

SB0137S01 compared with SB0137

~~text~~ shows text that was in SB0137 but was deleted in SB0137S01.

inserted text shows text that was not in SB0137 but was inserted into SB0137S01.

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Senator Lincoln Fillmore proposes the following substitute bill:

TEACHER EMPOWERMENT

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill amends ~~or creates~~ several programs to better empower and retain teachers in the state.

Highlighted Provisions:

This bill:

- ▶ expands the allowable uses of funds allocated for paid professional hours;
- ~~→~~ ~~allows a local education agency (school district) to create policies that conflict with federal guidance under certain circumstances;~~
- ~~→~~ ~~creates a litigation fund for and indemnifies an LEA under certain circumstances;~~
- ~~→~~ ~~requires an LEA to amend the LEA's discipline policy to empower a teacher in classroom discipline;~~
- ‡ ▶ establishes an alternative teacher evaluation process;

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- ▶ prohibits data of a chronically absent student from being used in a teacher's evaluation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{This bill appropriates in fiscal year 2025:~~

~~→ to Basic School Program - Uniform School Fund Restricted - Public Education Economic Stabilization Restricted Account - Litigation Account as a one-time appropriation:~~

~~• from the Public Education Economic Stabilization Restricted Account, One-time, \$10,000,000; None~~

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53F-2-203, as last amended by Laws of Utah 2022, Chapter 456

53F-2-208, as last amended by Laws of Utah 2023, Chapters 129, 161 and 356

53F-7-203, as last amended by Laws of Utah 2023, Chapter 348

~~{ **53G-8-202**, as last amended by Laws of Utah 2019, Chapters 293, 446~~

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

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

53G-11-502, as enacted by Laws of Utah 2018, Chapter 3

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

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

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

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

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

53G-11-519, as enacted by Laws of Utah 2020, Chapter 73

63I-2-253 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 380, 383, and 467

63I-2-253 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 310, 380, 383, and 467

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ENACTS:

~~{ 53F-9-207, Utah Code Annotated 1953~~

~~— 53G-2-103, Utah Code Annotated 1953~~

+ 53G-11-520 (Effective 07/01/24), Utah Code Annotated 1953

REPEALS:

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

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

Section 1. Section 53F-2-203 is amended to read:

53F-2-203. Reduction of LEA governing board allocation based on insufficient revenues.

(1) As used in this section, "Minimum School Program funds" means the total of state and local funds appropriated for the Minimum School Program, excluding:

(a) an appropriation for a state guaranteed local levy increment as described in Section 53F-2-601; and

(b) the appropriation to charter schools to replace local property tax revenues pursuant to Section 53F-2-704.

(2) If the Legislature reduces appropriations made to support public schools under this chapter because an Income Tax Fund budget deficit, as defined in Section 63J-1-312, exists, the state board, after consultation with each LEA governing board, shall allocate the reduction among school districts and charter schools in proportion to each school district's or charter school's percentage share of Minimum School Program funds.

(3) Except as provided in Subsection (5) and subject to the requirements of Subsection (7), an LEA governing board shall determine which programs are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.

(4) Except as provided in Subsections (5) and (6), the requirement to spend a specified amount in any particular program is waived if reductions are made pursuant to Subsection (2).

(5) An LEA governing board may not reduce or reallocate spending of funds distributed to the school district or charter school for the following programs:

(a) educator salary adjustments provided in Section 53F-2-405;

(b) the ~~[Teacher Salary Supplement Program]~~ Salary Supplement for Highly Needed

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Educators Program provided in Section 53F-2-504;

(c) the extended year for special educators provided in Section 53F-2-310;

(d) the School LAND Trust Program described in Sections 53F-2-404 and 53G-7-1206; or

(e) a special education program within the basic school program.

(6) An LEA governing board may not reallocate spending of funds distributed to the school district or charter school to a reserve account.

(7) An LEA governing board that reduces or reallocates funds in accordance with this section shall report all transfers into, or out of, Minimum School Program programs to the state board as part of the school district or charter school's Annual Financial and Program report.

Section 2. Section **53F-2-208** is amended to read:

53F-2-208. Cost of adjustments for growth and inflation.

