

UTAH EDUCATION AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to statewide education policy and planning and amends provisions related to national education programs and state academic standards.

Highlighted Provisions:

This bill:

- ▶ enacts provisions related to statewide education policy;
- ▶ requires the State Board of Education to:
 - generate a report regarding the history of the state public education system;
 - create a 10-year plan; and
 - report to the Education Interim Committee;
- ▶ removes nonvoting members from the State Board of Education and requires the State Board of Education to meet quarterly with certain individuals;
- ▶ amends provisions relating to academic standards established by the State Board of Education and curriculum in public schools;
- ▶ provides for education entities to meet certain requirements when establishing certain national programs or standards; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-1-201**, as last amended by Laws of Utah 2013, Chapter 111

32 **53A-1-203**, as enacted by Laws of Utah 1988, Chapter 2

33 **53A-1-301**, as last amended by Laws of Utah 2012, Chapter 425

34 **53A-1-402.6**, as last amended by Laws of Utah 2014, Chapter 352

35 **53A-1-402.8**, as enacted by Laws of Utah 2014, Chapter 352

36 **53A-1-409**, as last amended by Laws of Utah 2013, Chapter 398

37 **53A-1-413**, as enacted by Laws of Utah 2013, Chapter 305

38 **53A-1-602**, as last amended by Laws of Utah 2013, Chapter 161

39 **53A-1-603**, as last amended by Laws of Utah 2013, Chapter 161

40 **53A-1-606.7**, as enacted by Laws of Utah 2011, Chapter 372

41 **53A-1-708**, as last amended by Laws of Utah 2012, Chapter 367

42 **53A-1-709**, as last amended by Laws of Utah 2013, Chapter 173

43 **53A-1-901**, as enacted by Laws of Utah 2005, First Special Session, Chapter 2

44 **53A-1-902**, as last amended by Laws of Utah 2009, Chapter 112

45 **53A-1-905**, as last amended by Laws of Utah 2009, Chapter 112

46 **53A-1-906**, as last amended by Laws of Utah 2009, Chapter 112

47 **53A-1-907**, as last amended by Laws of Utah 2009, Chapter 112

48 **53A-1-908**, as last amended by Laws of Utah 2009, Chapter 112

49 **53A-1-1103**, as last amended by Laws of Utah 2014, Chapter 403

50 **53A-1a-103**, as last amended by Laws of Utah 2012, Chapter 123

51 **53A-1a-104**, as last amended by Laws of Utah 2003, Chapter 315

52 **53A-1a-107**, as last amended by Laws of Utah 2003, Chapter 221

53 **53A-3-402**, as last amended by Laws of Utah 2014, Chapter 202

54 **53A-3-602.5**, as last amended by Laws of Utah 2013, Chapter 161

55 **53A-3-701**, as last amended by Laws of Utah 2003, Chapter 221

56 **53A-13-108**, as last amended by Laws of Utah 2014, Chapter 70

57 **53A-13-108.5**, as enacted by Laws of Utah 2006, Chapter 227

58 **53A-13-110**, as last amended by Laws of Utah 2014, Chapter 70

- 59 [53A-13-111](#), as enacted by Laws of Utah 2012, Chapter 181
- 60 [53A-14-102](#), as last amended by Laws of Utah 2002, Chapter 299
- 61 [53A-14-107](#), as last amended by Laws of Utah 2010, Chapter 305
- 62 [53A-15-1002.5](#), as enacted by Laws of Utah 2012, Chapter 238
- 63 [53A-15-1003](#), as last amended by Laws of Utah 2012, Chapter 238
- 64 [53A-15-1206](#), as last amended by Laws of Utah 2012, Chapter 238

65 ENACTS:

66 [53A-1-102](#), Utah Code Annotated 1953

67 REPEALS AND REENACTS:

68 [53A-1-101](#), as last amended by Laws of Utah 2010, Chapter 162



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

71 Section 1. Section [53A-1-101](#) is repealed and reenacted to read:

72 **Part 1. Policy and Planning for Utah's Public Education System**

73 **53A-1-101. Policy for Utah's public education system.**

74 (1) (a) The continuous cultivation of an informed and virtuous citizenry among
75 succeeding generations is essential to the state and the nation.

