436 (i) notify the educator of the ~~[evaluation process]~~ growth plan framework ; and

437 (ii) give the educator a copy of the ~~[evaluation instrument, if an instrument is used]~~
 438 growth plan framework ;

439 (b) no later than 14 calendar days after the day on which the first grading period ends,
 440 collaborate with the educator on initial growth plans, including identifying lines of evidence;

441 (c) collaboratively discuss the annual growth review and evidence of reflection for the
 442 educator's growth plan on or before the last day of the school year;

443 ~~[(b) allow the educator to respond to any part of the evaluation;]~~

444 ~~[(c)]~~ (d) attach the educator's response to the ~~[evaluation]~~ annual growth review if
 445 the educator's response is provided in writing;

446 ~~[(d)]~~ (e) within 15 calendar days after the ~~[evaluation process]~~ day on which the
 447 annual growth review is completed, discuss the written ~~[evaluation]~~ annual growth review
 448 with the educator; ~~[and]~~

449 ~~[(e)]~~ (f) based upon the educator's performance, assign to the educator one of the ~~[four~~
 450 ~~levels of performance]~~ three designations of growth described in Section 53G-11-507[-] ;

451 and
452 (g) attach the educator's response to the educator's growth designation if the educator
453 responds to the growth designation in writing.

454 (2) An educator who is not satisfied with ~~[a summative evaluation]~~ an annual growth
455 review may request ~~[a]~~ an independent review of the ~~[evaluation]~~ annual growth review
456 within 15 days after the day on which the discussion described in Subsection (1)(f) takes
457 place ~~[receiving the written evaluation].~~

458 (3) (a) If ~~[a]~~ an independent review is requested in accordance with Subsection (2),
459 the ~~[school district]~~ LEA superintendent or the superintendent's designee shall appoint a
460 person ~~[not employed by the school district]~~ whom the LEA does not employ who has
461 expertise ~~[in teacher or personnel evaluation]~~ to review the ~~[evaluation procedures]~~ growth
462 plan framework and the educator's annual growth review and make recommendations to the
463 superintendent regarding the educator's ~~[summative evaluation]~~ annual growth review .

464 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
465 state board shall make rules prescribing standards for an independent review of an educator's
466 ~~[summative evaluation]~~ annual growth review .

467 (c) ~~[A]~~ The LEA and the individual conducting the an independent review of an
468 educator's ~~[summative evaluation]~~ annual growth review under Subsection (3)(a) shall ~~[be~~
469 conducted] conduct the independent review in accordance with the state board rules ~~[made~~
470 under] described in Subsection (3)(b).

471 Section 10. Section **53G-11-509** is amended to read:

472 **53G-11-509. Mentor for provisional educator.**

473 (1) In accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), the
474 principal or immediate supervisor of a provisional educator shall assign ~~[a person who]~~ an
475 individual as a mentor to the provisional educator and ensure that the assigned individual:

476 (a) has received training or will receive training in mentoring educators ~~[as a mentor~~
477 to the provisional educator.] ;

478 ~~[(2)]~~ (b) ~~[Where]~~ where possible, ~~[the mentor shall be]~~ is a career educator who
479 performs substantially the same duties as the provisional educator ; and

480 (c) has at least three years of educational experience.

481 ~~[(3)]~~ (2) The mentor described in Subsection (1):
 482 (a) shall assist the provisional educator to become effective and competent in the
 483 teaching profession and school system~~[, but]~~ ; and
 484 (b) may not serve as ~~[an evaluator of]~~ the administrator responsible for administering
 485 the annual growth plan, review, and summary of the provisional educator as described in
 486 Subsection 53G-11-508(1).

487 ~~[(4)]~~ (3) An educator who is assigned as a mentor may receive compensation for
 488 ~~[those]~~ mentoring services in addition to the educator's regular salary.