(1) In accordance with Subsection (2), the Legislature shall annually determine:

(a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:

(i) education for youth in custody, described in Section 53E-3-503;

(ii) concurrent enrollment courses for accelerated foreign language students described in Section 53E-10-307;

(iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);

(iv) the Adult Education Program, described in Section 53F-2-401;

(v) state support of pupil transportation, described in Section 53F-2-402;

(vi) the Enhancement for Accelerated Students Program, described in Section 53F-2-408;

(vii) the Concurrent Enrollment Program, described in Section 53F-2-409;

(viii) the juvenile gang and other violent crime prevention and intervention program, described in Section 53F-2-410; and

(ix) dual language immersion, described in Section 53F-2-502; and

(b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal year's ongoing state tax fund appropriations to the following programs:

(i) a program described in Subsection (1)(a);

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(ii) educator salary adjustments, described in Section 53F-2-405;

(iii) the [~~Teacher Salary Supplement Program~~] Salary Supplement for Highly Needed Educators Program, described in Section 53F-2-504;

(iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and

(v) charter school local replacement funding, described in Section 53F-2-702.

(2) (a) In or before December each year, the Executive Appropriations Committee shall determine:

(i) the cost of the inflation adjustment described in Subsection (1)(a); and

(ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

(b) The Executive Appropriations Committee shall make the determinations described in Subsection (2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and Budget.

(3) If the Executive Appropriations Committee includes in the public education base budget or the final public education budget an increase in the value of the WPU in excess of the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also include an appropriation to the Local Levy Growth Account established in Section 53F-9-305 in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the relevant budget.

Section 3. Section **53F-7-203** is amended to read:

53F-7-203. Paid professional hours for educators.

(1) As used in this section:

(a) "Paid professional hours" means hours outside of an educator's contracted hours.

(b) "Qualifying time" means the hours spent engaged in professional learning including:

(i) time spent traveling for the professional learning; and

(ii) time engaged in the professional learning.

(c) "Qualifying time" does not include time spent:

(i) outside of the professional learning environment; or

(ii) between the professional learning activities or sessions once the professional

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learning has ended for the day;

(2) Subject to legislative appropriations, the state board shall provide funding to each LEA to provide additional paid professional hours to the following educators in accordance with this section:

- (a) general education and special education teachers;
- (b) counselors;
- (c) school administration;
- (d) school specialists;
- (e) student support;
- (f) school psychologists;
- (g) speech language pathologists; and
- (h) audiologists.

~~[(2)]~~ (3) The state board shall distribute funds appropriated to the state board under Subsection 53F-9-204(6) to each LEA in proportion to the number of educators described in Subsection ~~[(1)]~~ (2) within the LEA.

~~[(3)]~~ (4) An LEA shall use funding under this section to provide paid professional hours that:

- (a) provide educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards; and
- (b) may include activities that:
 - (i) improve and increase an educator's:
 - (A) knowledge of the academic subjects the educator teaches;
 - (B) time to plan and prepare daily lessons based on student needs;
 - (C) understanding of how students learn; and
 - (D) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on the analysis;
 - (ii) are an integral part of broad school-wide and LEA-wide educational improvement plans;
 - (iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;
 - (iv) advance educator understanding of:

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(A) effective and evidence-based instructional strategies; and

(B) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of educators;

(v) are aligned with, and directly related to, academic goals of the school or LEA; ~~and~~

(vi) as determined between an educator and principal, use qualifying time for professional learning that follows a comprehensive evidence-based approach to improving an educator's effectiveness in raising student achievement including: ~~and~~

(A) trainings;

(B) conferences;

(C) seminars;

(D) workshops; and

(E) coursework that is not related to requirements for a degree from an institution of higher education; and

~~(vii)~~ (vii) include instruction in the use of data and assessments to inform and instruct classroom practice~~[-]; and~~

(c) may include expenses an educator incurs for professional learning including:

(i) registration fees;

(ii) travel related expenses at the allowable rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107;

(iii) required materials; and

(iv) hourly pay for qualifying time equivalent to the educator's contracted hourly rate in the most recent school year.

~~(4)~~ (5) (a) An educator shall:

(i) on or before the fifth day of instruction in a given school year, create a plan, in consultation with the educator's principal, on how the educator plans to use paid professional hours provided under this section ~~[during the school year]; and~~

(ii) before the end of a given ~~[school]~~ fiscal year, provide a written statement to the educator's principal of how the educator used paid professional hours provided under this section ~~[during the school year].~~

(b) (i) Subsection ~~[(4)(a)(i)]~~ (5)(a)(i) does not limit an educator who begins employment after the fifth day of instruction in a given year from receiving paid professional

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hours under this section.

