

1 **R277. Education, Administration.**

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

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

4 _____ (1) This rule is authorized by:

5 _____ (a) Utah Constitution [Article X, Section 3](#), which vests general control and
6 supervision over public education in the Board;

7 _____ (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board’s duties and responsibilities under the Utah Constitution and state law;

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

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

16 _____ (1) The purpose of this rule is to:

17 _____ (a) provide a framework for educator evaluation systems;

18 _____ (b) describe the requirements for district policies related to educator evaluation;
19 and

20 _____ (c) establish requirements for determining and reporting annual summative
21 educator effectiveness ratings.

22

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

24 _____ (1) “Academic Impact” means demonstration of student learning through
25 formative assessment measures identified by the LEA, school, or educator within the
26 school year.

27 _____ (2) “Administrator” has the same meaning as that term is defined in Subsection
28 [53G-11-501\(1\)](#).

29 (3) “Certified rater” means an educator with training in evaluating educator
30 performance and demonstrated competency in using an educator evaluation tool to rate
31 educator performance according to established standards.

32 (4) “Continued growth as an educator” means measures of incremental
33 improvement identified by the LEA or educator in the relevant Utah Effective Educator
34 Standards.

35 (5) “Educator” has the same meaning as that term is defined in Subsection [53G-](#)
36 [11-501](#)(6).

37 (6) “Educator evaluation system” means a school district’s process, policies, and
38 procedures for evaluating an educator’s performance in the educator’s assignments.

39 (7) “Formative assessment measures” means planned, ongoing processes used
40 by students and educators to elicit and use evidence of student learning to give
41 students and educators the opportunity to identify strengths and weaknesses with
42 specific knowledge, skills, and abilities.

43 (8) “Evaluator” means an individual who is responsible for an educator’s
44 summative evaluation in accordance with this Rule R277-323.

45 (9) “Local board” means a school district’s elected board of education or for the
46 Utah Schools of the Deaf and the Blind, the Board.

47 (10) “Observation” means a formal or informal visit made by an administrator to
48 an educator’s classroom for the purpose of gathering formative information to inform
49 decisions related to an educator’s summative evaluation.

50 (11) “Performance” means the combination of an educator’s professionalism
51 consistent with:

52 (a) the Utah Effective Educator Standards;

53 (b) academic impact; and

54 (c) continued growth as an educator.

55 (12) “Summative evaluation” means an evaluation that is used to make annual
56 decisions or ratings of an educator’s performance and that may inform decisions on

57 salary, continued employment, personnel assignments, transfers, or dismissals,
58 consistent with an LEA's policies.

59 _____ (13) "Summative evaluation rating" means an annual rating of an educator's
60 performance that assigns one of four scores:

61 _____ (a) One – The educator did not meet performance expectations;

62 _____ (b) Two – The educator partially met performance expectations by demonstrating
63 evidence of continued growth as an educator, but did not demonstrate evidence of
64 academic impact;

65 _____ (c) Three – The educator met performance expectations by demonstrating
66 evidence of academic impact, but did not demonstrate evidence of continued growth as
67 an educator; or

68 _____ (d) Four – The educator exceeded performance expectations by demonstrating
69 evidence of academic impact and continued growth as an educator.

70 _____ (14) "Unsatisfactory performance" means a level one summative evaluation
71 rating.

72 _____ (15) "Utah Effective Educator Standards" means the standards established in
73 Rule R277-330, as applicable to the assignment for which an evaluator evaluates an
74 educator.

75

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

77 _____ (1) A local board shall adopt a district educator evaluation system in consultation
78 with a joint committee established by the local board as required by Section [53G-11-](#)
79 [506](#).

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

82 _____ (3) A district educator evaluation system shall:

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

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

- 86 _____ (c) include valid and reliable methods and tools to implement an evaluation;
- 87 _____ (d) include a systematic process for annually evaluating all educators holding an
88 educator license;
- 89 _____ (e) include a summative evaluation rating consistent with Subsection R277-323-
90 2(12); and
- 91 _____ (f) take into account multiple inputs as required by Section [53G-11-507](#),
92 including:
- 93 _____ (i) self-evaluation of performance in relation to the Utah Effective Educator
94 Standards;
- 95 _____ (ii) feedback from students and parents;
- 96 _____ (iii) for administrators, feedback from teachers, including input on the
97 effectiveness of evaluating employee performance in a school or school district for
98 which the administrator has responsibility;
- 99 _____ (iv) results of multiple supervisor observations conducted at reasonably spaced
100 intervals and with tools aligned to the Utah Effective Educator Standards;
- 101 _____ (v) evidence of student academic growth; and
- 102 _____ (vi) other indicators of professional improvement as specified by the school
103 district.
- 104 _____ (4) A school district may not use year-end state testing data in determining an
105 educator's summative evaluation rating.
- 106 _____ (5) A school district shall align its employee compensation system, with the
107 district's educator evaluation system in accordance with Subsection [53G-11-518\(1\)](#).
- 108 _____ (6) To form the school district's educator evaluation system, a local school board
109 may adopt:
- 110 _____ (a) the Utah Model Educator Evaluation System approved by the Board;
- 111 _____ (b) an adapted system; or
- 112 _____ (c) a system developed by the district consistent with this rule and Rule R277-
113 330.
- 114