489 Section 11. Section **53G-11-510** is amended to read:

490 **53G-11-510. State board rules regarding annual growth reviews.**

491 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 492 state board shall make rules that :

493 (a) ~~[describing]~~ describe a framework for the ~~[evaluation]~~ annual growth plan,
 494 review, and summary of educators that is consistent with the requirements of this part [of Part
 495 3, Licensed Employee Requirements, and Sections 53G-11-506, 53G-11-507, 53G-11-508,
 496 53G-11-509, 53G-11-510, and 53G-11-511]; and

497 (b) ~~[requiring]~~ require an educator's ~~[summative evaluation]~~ annual growth plan,
 498 review, and summary to be based on:

499 (i) educator professional standards ~~[established by]~~ that the state board establishes ;
 500 and

501 (ii) the requirements described in ~~[Subsection 53G-11-507(1)]~~ Section 53G-11-507.

502 (2) The state board shall ensure that the rules described in Subsection (1) ~~[shall~~
 503]prohibit the use of end-of-level assessment scores[in educator evaluation].

504 Section 12. Section **53G-11-511** is repealed and reenacted to read:

505 **53G-11-511. Annual growth review reporting.**

506 The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
 507 Administrative Rulemaking Act, to determine monitoring processes to ensure compliance,
 508 accountability, and
 509 implementation of this part.

510 Section 13. Section **53G-11-512** is amended to read:

511 **53G-11-512. LEA governing board to establish dismissal procedures.**

512 (1) ~~[A local school]~~ An LEA governing board shall~~[-]~~ :

513 (a) by contract with ~~[its]~~ the LEA's employees or ~~[their]~~ the employees'
514 associations~~[-]~~ or by resolution of the ~~[local school]~~ LEA governing board, establish
515 procedures for dismissal of employees in an orderly manner without discrimination.

516 ~~[(2)]~~ (b) ~~[The]~~ ensure that the procedures ~~[shall]~~ described in Subsection (1)(a)
517 include:

518 ~~[(a)]~~ (i) standards of due process;

519 ~~[(b)]~~ (ii) causes for dismissal; and

520 ~~[(c)]~~ (iii) procedures and standards related to developing and implementing a plan of
521 assistance for a career employee whose ~~[performance]~~ conduct is unsatisfactory.

522 ~~[(3)]~~ (c) ~~[Procedures]~~ ensure that the procedures and standards for a plan of
523 assistance ~~[adopted under Subsection (2)(c) shall]~~ described in Subsection (1)(b)(iii) require a
524 plan of assistance to identify:

525 ~~[(a)]~~ (i) specific, measurable, and actionable deficiencies;

526 ~~[(b)]~~ (ii) the available resources provided for improvement; and

527 ~~[(c)]~~ (iii) a course of action to improve employee ~~[performance]~~ conduct.

528 ~~[(4)]~~ (2) If a career employee exhibits ~~[both unsatisfactory performance as described~~
529 ~~in Subsection 53G-11-501(15)(a) and conduct described in Subsection 53G-11-501(15)(b)]~~
530 improper conduct, an employer~~[-]~~

531 ~~[(a)]~~ may:

532 ~~[(i)]~~ (a) attempt to remediate the conduct of the career employee; or

533 ~~[(ii)]~~ (b) terminate the career employee for cause if the conduct merits dismissal
534 consistent with procedures ~~[established by the local school]~~ that the LEA governing board
535 establishes ~~[-and]~~ .

536 ~~[(b) is not required to develop and implement a plan of assistance for the career~~
537 ~~employee, as provided in Section 53G-11-514.]~~

538 ~~[(5) If the conduct of a career employee described in Subsection (4) is satisfactorily~~
539 ~~remediated, and unsatisfactory performance issues remain, an employer shall develop and~~

540 ~~implement a plan of assistance for the career employee, as provided in Section 53G-11-514. (6)~~

541 ~~If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated,~~
 542 ~~an employer:]~~

543 ~~[(a) may dismiss the career employee for cause in accordance with procedures~~
 544 ~~established by the local school board that include standards of due process and causes for~~
 545 ~~dismissal; and]~~

546 ~~[(b) is not required to develop and implement a plan of assistance for the career~~
 547 ~~employee, as provided in Section 53G-11-514.]~~

