

**R277. Education, Administration.**

**R277-323. Public Educator Evaluation.**

**R277-323-1. Authority and Purpose.**

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Title 53G, Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements, which requires the Board to make rules to establish a framework for the evaluation of educators and set policies and procedures related to educator evaluations; and

(d) Subsections 53E-3-501(1)(a)(i) and (ii), which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services.

(2) The purpose of this rule is to:

(a) provide a framework for educator evaluation systems;

(b) describe the requirements for district policies related to educator evaluation;

and

(c) establish requirements for determining annual summative educator effectiveness ratings.

**R277-323-2. Definitions.**

(1) "Academic growth" means demonstration of student learning through formative assessment measures identified by the LEA, school, or educator within the school year.

(2) "Administrator" has the same meaning as that term is defined in Section 53G-11-501.

(3) "Certified evaluator" means an educator with training in evaluating educator performance and demonstrated competency in using an educator evaluation tool to rate educator performance according to established standards.

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

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

(b) missed 10% or more of the student's instructional days, whether the absence was excused or not.

(5) "Continued professional growth" means incremental measures of improvement relevant to the Utah Effective Educator Standards.

(6) "Educator" has the same meaning as that term is defined in Section 53G-11-501.

(7) "Educator evaluation system" means a school district's process, policies, and procedures for evaluating an educator's performance in the educator's assignments.

(8) "Formative assessment measures" means planned, ongoing processes used for educators to engage in reflection and growth of professional skills and includes opportunities to receive feedback on strengths or weaknesses of specific knowledge, skills, and abilities.

(9) "Evaluator" means an individual who is responsible for an educator's summative evaluation in accordance with this Rule R277-323.

(10) "Local board" means a school district's elected board of education or for the Utah Schools of the Deaf and the Blind, the Board.

(11) "Observation" means a formal or informal visit made by an administrator to an educator's classroom for the purpose of gathering formative information, providing feedback for growth, and informing decisions related to the educator's summative evaluation.

(12) "Performance" means the combination of an educator's professionalism consistent with:

(a) the Utah Effective Educator Standards;

(b) student academic growth; and

(c) continued professional growth as an educator.

(13) "Summative evaluation" means an evaluation that is used to make decisions or ratings of an educator's performance and that may inform decisions on salary, continued employment, personnel assignments, transfers, or dismissals, consistent with a school district's policies.

(14) "Summative evaluation rating" means an annual rating of an educator's performance that assigns one of three levels, that may be defined as:

(a) One -- The educator did not meet performance expectations;

(b) Two -- The educator partially met performance expectations by demonstrating evidence of continued professional growth or demonstrating evidence of student academic growth;

(c) Three -- The educator met performance expectations by demonstrating evidence of continued professional growth and demonstrating evidence of student academic growth.

(15) "Unsatisfactory performance" means a level one summative evaluation rating.

(16) "Utah Effective Educator Standards" means the standards established in Rule R277-330, as applicable to the assignment for which an evaluator evaluates an educator.

### **R277-323-3. School District Educator Evaluation Systems.**

(1) A local board shall adopt a district educator evaluation system in consultation with a joint committee established by the local board as required by Section 53G-11-506.

(2) A local board shall review and approve its educator evaluation system in an open meeting.

(3) A district educator evaluation system shall:

(a) evaluate educators based on the Utah Effective Educator Standards;

(b) include a description of school district processes for gathering, using, and protecting individual educator evaluation data;

(c) include valid and reliable methods and tools to implement an evaluation;

(d) include a systematic process for evaluating all educators holding an educator license during an evaluation cycle of up to four years;

(e) include a summative evaluation rating consistent with this Rule R277-323;

and

(f) take into account multiple inputs as required by Section 53G-11-507, including:

(i) self-evaluation of performance in relation to the Utah Effective Educator Standards;

(ii) student and parent input;

(iii) for administrators, feedback from teachers, including input on the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility;

(iv) results of multiple observations done with tools aligned to the Utah Effective Educator Standards;

(v) evidence of student academic growth, as specified by the school district; and

(vi) other indicators of professional improvement as specified by the school district.

(4) A school district may use an evaluation cycle extending up to four years, which includes:

(a) a summative evaluation at least once every four years; and

(b) annual formative assessment measures, including:

(i) at least one observation conducted by an administrator;

(ii) additional observations, with feedback, which may be provided by a peer, mentor, instructional coach, administrator or other professional designated by the district; and

(iii) a planned ongoing process for the educator to engage in reflection and growth related to the Utah Effective Teaching Standards.

(5) A school district may not use year-end state testing data in determining an educator's summative evaluation rating.