76 (b) The state's public education system is established and maintained as provided in
77 Utah Constitution, Article X, and this title.

78 (c) Parents and guardians have the primary responsibility for the education of their
79 children and elect representatives in the Legislature and on state and local school boards to
80 administer the state public education system, which provides extensive support and assistance.
81 All children of the state are entitled to a free public education as provided in Utah Constitution,
82 Article X.

83 (d) Public schools fulfill a vital purpose in the education and preparation of informed
84 and responsible citizens who:

- 85 (i) fully understand and lawfully exercise their individual rights and liberties;
- 86 (ii) become self-reliant and able to provide for themselves and their families; and
- 87 (iii) contribute to the public good and the health, welfare, and security of the state and
88 the nation.

89 (2) In the implementation of all policies, programs, and responsibilities adopted in

90 accordance with this title, the Legislature, the State Board of Education, local school boards,
91 and charter school governing boards shall:

92 (a) respect, protect, and further the interests of parents and guardians in their children's
93 public education; and

94 (b) promote and encourage full and active participation and involvement of parents and
95 guardians at all public schools.

96 Section 2. Section **53A-1-102** is enacted to read:

97 **53A-1-102. Planning for Utah's public education system.**

98 (1) Before November 30, 2016, the State Board of Education shall:

99 (a) (i) prepare a report that summarizes, for the last 15 years or more, the policies and
100 programs established by, and the performance history of, the state's public education system;
101 and

102 (ii) prepare a formal 10-year plan for the state's public education system, including
103 recommendations to:

104 (A) repeal outdated policies and programs; and

105 (B) clarify and correlate current policies and programs; and

106 (b) submit the report and plan described in Subsection (1)(a) to the Education Interim
107 Committee for review and approval.

108 (2) The State Board of Education shall review and maintain the 10-year plan described
109 in Subsection (1)(a)(ii) and submit the updated plan to the Education Interim Committee for
110 review and approval at least once every five years.

111 Section 3. Section **53A-1-201** is amended to read:

112 **Part 2. State Board of Education Members - Officers - Compensation - Meetings**

113 **53A-1-201. State Board of Education members -- Election and appointment of**
114 **officers -- Removal from office.**

115 (1) Members of the State Board of Education shall be nominated and elected as
116 provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

117 ~~[(+)]~~ (2) The State Board of Education shall elect from its members a chair, and at least
118 one vice chair, but no more than three vice chairs, each year at a meeting held any time
119 between November 15 and January 15.

120 ~~[(2)]~~ (3) (a) If the election of officers is held subsequent to the election of a new

121 member of the board, but prior to the time that the new member takes office, the new member
122 shall assume the position of the outgoing member for purposes of the election of officers.

123 (b) In all other matters the outgoing member shall retain the full authority of the office
124 until replaced as provided by law.

125 [~~3~~] (4) The duties of these officers shall be determined by the board.

126 [~~4~~] (5) The board shall appoint a secretary who serves at the pleasure of the board.

127 [~~5~~] (6) An officer appointed or elected by the board under this section may be
128 removed from office for cause by a vote of two-thirds of the board.

129 Section 4. Section **53A-1-203** is amended to read:

130 **53A-1-203. State board meetings -- Quorum requirements.**

131 (1) The State Board of Education shall meet at the call of the chairman and at least 11
132 times each year.

133 (2) The State Board of Education shall, at least quarterly, meet with and receive
134 recommendations from:

135 (a) two members of the State Board of Regents, appointed by the chair of the State
136 Board of Regents;

137 (b) one member of the Utah College of Applied Technology Board of Trustees,
138 appointed by the chair of the board of trustees; and

139 (c) one member of the State Charter School Board, appointed by the chair of the State
140 Charter School Board.

141 [~~2~~] (3) A majority of all members is required to validate an act of the board.