548 Section 14. Section **53G-11-513** is amended to read:

549 **53G-11-513. Dismissal procedures.**

550 ~~[(1) A district shall provide employees with a written statement specifying:]~~

551 ~~[(a) the causes under which a career employee's contract may not be renewed or~~
 552 ~~continued beyond the current school year;]~~

553 ~~[(b) the causes under which a career or provisional employee's contract may be~~
 554 ~~terminated during the contract term; and]~~

555 ~~[(c) the orderly dismissal procedures that are used by the district in cases of contract~~
 556 ~~termination, discontinuance, or nonrenewal.]~~

557 ~~[(2) A career employee's contract may be terminated during its term for reasons of~~
 558 ~~unsatisfactory performance or discontinued beyond the current school year for reasons of~~
 559 ~~unsatisfactory performance as provided in Section 53G-11-514.]~~

560 ~~[(3)]~~ (1) (a) ~~[A district]~~ An LEA is not required to provide a cause for not offering a
 561 contract to a provisional employee.

562 (b) If ~~[a district]~~ an LEA intends to not offer a contract for a subsequent term of
 563 employment to a provisional employee, the ~~[district]~~ LEA shall give notice of ~~[that]~~ the
 564 intention to not offer the contract to the employee at least 60 days before the end of the
 565 ~~[provisional]~~ employee's contract term.

566 ~~[(4)]~~ (2) In the absence of a notice, an employee is considered employed for the next
 567 contract term with a salary based upon the salary schedule applicable to the class of employee
 568 into which the individual falls.

569 ~~[(5)]~~ (3) If ~~[a district]~~ an LEA intends to not renew or discontinue the contract of a
 570 career employee or to terminate a career or provisional employee's contract during the contract

571 term, the LEA shall :

572 (a) ~~[the district shall]~~ give written notice of the intent to the employee~~;~~ :

573 ~~[(b)] (i) [the notice shall be]~~ served by personal delivery or by certified mail addressed

574 to the employee's last-known address as shown on the records of the ~~[district]~~ LEA ; an

575 ~~[(c) the district shall give notice]~~ at least 30 ~~[days prior to]~~ before the proposed date

576 of termination;

577 ~~[(d)] (b) ensure that~~ the notice ~~[shall state]~~ :

578 (i) states the date of termination and the detailed reasons for termination;

579 ~~[(e)] (ii) [the notice shall advise]~~ advises the employee that :

580 (A) the employee has a right to a fair hearing ; and ~~[that]~~

581 (B) the right to a hearing is waived if ~~[it is not requested]~~ the employee does not

582 request a hearing within 15 days after day on which the notice of termination was ~~[either]~~

583 personally delivered or mailed ~~[to the employee's most recent address shown on the district's~~

584 ~~personnel records]~~ in accordance with Subsection (3)(a) ; and

585 ~~[(f)] (iii) [the notice shall state]~~ states that :

586 (A) failure of the employee to request a hearing in accordance with procedures set

587 forth in the notice constitutes a waiver of ~~[that]~~ the right to a hearing; and ~~[that]~~

588 (B) if the employee waives the right to a hearing as described in this subsection (3)(b),

589 the [district] LEA may ~~[then]~~ proceed with termination without further notice.

590 ~~[(6)] (4) (a) [The]~~ An LEA may include in the LEA's procedure under which ~~[a]~~ the

591 LEA terminates an employee's contract ~~[is terminated during its]~~ during the contract term

592 ~~[may include]~~ a provision under which the LEA suspends the active service of the employee

593 ~~[is suspended]~~ pending a hearing if ~~[it appears]~~ an authorized representative of the LEA

594 determines that the continued employment of the individual may be harmful to students or to

595 the ~~[district]~~ LEA .

596 (b) (i) [Suspension] An LEA may suspend an employee pending a hearing ~~[may be]~~

597 without pay if an authorized representative of the ~~[district]~~ LEA determines, after providing

598 the employee with an opportunity for an informal conference to discuss the allegations, that it

599 is more likely than not that the allegations against the employee are true.