(ii) An LEA may prorate the paid professional hours of an educator who begins employment after the fifth day of instruction in a given year according to the portion of the school year for which the LEA employs the educator.

Section 4. ~~Section 53F-9-207 is enacted to read:~~

~~**53F-9-207. Litigation Account -- Access to the account:**~~

~~(1) (a) There is created within the Uniform School Fund a restricted account known as the "Litigation Account" to provide help to LEAs with needs for litigation related to policies or actions described in Section 53G-2-103.~~

~~(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board, in consultation with the state risk manager and the Attorney General's Office, shall make rules to determine how to prioritize funding requests from LEAs to use the Litigation Account.~~

~~(2) The state board may not allocate funds from the Litigation Account that exceed an LEA's litigation expenses less any expenses covered by a coverage agreement issued by the State Risk Management Fund.~~

~~(3) In order to receive money from the Litigation Account, an LEA shall:~~

~~(a) submit to the state board an itemized request for all litigation expenses incurred and which expenses the LEA is seeking be covered through the litigation fund;~~

~~(b) provide documentation explaining the reason for the litigation; and~~

~~(c) submit any other information the LEA determines is relevant to the funding request.~~

~~(4) (a) The state board shall establish a committee, including representatives from the state board, Division of Risk Management, and the Attorney General's office, to:~~

~~(i) review a request by an LEA, and~~

~~(ii) make recommendations regarding approval or disapproval of an award from the litigation fund; and~~

~~(b) if the committee recommends approval of a funding request application under Subsection (4)(a)(ii), the committee's recommendation shall include:~~

~~(i) the amount of the award; and~~

~~(ii) any required conditions for the award.~~

Section 5. Section 53G-2-103 is enacted to read:

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~~53G-2-103. LEA Policies -- Indemnification:~~

~~(1) An LEA may adopt a policy and take actions that conflict with non-legally binding federal guidance, including non-regulatory letters, recommendations, or statements that a federal agency or official makes generally or to a specific LEA.~~

~~(2) The state shall defend, indemnify, and hold harmless a person or entity acting under color of state law to execute or enforce this section for any claims or damages, including court costs and attorney fees, that:~~

~~(a) arise as a result of this section; and~~

~~(b) are not covered by the person or entity's insurance policies or any coverage agreement that the State Risk Management Fund issues.~~

~~(3) The state may use funds in the Litigation Account as described in Section 53F-9-207 to comply with this section.~~

~~Section 6. Section 53G-8-202 is amended to read:~~

~~53G-8-202. Public school discipline policies -- Basis of the policies --~~

Enforcement:

~~(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.~~

~~(2) (a) To foster such an environment, each [local school board or charter school] LEA governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.~~

~~(b) [A district or charter school] An LEA shall base [its] the LEA's policies on the principle that every student is expected:~~

~~(i) to follow accepted standards of conduct; and~~

~~(ii) to show respect for other people and to obey persons in authority at the school.~~

~~(c) (i) [On or before September 1, 2015, the] The state board shall [revise] ensure the conduct and discipline policy models for elementary and secondary public schools [to include] includes procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).~~

~~(ii) Each [district or charter school] LEA shall use the models described in Subsection~~

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~~(2)(c)(i), where appropriate, in developing its conduct and discipline policies under this chapter:~~

~~—— (d) The state board shall ensure that the policies [shall] described in Subsection (2)(c)(i):~~

~~—— (i) emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action[.]; and~~

~~—— (ii) provide for the direct empowerment and training of an educator to be able to refer a student to an appropriate intervention or request the removal of a student from the classroom including:~~

~~—— (A) as described in Subsection (2)(c), the circumstances for which a referral to a behavioral team or removal is appropriate;~~

~~—— (B) a system with levels of appropriate interventions that match the severity of offenses a student commits;~~

~~—— (C) for removal from a classroom, the allowable period of time for removal as outlined in the LEA's policy and in accordance with Section 53G-8-207; and~~

~~—— (D) the protocol an educator shall follow including a de-escalation protocol an educator shall follow to regain management of the classroom from a disruption.~~

~~—— (e) In accordance with state and federal law, an LEA may not limit an educator's ability to refer or remove a student from the educator's classroom more than the same ability of a school administrator.~~

~~—— (3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.~~

~~—— Section 7.} Section **53G-11-501** is amended to read:~~

53G-11-501. Definitions.