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

116 (1) A school district shall establish an evaluator reliability process to ensure the
117 reliability of its educator evaluation system that:

118 (a) identifies criteria, established by a committee of experts, for use in assigning
119 ratings consistent with Subsection R277-323-2(12);

120 (b) provides professional development opportunities for all evaluators that:

121 (i) acquaints evaluators with the Utah Effective Educator Standards;

122 (ii) improves evaluator proficiency in recognizing the criteria described in
123 Subsection (1)(a); and

124 (iii) gives the evaluator an opportunity to demonstrate their abilities to rate an
125 educator in accordance with the Utah Effective Educator Standards;

126 (c) designates qualified raters as certified; and

127 (d) assures that each educator is rated by a certified rater.

128

129 **R277-323-5. Annual Reporting.**

130 (1) A school district shall annually report to the Superintendent the number and
131 percent of educators assigned summative evaluation ratings in each of the four
132 classifications in Subsection R277-323-2(12).

133 (2) A school district's report shall separate ratings by role type and, for teachers,
134 by license type.

135 (3)(a) A school district shall report information described in Subsections (1) and
136 (2) to the Superintendent annually by June 30 to be included in the Superintendent's
137 annual report, as required by Section [53G-11-511](#).

138 (b) The Superintendent may not include data in the Superintendent's annual
139 report where the n-size for a category within an LEA is less than 10.

140 (4) The Superintendent shall classify data reported in accordance with this rule
141 as private under Title [63G, Chapter 2](#), Government Records Access and Management
142 Act.

143

144 **R277-323-6. Notice and Review.**

145 (1) A school district's educator evaluation system shall provide an educator with
146 at least 15 days' notice of:

147 (a) the date of the first observation;

148 (b) the summative evaluation process;

149 (c) potential consequences, including discipline and termination, if an educator
150 fails to meet performance expectations; and

151 (d) the evaluation instrument.

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

153 (a) provide for clear and timely discussion of an evaluation with the educator;

154 (b) provide a written copy of the evaluation to the educator; and

155 (c) allow an educator to respond to any part of the evaluation.

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

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

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

161 (a) use a certified rater;

162 (i) with experience in evaluating educators; and

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

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

165 (6) A certified rater described in Subsection (6) shall:

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

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

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

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

172 _____ (e) report the rater’s findings, in writing, to the school district’s superintendent for
173 action.

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

176 _____ (a) the school district’s educator evaluation policies;

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

178 _____ (c) Title [53G, Chapter 11](#), Employees; and

179 _____ (d) this rule.

180

181 **R277-323-7. Support for Educators.**

182 _____ (1) If an educator receives an unsatisfactory performance rating, a school district
183 shall provide the educator with support for academic impact improvement consistent
184 with Subsection [53G-11-512\(3\)](#), including:

185 _____ (a) assessing the professional learning needs of the educator; and

186 _____ (b) providing mentors, coaches, or instructional specialists to assist the educator
187 in establishing timelines and benchmarks for improving academic impact.

188 _____ (2) An LEA may provide assistance to ~~[an educator with a level two rating]~~[any](#)
189 [educator in need of support with growth as an educator or academic impact.](#)

190

191 **R277-323-8. Superintendent Responsibilities.**

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

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

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

198

199 **R277-323-9. School District Revisions.**

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

203

204 **R277-323-10. Applicability.**

205 (1) This rule shall become effective beginning in the 24-25 school year.

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

208

209 **KEY:**

210 **Date of Enactment or Last Substantive Amendment:**

211 **Authorizing, and Implemented, or Interpreted Law:** [Article X, Section 3; 53E-3-](#)
212 [401\(4\); 53G, Chapter 11, Part 5; 53E-3-501\(1\)\(a\)\(i\) and \(ii\)](#)