(6) A school district may not use data from a student who is chronically absent in determining an educator's summative evaluation rating.

(7) A school district shall align its employee compensation system, with the district's educator evaluation system in accordance with Subsection 53G-11-518(1).

(8) To form the school district's educator evaluation system, a local school board may adopt:

- (a) the Utah Model Educator Evaluation System approved by the Board;
- (b) an adapted system; or
- (c) a system developed by the school district consistent with this rule and Rule R277-330.

**R277-323-4. Systems Reliability.**

A school district shall establish an evaluator reliability process to ensure the reliability of its educator evaluation system that:

- (1) identifies criteria for use in assigning evaluation ratings
- (2) provides professional development opportunities for all evaluators that:
  - (a) assures evaluators understand the Utah Effective Educator Standards;
  - (b) improve evaluator proficiency in recognizing the criteria described in Subsection (1)(a); and
- (c) give the evaluator an opportunity to demonstrate their abilities to rate an educator in accordance with the Utah Effective Educator Standards;
- (3) designate qualified raters as certified;
- (4) assure that each educator is rated by a certified evaluator; and
- (5) include a process for maintaining a certified evaluator's skills.

**R277-323-5. Notice and Review.**

(1) At least 15 days before an educator's first evaluation, a school district shall provide an educator with:

- (a) notification of the evaluation process;
- (b) access to relevant evaluation instruments; and
- (c) notice of potential consequences, including discipline and termination, if an educator fails to meet performance expectations.

(2) A school district's educator evaluation system shall:

- (a) provide for clear and timely discussion of an evaluation with the educator;
- (b) provide a written copy of the evaluation to the educator;
- (c) allow an educator to respond to any part of the evaluation; and

(d) attach the educator's response to the evaluation if the response is provided in writing.

(3) An educator who is dissatisfied with an evaluation may submit a written request for review within 15 days after receiving notice of the written evaluation.

(4) A school district shall conduct a review as described in this section and Section 53G-11-508.

(5) A school district conducting a review under Subsection (4) shall:

(a) use a certified evaluator;

(i) with experience in evaluating educators; and

(ii) who is not employed by the school district; and

(b) conduct the review in accordance with Utah Effective Educator Standards.

(6) A certified evaluator described in Subsection (5)(a) shall:

(a) review the school district's educator evaluation policies and procedures;

(b) review the evaluation process conducted for the educator;

(c) review the evaluation data from the professional performance, student academic growth, and stakeholder input components;

(d) review an educator's written response, if submitted in accordance with Subsection 53G-11-508(1)(b); and

(e) report findings, in writing, to the school district's superintendent for action.

(7) The school district superintendent shall determine if the initial educator evaluation was issued in accordance with:

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

(b) the requirements of the Utah Effective Educator Standards;

(c) Title 53G, Chapter 11, Employees; and

(d) this Rule R277-323.

#### **R277-323-6. Support for Educators.**

(1) If an educator receives an unsatisfactory performance rating, a school district shall provide the educator with support for academic impact improvement consistent with Title 53G, Chapter 11, Part 5, School District and Utah School for the Deaf and the Blind Employee Requirements, including:

(a) assessing the professional learning needs of the educator; and  
(b) providing mentors, coaches, or instructional specialists to assist the educator in establishing timelines and benchmarks for improving academic impact.

(2) A school district may provide assistance to any educator in need of support with professional growth as an educator or student academic growth.

#### **R277-323-7. Superintendent Responsibilities.**

(1) The Superintendent shall develop a model educator evaluation system that includes performance expectations consistent with this rule.

(2) The Superintendent shall evaluate and recommend tools and measures for use by school districts in developing and implementing educator evaluation systems.

(3) The Superintendent shall annually monitor 10% of school district educator evaluation systems.

#### **R277-323-8. School District Revisions.**

A school district shall amend the district educator evaluation system to align with any future revisions to the Utah Effective Educator Standards and implement any changes within two years from the effective date of revisions to Rule R277-330.

#### **R277-323-9. Applicability.**

(1) This rule shall become effective beginning in the 2024-2025 school year, except for the following subsections, which a district shall implement no later than June 30, 2029:

- (a) Subsection R277-323-3(3)(e);
- (b) Subsection R277-323-3(4); and
- (c) Subsection R277-323-3(6).

(2) A requirement for a school district under this Rule R277-323 is also applicable to the Utah Schools for the Deaf and the Blind.

**KEY: evaluation**

**Date of Last Change: July 9, 2024**

**Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53G, Chapter 11, Part 5; 53E-3-501(1)(a)(i) and (ii)**