142 Section 5. Section **53A-1-301** is amended to read:

143 **53A-1-301. Appointment -- Qualifications -- Duties.**

144 (1) (a) The State Board of Education shall appoint a superintendent of public
145 instruction, hereinafter called the state superintendent, who is the executive officer of the board
146 and serves at the pleasure of the board.

147 (b) The board shall appoint the state superintendent on the basis of outstanding
148 professional qualifications.

149 (c) The state superintendent shall administer all programs assigned to the State Board
150 of Education in accordance with the policies and the standards established by the board.

151 (2) The State Board shall with the appointed superintendent develop a statewide

- 152 education strategy focusing on core academics, including the development of:
- 153 (a) core [~~curriculum~~] standards for Utah public schools and graduation requirements;
 - 154 (b) a process to select model instructional materials that best correlate to the core
 - 155 [~~curriculum~~] standards for Utah public schools and graduation requirements that are supported
 - 156 by generally accepted scientific standards of evidence;
 - 157 (c) professional development programs for teachers, superintendents, and principals;
 - 158 (d) model remediation programs;
 - 159 (e) a model method for creating individual student learning targets, and a method of
 - 160 measuring an individual student's performance toward those targets;
 - 161 (f) progress-based assessments for ongoing performance evaluations of districts and
 - 162 schools;
 - 163 (g) incentives to achieve the desired outcome of individual student progress in core
 - 164 academics, and which do not create disincentives for setting high goals for the students;
 - 165 (h) an annual report card for school and district performance, measuring learning and
 - 166 reporting progress-based assessments;
 - 167 (i) a systematic method to encourage innovation in schools and school districts as they
 - 168 strive to achieve improvement in their performance; and
 - 169 (j) a method for identifying and sharing best demonstrated practices across districts and
 - 170 schools.
- 171 (3) The superintendent shall perform duties assigned by the board, including the
- 172 following:
- 173 (a) investigating all matters pertaining to the public schools;
 - 174 (b) adopting and keeping an official seal to authenticate the superintendent's official
 - 175 acts;
 - 176 (c) holding and conducting meetings, seminars, and conferences on educational topics;
 - 177 (d) presenting to the governor and the Legislature each December a report of the public
 - 178 school system for the preceding year to include:
- 179 (i) data on the general condition of the schools with recommendations considered
 - 180 desirable for specific programs;
 - 181 (ii) a complete statement of fund balances;
 - 182 (iii) a complete statement of revenues by fund and source;

- 183 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
184 indebtedness, the cost of new school plants, and school levies;
- 185 (v) a complete statement of state funds allocated to each school district and charter
186 school by source, including supplemental appropriations, and a complete statement of
187 expenditures by each school district and charter school, including supplemental appropriations,
188 by function and object as outlined in the U.S. Department of Education publication "Financial
189 Accounting for Local and State School Systems";
- 190 (vi) a complete statement, by school district and charter school, of the amount of and
191 percentage increase or decrease in expenditures from the previous year attributed to:
- 192 (A) wage increases, with expenditure data for base salary adjustments identified
193 separately from step and lane expenditures;
- 194 (B) medical and dental premium cost adjustments; and
- 195 (C) adjustments in the number of teachers and other staff;
- 196 (vii) a statement that includes data on:
- 197 (A) fall enrollments;
- 198 (B) average membership;
- 199 (C) high school graduates;
- 200 (D) licensed and classified employees, including data reported by school districts on
201 educator ratings pursuant to Section [53A-8a-405](#);
- 202 (E) pupil-teacher ratios;
- 203 (F) average class sizes calculated in accordance with State Board of Education rules
204 adopted under Subsection [53A-3-602.5\(4\)](#);
- 205 (G) average salaries;
- 206 (H) applicable private school data; and
- 207 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
208 and district;
- 209 (viii) statistical information regarding incidents of delinquent activity in the schools or
210 at school-related activities with separate categories for:
- 211 (A) alcohol and drug abuse;
- 212 (B) weapon possession;
- 213 (C) assaults; and

