

STUDENT TESTING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marie H. Poulson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the use of student achievement data.

Highlighted Provisions:

This bill:

- ▶ places restrictions on the use of student achievement data for the evaluation and compensation of certain employees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-8a-405, as renumbered and amended by Laws of Utah 2012, Chapter 425

53A-8a-409, as last amended by Laws of Utah 2014, Chapter 262

53A-8a-601, as last amended by Laws of Utah 2014, Chapter 262

53A-8a-702, as last amended by Laws of Utah 2014, Chapter 262

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

Section 1. Section **53A-8a-405** is amended to read:



28 **53A-8a-405. Components of educator evaluation program.**

29 An educator evaluation program adopted by a local school board in consultation with a
30 joint committee established in Section [53A-8a-403](#);

31 (1) shall include the following components:

32 ~~[(1)]~~ (a) a reliable and valid evaluation program consistent with generally accepted
33 professional standards for personnel evaluation systems;

34 ~~[(2)]~~ ~~(a)~~ (b) (i) the evaluation of provisional and probationary educators at least twice
35 each school year; and

36 ~~[(b)]~~ (ii) the annual evaluation of all career educators;

37 ~~[(3)]~~ (c) systematic evaluation procedures for both provisional and career educators;

38 ~~[(4)]~~ (d) the use of multiple lines of evidence, ~~[such as]~~ including:

39 ~~[(a)]~~ (i) self-evaluation;

40 ~~[(b)]~~ (ii) student and parent input;

41 ~~[(c)]~~ (iii) peer observation;

42 ~~[(d)]~~ (iv) supervisor observations;

43 ~~[(e)]~~ (v) evidence of professional growth; and

44 ~~[(f) student achievement data; and]~~

45 ~~[(g)]~~ (vi) other indicators of instructional improvement;

46 ~~[(5)]~~ (e) a reasonable number of observation periods for an evaluation to ~~[insure]~~
47 ensure adequate reliability;

48 ~~[(6)]~~ (f) administration of an educator's evaluation by:

49 ~~[(a)]~~ (i) the principal;

50 ~~[(b)]~~ (ii) the principal's designee;

51 ~~[(c)]~~ (iii) the educator's immediate supervisor; or

52 ~~[(d)]~~ (iv) another person specified in the evaluation program;

53 ~~[(7)]~~ (g) an orientation for educators on the educator evaluation program; and

54 ~~[(8)]~~ (h) a summative evaluation that differentiates among four levels of
55 performance[-]; and

56 (2) may not use student achievement data as a component of educator evaluation.

57 Section 2. Section **53A-8a-409** is amended to read:

58 **53A-8a-409. State Board of Education to establish a framework for the**

59 **evaluation of educators.**

60 (1) The State Board of Education shall make rules:

61 ~~[(1)]~~ (a) establishing a framework for the evaluation of educators that is consistent with
62 the requirements of Part 3, Employee Evaluations, and this part;63 ~~[(2)]~~ (b) requiring a teacher's summative evaluation to be based on ~~[(a) student~~
64 ~~learning growth or achievement, if measures of student learning growth are not available; and~~
65 ~~(b)]~~ standards of instructional quality; and66 ~~[(3)]~~ (c) requiring each school district to fully implement an evaluation system for
67 educators in accordance with the framework established by the State Board of Education no
68 later than the 2015-16 school year.69 (2) The rules described in Subsection (1) shall prohibit the use of student achievement
70 data as a component of educator evaluation.71 Section 3. Section **53A-8a-601** is amended to read:72 **53A-8a-601. State Board of Education to make rules on performance**
73 **compensation.**74 (1) The State Board of Education shall make rules requiring a school district's
75 employee compensation system to be aligned with the district's annual evaluation system
76 described in Section [53A-8a-405](#).

77 (2) Rules adopted under Subsection (1) shall:

78 (a) establish a timeline for developing and implementing an employee compensation
79 system that is aligned with an annual evaluation system; and

80 (b) provide that beginning no later than the 2016-17 school year:

81 (i) any advancement on an adopted wage or salary schedule;

82 (A) shall be based primarily on an evaluation; and83 (B) may not be based on student achievement data; and84 (ii) an employee may not advance on an adopted wage or salary schedule if the
85 employee's rating on the most recent evaluation is at the lowest level of an evaluation
86 instrument.87 Section 4. Section **53A-8a-702** is amended to read:88 **53A-8a-702. Evaluation of school and district administrators.**

89 (1) The State Board of Education shall:

90 [(1)] (a) establish in rules a framework for the evaluation of school and district
91 administrators that includes the following components:

92 [~~(a)~~] ~~student achievement indicators emphasizing learning growth and proficiency;~~

93 [(b)] (i) the results of an evaluation tool utilized by the local school board that includes
94 input from employees, parents, and students;

95 [(c)] (ii) the effectiveness of evaluating employee performance in a school or district
96 for which the school or district administrator has responsibility; and

97 [(d)] (iii) other factors as determined by a local school board in implementing state law
98 and State Board of Education rules; and

99 [(2)] (b) require each school district to fully implement an evaluation system for school
100 and district administrators in accordance with the framework established by the State Board of
101 Education no later than the 2015-16 school year.

102 (2) The evaluation of school and district administrators described in Subsection (1)(a)
103 may not use student achievement data as a component of evaluation.

Legislative Review Note
Office of Legislative Research and General Counsel