600 ~~[(c)] (ii)~~ If ~~[termination is not subsequently ordered]~~ an LEA does not terminate an

601 employee after suspending the employee without pay in accordance with Subsection (4)(b)(i),
 602 the LEA shall pay the employee [~~shall receive~~] back pay for the period of the suspension
 603 without pay.

604 [~~(7)~~] (5) [~~The~~] An LEA shall ensure that the LEA's procedure under which an LEA
 605 terminates an employee's contract [~~is terminated during its~~] during the contract term [~~shall~~
 606 ~~provide~~] provides for a written notice of suspension or final termination, including findings
 607 of fact upon which the LEA based the action [~~is based~~].

608 Section 15. Section **53G-11-514** is amended to read:

609 **53G-11-514. Nonrenewal or termination of a career employee's contract for**
 610 **unsatisfactory performance.**

611 (1) If [~~a district intends to not renew a career employee's contract for unsatisfactory~~
 612 ~~performance or terminate a career employee's contract during the contract term for~~
 613 ~~unsatisfactory performance, the district shall~~] a provisional or career employee demonstrates a
 614 lack of growth on any of the employee's goals in the employee's growth plan, the LEA may :

615 (a) provide and discuss with the [~~career~~] employee written documentation clearly
 616 identifying the [~~deficiencies in performance~~] lack of growth ; and

617 [~~(b) provide written notice that the career employee's contract is subject to nonrenewal~~
 618 ~~or termination if, upon a reevaluation of the career employee's performance, the career~~
 619 ~~employee's performance is determined to be unsatisfactory;~~]

620 [~~(c)~~] (b) develop and implement a plan of [~~assistance~~] support, in accordance with
 621 procedures and standards [~~established by the local school board~~] under Section
 622 53G-11-512, that the LEA governing board establishes to allow the [~~career~~] employee an
 623 opportunity to improve [~~performance~~] growth ;

624 [~~(d) reevaluate the career employee's performance; and~~]

625 [~~(e) if the career employee's performance remains unsatisfactory, give notice of intent~~
 626 ~~to not renew or terminate the career employee's contract in accordance with Subsection~~
 627 ~~53G-11-513(5);~~]

628 (2) (a) The period of time for implementing a plan of [~~assistance~~] support :

629 (i) may not exceed 120 school days, except as provided under Subsection (2)(b);

630 (ii) may continue into the next school year;

631 (iii) should be sufficient to successfully complete the plan of [assistance] support ; and

632 (iv) ~~(A) [shall begin] begins~~ when the [career] employee receives the written notice
633 ~~[provided under] described in~~ Subsection ~~[(1)(b)] (1)(a);~~ and ~~[end]~~

634 (B) ends when the LEA makes the determination ~~[is made]~~ that the [career]
635 employee has successfully shown expected growth. ~~[remediated the deficiency or notice of~~
636 ~~intent to not renew or terminate the career employee's contract is given in accordance with~~
637 ~~Subsection 53G-11-513(5).]~~

638 (b) In accordance with ~~[local school]~~ LEA governing board policy, the period of time
639 for implementing a plan of [assistance] support may extend beyond 120 school days if:

640 (i) ~~[a career] an~~ employee is on leave from work during the time period the plan of
641 [assistance] support is scheduled to be implemented; and

642 (ii) (A) the leave was approved and scheduled before the LEA provided written notice
643 ~~[was provided]~~ under Subsection ~~[(1)(b)] (1)(a);~~ or

644 (B) the leave is specifically approved by the ~~[local school]~~ LEA governing board. ~~[(3)~~
645 ~~(a) If upon a reevaluation of the career employee's performance, the district determines the~~
646 ~~career employee's performance is satisfactory, and within a three-year period after the initial~~
647 ~~documentation of unsatisfactory performance for the same deficiency pursuant to Subsection~~
648 ~~(1)(a), the career employee's performance is determined to be unsatisfactory, the district may~~
649 ~~elect to not renew or terminate the career employee's contract.]~~

650 ~~[(b) If a district intends to not renew or terminate a career employee's contract as~~
651 ~~provided in Subsection (3)(a), the district shall:]~~