- 214 (D) arson;
- 215 (ix) information about:
- 216 (A) the development and implementation of the strategy of focusing on core
- 217 academics;
- 218 (B) the development and implementation of competency-based education and
- 219 progress-based assessments; and
- 220 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
- 221 individual progress-based assessments and a comparison of Utah students' progress with the
- 222 progress of students in other states using standardized norm-referenced tests as benchmarks;
- 223 and
- 224 (x) other statistical and financial information about the school system which the state
- 225 superintendent considers pertinent;
- 226 (e) collecting and organizing education data into an automated decision support system
- 227 to facilitate school district and school improvement planning, accountability reporting,
- 228 performance recognition, and the evaluation of educational policy and program effectiveness to
- 229 include:
- 230 (i) data that are:
- 231 (A) comparable across schools and school districts;
- 232 (B) appropriate for use in longitudinal studies; and
- 233 (C) comprehensive with regard to the data elements required under applicable state or
- 234 federal law or state board rule;
- 235 (ii) features that enable users, most particularly school administrators, teachers, and
- 236 parents, to:
- 237 (A) retrieve school and school district level data electronically;
- 238 (B) interpret the data visually; and
- 239 (C) draw conclusions that are statistically valid; and
- 240 (iii) procedures for the collection and management of education data that:
- 241 (A) require the state superintendent of public instruction to:
- 242 (I) collaborate with school districts in designing and implementing uniform data
- 243 standards and definitions;
- 244 (II) undertake or sponsor research to implement improved methods for analyzing

245 education data;

246 (III) provide for data security to prevent unauthorized access to or contamination of the
247 data; and

248 (IV) protect the confidentiality of data under state and federal privacy laws; and

249 (B) require all school districts and schools to comply with the data collection and
250 management procedures established under Subsection (3)(e);

251 (f) administering and implementing federal educational programs in accordance with
252 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and

253 (g) with the approval of the board, preparing and submitting to the governor a budget
254 for the board to be included in the budget that the governor submits to the Legislature.

255 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
256 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of
257 Section [53A-1-304](#).

258 (5) Upon leaving office, the state superintendent shall deliver to the state
259 superintendent's successor all books, records, documents, maps, reports, papers, and other
260 articles pertaining to the state superintendent's office.

261 (6) (a) For the purpose of Subsection (3)(d)(vii):

262 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
263 students enrolled in a school by the number of full-time equivalent teachers assigned to the
264 school, including regular classroom teachers, school-based specialists, and special education
265 teachers;

266 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
267 the schools within a school district;

268 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
269 pupil-teacher ratio of charter schools in the state; and

270 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
271 pupil-teacher ratio of public schools in the state.

272 (b) The printed copy of the report required by Subsection (3)(d) shall:

273 (i) include the pupil-teacher ratio for:

274 (A) each school district;

275 (B) the charter schools aggregated; and

276 (C) the state's public schools aggregated; and
277 (ii) indicate the Internet website where pupil-teacher ratios for each school in the state
278 may be accessed.

279 Section 6. Section **53A-1-402.6** is amended to read:

280 **53A-1-402.6. Core standards for Utah public schools.**

281 (1) (a) In establishing minimum standards related to curriculum and instruction
282 requirements under Section **53A-1-402**, the State Board of Education shall, in consultation
283 with local school boards, school superintendents, teachers, employers, and parents implement
284 core ~~[curriculum standards which]~~ standards for Utah public schools that will enable students
285 to, among other objectives:

286 ~~[(a)]~~ (i) communicate effectively, both verbally and through written communication;

287 ~~[(b)]~~ (ii) apply mathematics; and

288 ~~[(c)]~~ (iii) access, analyze, and apply information.

289 (b) Except as provided in this title, the State Board of Education may recommend but
290 may not require a local school board or charter school governing board to use:

291 (i) a particular curriculum or instructional material; or

292 (ii) a model curriculum or instructional material.