As used in this part:

(1) "Administrator" means an individual who supervises educators and holds an appropriate license ~~[issued by the state board].~~

(2) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.

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(3) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53G-11-503 and an agreement with the employee or the employee's association, district practice, or policy.

(4) "Chronically absent" means a student who:

(a) was enrolled in an LEA for at least 60 calendar days; and

(b) missed 10% or more days of instruction, whether the absence was excused or not.

~~[(4)]~~ (5) "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.

~~[(5)]~~ (6) "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.

~~[(6)]~~ (7) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the state board, except:

(a) a superintendent; or

(b) an individual who works less than three hours per day or is hired for less than half of a school year.

~~[(7)]~~ (8) (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (7)(b).

(b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not include:

(i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the Blind;

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

(iii) a temporary employee.

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~~[(8)]~~ [(9)] "Formative evaluation" means a planned, ongoing process which allows educators to engage in reflection and growth of professional skills as related to the Utah Effective Teaching Standards.

~~[(9)]~~ [(10)] "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for a district most recently before terminating a more senior employee.

~~[(9)]~~ ~~[(10)]~~ [(11)] "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.

~~[(10)]~~ ~~[(11)]~~ [(12)] "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.

~~[(11)]~~ ~~[(12)]~~ [(13)] "School board" means a local school board or, for the Utah Schools for the Deaf and the Blind, the state board.

~~[(12)]~~ ~~[(13)]~~ [(14)] "School district" or "district" means:

- (a) a public school district; or
- (b) the Utah Schools for the Deaf and the Blind.

~~[(13)]~~ ~~[(14)]~~ [(15)] "Summative evaluation" means ~~[the annual evaluation that summarizes an educator's performance during a school year and that is used to make decisions related to the educator's employment.]~~ an evaluation that:

- (a) a supervisor conducts;
- (b) summarizes an educator's performance during an evaluation cycle; and
- (c) a supervisor or school district may use to make decisions related to an educator's employment.

~~[(14)]~~ ~~[(15)]~~ [(16)] "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the school board. If the class of employees in question is represented by an employee organization recognized by the school board, the school board shall adopt the school board's policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.

~~[(15)]~~ ~~[(16)]~~ [(17)] (a) "Unsatisfactory performance" means a deficiency in performing work tasks that may be:

- (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

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(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 53G-11-512 or a reason for license discipline by the state board or Utah Professional Practices Advisory Commission:

(i) a violation of work policies;

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

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

(iv) insubordination.

Section ~~8~~5. Section **53G-11-501.5** is amended to read:

53G-11-501.5. Legislative findings.

(1) The Legislature finds that the effectiveness of public educators can be improved and enhanced by providing specific feedback and support for improvement through a systematic, fair, and competent [~~annual~~] evaluation and remediation of public educators whose performance is inadequate.

(2) The state board and each local school board shall implement Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, [~~and~~] 53G-11-511, and 53G-11-520 in accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), 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 academic growth.

Section ~~9~~6. Section **53G-11-502** is amended to read:

53G-11-502. Applicability.

[~~Reserved~~] An local school board shall implement the educator evaluation process described in:

(1) Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; or

(2) Section 53G-11-520.

Section ~~10~~7. Section **53G-11-505** is amended to read:

53G-11-505. State board rules -- Reporting to Legislature.

Subject to Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510,

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[and] 53G-11-511, [~~rules adopted by the state board~~] and 53G-11-520, the state board shall ensure that the rules the state board adopts under Section 53G-11-504 [~~shall~~]:

(1) provide general guidelines, requirements, and procedures for the development and implementation of employee evaluations;

(2) establish required components and allow for optional components of employee evaluations;

(3) require school districts to choose valid and reliable methods and tools to implement the evaluations; and

(4) establish a timeline for school districts to implement employee evaluations.

Section ~~411~~8. Section **53G-11-507** is amended to read:

53G-11-507. Components of educator evaluation program.