652 ~~[(i) provide written documentation of the career employee's deficiencies in~~
653 ~~performance; and]~~

654 ~~[(ii) give notice of intent to not renew or terminate the career employee's contract in~~
655 ~~accordance with Subsection 53G-11-513(5).]~~

656 Section 16. Section **53G-11-515** is amended to read:

657 **53G-11-515. Hearings before LEA governing board or hearing officers -- Rights**
658 **of the board and the employee -- Subpoenas -- Appeals.**

659 (1) (a) ~~[Hearings are held under this part before the school]~~ An LEA governing board
660 or ~~[before]~~ hearing officers ~~[selected by the school]~~ whom the LEA governing board

661 appoints [to conduct the hearings and make recommendations concerning findings] shall hold
 662 hearings under this part .

663 (b) The [school] LEA governing board shall establish procedures to appoint hearing
 664 officers to conduct hearings and make recommendations concerning findings .

665 (c) The [school] LEA governing board may delegate the [school] LEA governing
 666 board's authority to a hearing officer to make decisions relating to the employment of an
 667 employee that are binding upon both the employee and the [school] LEA governing board.

668 (2) At [~~the hearings~~] a hearing described in Subsection (1), an employee has the
 669 right :

670 (a) to counsel[;] ;

671 (b) to produce witnesses[;] ;

672 (c) to hear testimony against the employee[;] ;

673 (d) to cross-examine witnesses[;] ; and

674 (e) to examine documentary evidence.

675 (3) [~~Subpoenas may be issued and oaths administered as provided under~~] An
 676 authorized person may issue subpoenas and administer oath in accordance with Section
 677 53E-6-606.

678 (4) [~~All~~] The LEA governing board shall ensure that all hearings [~~shall be~~] are
 679 recorded at the [school] LEA governing board's expense.

680 (5) (a) Any interested party:

681 (i) may appeal any final action or order of the [school] LEA governing board [~~may~~
 682 ~~be appealed~~] to the Court of Appeals for review[;] ; and

683 [~~(b)~~] (ii) [A] shall file a notice of appeal [~~shall be filed~~] in accordance with the Utah
 684 Rules of Appellate Procedure, Rule 4.

685 [~~(c)~~] (b) A review by the Court of Appeals:

686 (i) is limited to the record of the [school] LEA governing board; and

687 (ii) [~~shall be~~] is for the purpose of determining whether the [school] LEA governing
 688 board exceeded :

689 (A) the [school] board's discretion[;] ; or

690 (B) the [~~school board exceeded the school~~] board's authority.

691 Section 17. Section **53G-11-516** is amended to read:

692 **53G-11-516. Necessary staff reduction not precluded -- Last-hired, first-fired**
693 **layoffs prohibited.**

694 (1) Nothing in this part prevents staff reduction if necessary to reduce the number of
695 employees because of ~~[the following]~~:

- 696 (a) declining student enrollments in the ~~[district]~~ LEA;
- 697 (b) the discontinuance or substantial reduction of a particular service or program;
- 698 (c) the shortage of anticipated revenue after the budget has been adopted; or
- 699 (d) school consolidation.

700 (2) ~~[A school district]~~ An LEA may not ~~[utilize]~~ use a last-hired, first-fired layoff
701 policy when terminating ~~[school district]~~ LEA employees.

702 (3) ~~[A school district]~~ An LEA may consider the following factors when terminating
703 ~~[a school district]~~ an LEA employee:

- 704 (a) ~~[the results of]~~an employee's ~~[performance evaluation]~~ conduct; and
- 705 (b) a school's personnel needs.

706 Section 18. **Repealer.**

707 This bill repeals:

708 Section **53G-11-504.1, Waiver of employee evaluation requirement.**

709 Section **53G-11-517, Restriction on transfer of employee with unsatisfactory**
710 **performance.**

711 Section **53G-11-518, State board to make rules on performance compensation.**

712 Section 19. **Effective date.**

713 This bill takes effect on July 1, 2023.