293 (2) The board shall, in establishing the core standards for Utah public schools:

294 (a) identify the basic knowledge, skills, and competencies each student is expected to
295 acquire or master as the student advances through the public education system; and

296 (b) align the core ~~[curriculum standards]~~ standards for Utah public schools and tests
297 administered under the Utah Performance Assessment System for Students (U-PASS) with
298 each other.

299 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
300 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
301 continual progress within and between grade levels and courses in the ~~[core academic]~~ basic
302 academic areas of:

303 (a) English, including explicit phonics, spelling, grammar, reading, writing,
304 vocabulary, speech, and listening; and

305 (b) mathematics, including basic computational skills.

306 (4) Before adopting core ~~[curriculum standards]~~ standards for Utah public schools, the

307 State Board of Education shall:

308 (a) publicize draft core [~~curriculum standards~~] standards for Utah public schools on the
309 State Board of Education's website and the Utah Public Notice website created under Section
310 [63F-1-701](#);

311 (b) invite public comment on the draft core [~~curriculum standards~~] standards for Utah
312 public schools for a period of not less than 90 days; and

313 (c) conduct three public hearings that are held in different regions of the state on the
314 draft core [~~curriculum standards~~] standards for Utah public schools.

315 (5) Local school boards shall design their school programs, that are supported by
316 generally accepted scientific standards of evidence, to focus on the core [~~curriculum standards~~]
317 standards for Utah public schools with the expectation that each program will enhance or help
318 achieve mastery of the core [~~curriculum standards~~] standards for Utah public schools.

319 (6) Except as provided in Section [53A-13-101](#), each school may select instructional
320 materials and methods of teaching, that are supported by generally accepted scientific standards
321 of evidence, that it considers most appropriate to meet [~~core curriculum standards~~] the core
322 standards for Utah public schools.

323 (7) The state may exit any agreement, contract, memorandum of understanding, or
324 consortium that cedes control of [~~Utah's core curriculum standards~~] the core standards for Utah
325 public schools to any other entity, including a federal agency or consortium, for any reason,
326 including:

327 (a) the cost of developing or implementing [~~core curriculum standards~~] the core
328 standards for Utah public schools;

329 (b) the proposed core [~~curriculum standards~~] standards for Utah public schools are
330 inconsistent with community values; or

331 (c) the agreement, contract, memorandum of understanding, or consortium:

332 (i) was entered into in violation of Part 9, Implementing Federal Programs Act, or Title
333 [63J](#), Chapter 5, Federal Funds Procedures Act;

334 (ii) conflicts with Utah law;

335 (iii) requires Utah student data to be included in a national or multi-state database;

336 (iv) requires records of teacher performance to be included in a national or multi-state
337 database; or

338 (v) imposes curriculum, assessment, or data tracking requirements on home school or
339 private school students.

340 (8) The State Board of Education shall annually report to the Education Interim
341 Committee on the development and implementation of [~~core curriculum standards~~] the core
342 standards for Utah public schools, including the time line established for the review of [~~core~~
343 ~~curriculum standards~~] the core standards for Utah public schools by a standards review
344 committee and the recommendations of a standards review committee established under
345 Section 53A-1-402.8.

346 Section 7. Section 53A-1-402.8 is amended to read:

347 **53A-1-402.8. Standards review committee.**

348 (1) As used in this section, "board" means the State Board of Education.

349 (2) Subject to Subsection (5), the State Board of Education shall establish:

350 (a) a time line for the review by a standards review committee of [~~core curriculum~~
351 ~~standards~~] the core standards for Utah public schools for:

352 (i) English language arts;

353 (ii) mathematics;

354 (iii) science;

355 (iv) social studies;

356 (v) fine arts;

357 (vi) physical education and health; and

358 (vii) early childhood education; and

359 (b) a separate standards review committee for each subject area specified in Subsection
360 (2)(a) to review, and recommend to the board revisions to, [~~core curriculum standards~~] the core
361 standards for Utah public schools.

362 (3) At least one year before the board takes formal action to adopt new core
363 [~~curriculum standards~~] standards for Utah public schools, the board shall establish a standards
364 review committee as required by Subsection (2)(b).