(1) A local school board in consultation with a joint committee established in Section 53G-11-506 shall adopt a reliable and valid educator evaluation program that evaluates educators based on educator professional standards established by the state board and includes:

(a) a systematic annual evaluation of all provisional, probationary, and career educators;

(b) use of multiple lines of evidence, including:

(i) self-evaluation;

(ii) student and parent input;

(iii) for an administrator, employee input;

(iv) a reasonable number of supervisor observations to ensure adequate reliability;

(v) evidence of professional growth and other indicators of instructional improvement based on educator professional standards established by the state board; and

(vi) student academic growth data;

(c) a summative evaluation that differentiates among [~~four~~] levels of performance; and

(d) for an administrator, the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility.

(2) (a) An educator evaluation program described in Subsection (1) may include a reasonable number of peer observations.

(b) An educator evaluation program described in Subsection (1) may not use end-of-level assessment scores in educator evaluation.

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Section ~~{12}~~9. Section **53G-11-511** is amended to read:

53G-11-511. Rulemaking for privacy protection.

~~[(1) A school district shall report to the state board the number and percent of educators in each of the four levels of performance assigned under Section 53G-11-508.]~~

~~[(2) The data reported under Subsection (1) shall be separately reported for the following educator classifications:]~~

~~[(a) administrators;]~~

~~[(b) teachers, including separately reported data for provisional teachers and career teachers; and]~~

~~[(c) other classifications or demographics of educators as determined by the state board.]~~

~~[(3) The state superintendent shall include the data reported by school districts under this section in the State Superintendent's Annual Report required by Section 53E-3-301. (4)]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to ensure the privacy and protection of individual evaluation data.

Section ~~{13}~~10. Section **53G-11-512** is amended to read:

53G-11-512. 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 local school board, establish procedures for dismissal of employees in an orderly manner without discrimination.

(2) The local school board shall ensure that the procedures [shall] described in Subsection (1) 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] The local school board shall ensure that the 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

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(c) a course of action to improve employee performance.

(4) If a career employee exhibits both unsatisfactory performance as described in Subsection ~~[53G-11-501(15)(a)]~~ 53G-11-501(16)(a) and conduct described in Subsection ~~[53G-11-501(15)(b)]~~ 53G-11-501(16)(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 53G-11-514.

(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 53G-11-514.

(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 53G-11-514.

Section ~~{14}~~11. Section **53G-11-518** is amended to read:

53G-11-518. State board to make rules on performance compensation.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system described in Section 53G-11-507.

(2) ~~[Rules adopted]~~ The state board shall ensure that rules the state board adopts 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:

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- (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.

Section ~~45~~12. Section **53G-11-519** is amended to read:

53G-11-519. Utah Recognizing Inspiring School Employees Award.

- (1) As used in this section:
 - (a) "Association" means the governing board of the association that represents a majority of classified school employees employed in the state.
 - (b) "Classified school employee" means the same as that term is defined in the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6682.
 - (c) "Eligible individual" means a classified school employee who meets the eligibility requirements to be a nominee for the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq.
- (2) (a) In accordance with the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq., the governor shall annually nominate a classified school employee for the Recognizing Inspiring School Employees Award Program.
 - (b) The governor shall consider submissions from the association in making the nomination described in Subsection (2)(a).
 - (c) The association shall submit a list of eligible individuals to the governor no later than September 1 each year [~~, beginning on September 1, 2020~~].
- (3) (a) There is created the Utah Recognizing Inspiring School Employees Award Program to recognize excellence exhibited by public school system employees providing services to students in pre-kindergarten through grade 12.
 - (b) The Utah Recognizing Inspiring School Employees Award shall be awarded to the governor's nominee for the federal Recognizing Inspiring School Employees Award Program under the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq.

Section ~~46~~13. Section **53G-11-520 (Effective 07/01/24)** is enacted to read:

53G-11-520 (Effective 07/01/24). Alternative educator evaluation process.

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(1) As described in Section 53G-11-502, a school district may choose to perform an educator evaluation as described in this section.

(2) A school district that chooses the educator evaluation process described in this section is exempt from the requirements described in Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511.

(3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:

(a) describe a framework for the evaluation of educators in accordance with Part 3, Licensed Employee Requirements, and this section;

(b) require an educator's summative evaluation to be based on:

(i) educator professional standards established by the state board; and

(ii) the requirements described in Subsection (9) and (10);

(c) establish standards for an independent review of an educator's summative evaluation; and

(d) ensure the privacy and protection of individual evaluation data.

(4) A school district shall develop an educator evaluation program in consultation with the school district's joint committee.

(5) A school district shall ensure the joint committee described in Subsection (4) consists of an equal number of classroom teachers, parents, and administrators the school district appoints.

(6) A school district may appoint members of the joint committee from:

(a) a list of nominees who are classroom teachers, created through a vote of teachers in a nomination election;

(b) a list of nominees who are administrators, created through a vote of administrators in a nomination election; and

(c) a list of nominees who are parents that school community councils within the school district submit to the school district.

(7) Subject to Subsection (8), the joint committee may:

(a) adopt or adapt an evaluation program for educators based on a model the state board develops; or

(b) create the school district's own evaluation program for educators.

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(8) A school district shall ensure that an evaluation program the joint committee develops complies with the requirements of this section including the rules the state board adopts under Subsection (3).

(9) A school district in consultation with a joint committee described in Subsection (4) shall adopt a reliable and valid educator evaluation program that evaluates educators based on educator professional standards the state board establishes including:

(a) an annual formative assessment for an educator, a provisional educator, and a career educator;

(b) as described in Subsections (11), (12), and (13), a summative assessment for an educator that occurs at least once every four years;

(c) use of multiple lines of evidence, including:

(i) self-evaluation;

(ii) student and parent input;

(iii) for an administrator, employee input;

(iv) a reasonable number of supervisor observations to ensure adequate reliability;

(v) evidence of professional growth and other indicators of instructional improvement;

and

(vi) student academic growth data;

(d) a summative evaluation that differentiates among levels of performance; and

(e) for an administrator, the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility.

(10) A school district, in relation to an educator evaluation program described in Subsection (9):

(a) may include a reasonable number of peer observations; and

(b) may not use:

(i) end-of-level assessment scores; or

(ii) the data of a student that is chronically absent.

(11) The individual whom the school district and joint committee designate to be 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

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(ii) give the educator a copy of a relevant evaluation instrument;

(b) allow the educator to respond to any part of the evaluation;

(c) attach the educator's response to the evaluation if the educator provides a response is provided in writing;

(d) within 15 days after the day on which the evaluation process is complete, discuss the written evaluation with the educator; and

(e) based upon the educator's performance, assign to the educator one of the levels of performance required in Subsection (9)(d).

(12) (a) 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.

(b) (i) If an educator requests a review in accordance with Subsection (12), the school district superintendent or the superintendent's designee shall appoint an individual whom the school district does not employ 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.

(ii) The individual conducting a review of an educator's summative evaluation under Subsection (12)(b)(i) shall conduct the review in accordance with the rules that the state board makes under Subsection (3).

(13) (a) In accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign an individual who has received training or will receive training in mentoring educators as a mentor to the provisional educator.

(b) Where possible, the principal or immediate supervisor described in Subsection (13)(a) shall assign as a mentor a career educator who:

(i) performs substantially the same duties as the provisional educator; and

(ii) has at least three years of educational experience.

(c) The mentor described in this Subsection (13):

(i) shall assist the provisional educator to become effective and competent in the teaching profession and school system; and

(ii) may not serve as an evaluator of the provisional educator.

(d) An educator who is assigned as a mentor described in this Subsection (13) may

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receive compensation for mentor services in addition to the educator's regular salary.

(14) The state board shall:

(a) consult with school districts; and

(b) report to the Education Interim Committee's November 2028 committee meeting regarding:

(i) implementation of the alternative educator evaluation process; and

(ii) making recommendations for needed changes.

Section ~~{17}~~14. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:

63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.

(1) Section 53-1-118 is repealed on July 1, 2024.

(2) Section 53-1-120 is repealed on July 1, 2024.

(3) Section 53-7-109 is repealed on July 1, 2024.

(4) Section 53-22-104 is repealed December 31, 2023.

(5) Section 53B-6-105.7 is repealed July 1, 2024.

(6) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

(7) Section 53B-8-114 is repealed July 1, 2024.

(8) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";

(b) Section 53B-8-202;

(c) Section 53B-8-203;

(d) Section 53B-8-204; and

(e) Section 53B-8-205.

(9) Section 53B-10-101 is repealed on July 1, 2027.

(10) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

(11) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

(12) Section 53F-2-209, regarding local education agency budgetary flexibility, is

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repealed July 1, 2024.

(13) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

(14) Subsection 53F-2-504(11), regarding a report on the Salary Supplement for Highly Needed Educators, is repealed on July 1, 2026.

~~[(14)]~~ (15) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

~~[(15)]~~ (16) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028.