365 (4) A standards review committee shall meet at least twice during the time period
366 described in Subsection (3).

367 (5) In establishing a time line for the review of core [~~curriculum standards~~] standards
368 for Utah public schools by a standards review committee, the board shall give priority to

369 establishing a standards review committee to review, and recommend revisions to, the [~~core~~
370 ~~curriculum standards for mathematics~~] mathematics core standards for Utah public schools.

371 (6) The membership of a standards review committee consists of:

372 (a) seven individuals, with expertise in the subject being reviewed, appointed by the
373 board chair, including teachers, business representatives, faculty of higher education
374 institutions in Utah, and others as determined by the board chair;

375 (b) five parents or guardians of public education students appointed by the speaker of
376 the House of Representatives; and

377 (c) five parents or guardians of public education students appointed by the president of
378 the Senate.

379 (7) The board shall provide staff support to the standards review committee.

380 (8) A member of the standards review committee may not receive compensation or
381 benefits for the member's service on the committee.

382 (9) Among the criteria a standards review committee shall consider when reviewing
383 [~~core curriculum standards~~] the core standards for Utah public schools is giving students an
384 adequate foundation to successfully pursue college, technical education, a career, or other life
385 pursuits.

386 (10) A standards review committee shall submit, to the board, comments and
387 recommendations for revision of [~~core curriculum standards~~] the core standards for Utah public
388 schools.

389 (11) The board shall take into consideration the comments and recommendations of a
390 standards review committee in adopting [~~core curriculum standards~~] the core standards for
391 Utah public schools.

392 (12) (a) Nothing in this section prohibits the board from amending or adding individual
393 core [~~curriculum standards~~] standards for Utah public schools as the need arises in the board's
394 ongoing responsibilities.

395 (b) If the board makes changes as described in Subsection (12)(a), the board shall
396 include the changes in the annual report the board submits to the Education Interim Committee
397 under Section [53A-1-402.6](#).

398 Section 8. Section **53A-1-409** is amended to read:

399 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

400 (1) As used in this section:

401 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
402 ability that has been organized into a hierarchical arrangement leading to higher levels of
403 knowledge, skill, or ability.

404 (b) "Competency-based education" means an education approach that requires a
405 student to acquire a competency and includes a classroom structure and operation that aid and
406 facilitate the acquisition of specified competencies on an individual basis wherein a student is
407 allowed to master and demonstrate competencies as fast as the student is able.

408 (c) "Gain score" means the measured difference of a student's score at the beginning
409 and end of a time period that may be aggregated at the class, grade, school, and school district
410 levels.

411 (2) The State Board of Education shall:

412 (a) provide expertise to and consult with local school boards, school districts, and
413 charter schools relating to competency-based education and progress-based assessments;

414 (b) before the beginning of the 2014 General Session of the Legislature, make
415 recommendations to the Public Education Appropriations Subcommittee, including the amount
416 and allocation of public education money, based upon both new public education money and
417 the reallocation of money required to develop and implement:

418 (i) competency-based education and progress-based assessments;

419 (ii) (A) a weighted competency unit that distributes public education money based on
420 student achievement resulting from competency-based program objectives, strategies, and
421 standards; and

422 (B) a course-level funding formula that distributes funds to school districts and charter
423 schools that establish competency-based education;

424 (iii) a plan to assist students, teachers, schools, and districts that need remediation
425 based upon Subsections (2)(b)(i) and (ii);

426 (iv) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12
427 math, and 7-12 English; and

428 (v) a teacher development program focused on achieving progress in [~~core academics~~]
429 basic academic subjects, including instruction in explicit, systematic, and intensive phonics for
430 teachers in grades kindergarten through 3;