~~[(16)]~~ (17) Section 53F-9-401 is repealed on July 1, 2024.

~~[(17)]~~ (18) Section 53F-9-403 is repealed on July 1, 2024.

(19) Subsection 53G-11-502(1), regarding implementation of the educator evaluation process, is repealed on July 1, 2029.

(20) Section 53G-11-506, Establishment of educator evaluation program -- Joint committee, is repealed on July 1, 2029.

(21) Section 53G-11-507, Components of educator evaluation program, is repealed on July 1, 2029.

(22) Section 53G-11-508, Summative evaluation ~~{timeline}~~timelines -- Review of summative evaluations, is repealed on July 1, 2029.

(23) Section 53G-11-509, Mentor for provisional educator, is repealed on July 1, 2029.

(24) Section 53G-11-510, State board to describe a framework for the evaluation of educators, is repealed on July 1, 2029.

(25) Section 53G-11-511, Report of performance levels, is repealed on July 1, 2029.

(26) Subsections 53G-11-520(1) and (2), regarding optional alternative educator evaluation processes, are repealed on July 1, 2029.

~~[(18)]~~ (27) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Section 36-12-12, make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section ~~{18}~~15. Section **63I-2-253 (Effective 07/01/24)** is amended to read:

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63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.

(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1, 2024.

(2) Section 53-1-118 is repealed on July 1, 2024.

(3) Section 53-1-120 is repealed on July 1, 2024.

(4) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1, 2024.

(5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 53-2d-702(1)(a) is amended to read:

"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

(6) Section 53-7-109 is repealed on July 1, 2024.

(7) Section 53-22-104 is repealed December 31, 2023.

(8) Section 53B-6-105.7 is repealed July 1, 2024.

(9) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

(10) Section 53B-8-114 is repealed July 1, 2024.

(11) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";

(b) Section 53B-8-202;

(c) Section 53B-8-203;

(d) Section 53B-8-204; and

(e) Section 53B-8-205.

(12) Section 53B-10-101 is repealed on July 1, 2027.

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(13) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

(14) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

(15) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

(16) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

(17) Subsection 53F-2-504(11), regarding a report on the Salary Supplement for Highly Needed Educators, is repealed on July 1, 2026.

~~[(17)]~~ (18) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

~~[(18)]~~ (19) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028.

~~[(19)]~~ (20) Section 53F-9-401 is repealed on July 1, 2024.

~~[(20)]~~ (21) Section 53F-9-403 is repealed on July 1, 2024.

(22) Subsection 53G-11-502(1), regarding implementation of the educator evaluation process, is repealed on July 1, 2029.

(23) Section 53G-11-506, Establishment of educator evaluation program -- Joint committee, is repealed on July 1, 2029.

(24) Section 53G-11-507, Components of educator evaluation program, is repealed on July 1, 2029.

(25) Section 53G-11-508, Summative evaluation ~~timeline~~ timelines -- Review of summative evaluations, is repealed on July 1, 2029.

(26) Section 53G-11-509, Mentor for provisional educator, is repealed on July 1, 2029.

(27) Section 53G-11-510, State board to describe a framework for the evaluation of educators, is repealed on July 1, 2029.

(28) Section 53G-11-511, Report of performance levels, is repealed on July 1, 2029.

(29) Subsections 53G-11-520(1) and (2), regarding optional alternative educator evaluation processes, are repealed on July 1, 2029.

~~[(21)]~~ (30) On July 1, 2023, when making changes in this section, the Office of

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Legislative Research and General Counsel shall, in addition to the office's authority under Section 36-12-12, make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section ~~{19}~~16. **Repealer.**

This bill repeals:

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

~~{~~ ~~Section 20. **FY 2025 Appropriation.**~~

~~———— The following sums of money are appropriated for the fiscal year beginning July 1, 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for fiscal year 2025:~~

~~———— Subsection 20(a). **Operating and Capital Budgets.**~~

~~———— Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah:~~

~~HFEM 1 ——— To Basic School Program – Uniform School Fund Restricted – Public Education Economic Stabilization Restricted Account~~

~~From Public Education Economic Stabilization Restricted Account, One-time \$10,000,000~~

~~Schedule of Programs: Litigation Account \$10,000,000~~

~~}~~ Section ~~{21}~~17. **Effective date.**

This bill takes effect on July 1, 2024.