- 431 (c) assist school districts and charter schools to develop and implement:
432 (i) competency-based education; and
433 (ii) the use of gain scores; and
434 (d) develop and use monetary and nonmonetary incentives, tools, and rewards to
435 encourage school districts and charter schools to accomplish the items described under this
436 section.
- 437 (3) A funding formula described in Subsection (2)(b)(ii)(B) shall:
438 (a) base the funding for a competency-based course on a proportionate amount of the
439 weighted pupil unit;
440 (b) partially distribute funds based on initial enrollment;
441 (c) distribute remaining funds based on a student's successful completion of a course
442 through demonstrated competency and subject mastery; and
443 (d) not be dependent on the amount of time a student is instructed in the course or the
444 age of the student.
- 445 (4) A local school board or a charter school governing board may establish a
446 competency-based education program.
- 447 (5) A local school board or charter school governing board that establishes a
448 competency-based education program shall:
449 (a) establish assessments to accurately measure competency;
450 (b) provide the assessments to an enrolled student at no cost to the student;
451 (c) award credit to a student who demonstrates competency and subject mastery;
452 (d) submit the competency-based [curriculum] standards to the State Board of
453 Education for review; and
454 (e) publish the competency-based [curriculum] standards on its website or by other
455 electronic means readily accessible to the public.
- 456 (6) A local school board or charter school governing board may:
457 (a) on a random lottery-based basis, limit enrollment to courses that have been
458 designated as competency-based courses;
459 (b) waive or adapt traditional attendance requirements;
460 (c) adjust class sizes to maximize the value of course instructors or course mentors;
461 (d) enroll students from any geographic location within the state; and

462 (e) provide proctored online competency-based assessments.

463 Section 9. Section **53A-1-413** is amended to read:

464 **53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

465 (1) As used in this section:

466 (a) "Authorized LEA user" means a teacher or other person who is:

467 (i) employed by an LEA that provides instruction to a student; and

468 (ii) authorized to access data in a Student Achievement Backpack through the Utah
469 Student Record Store.

470 (b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and
471 the Blind.

472 (c) "Student Achievement Backpack" means, for a student from kindergarten through
473 grade 12, a complete learner profile that:

474 (i) is in electronic format;

475 (ii) follows the student from grade to grade and school to school; and

476 (iii) is accessible by the student's parent or guardian or an authorized LEA user.

477 (d) "U-PASS" means the Utah Performance Assessment System for Students

478 established in Part 6, Achievement Tests.

479 (e) "Utah Student Record Store" means a repository of student data collected from
480 LEAs as part of the state's longitudinal data system that is:

481 (i) managed by the Utah State Office of Education;

482 (ii) cloud-based; and

483 (iii) accessible via a web browser to authorized LEA users.

484 (2) (a) The State Board of Education shall use the robust, comprehensive data
485 collection system maintained by the Utah State Office of Education, which collects
486 longitudinal student transcript data from LEAs and the unique student identifiers as described
487 in Section [53A-1-603.5](#), to allow the following to access a student's Student Achievement
488 Backpack:

489 (i) the student's parent or guardian; and

490 (ii) each LEA that provides instruction to the student.

491 (b) The State Board of Education shall ensure that a Student Achievement Backpack:

492 (i) provides a uniform, transparent reporting mechanism for individual student

493 progress;

494 (ii) provides a complete learner history for postsecondary planning;

495 (iii) provides a teacher with visibility into a student's complete learner profile to better
496 inform instruction and personalize education;

497 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
498 the use of data already collected by the State Board of Education;

499 (v) facilitates a student's parent or guardian taking an active role in the student's
500 education by simplifying access to the student's complete learner profile; and

501 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
502 storage and collection system.

503 (3) Using existing information collected and stored in the data warehouse maintained
504 by the Utah State Office of Education, the State Board of Education shall create the Utah
505 Student Record Store where an authorized LEA user may:

506 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
507 school; or

508 (b) request student records to be transferred from one LEA to another.

509 (4) The State Board of Education shall implement security measures to ensure that:

510 (a) student data stored or transmitted to or from the Utah Student Record Store is
511 secure and confidential pursuant to the requirements of the Family Educational Rights and
512 Privacy Act, 20 U.S.C. Sec. 1232g; and

513 (b) an authorized LEA user may only access student data that is relevant to the user's
514 LEA or school.

515 (5) A student's parent or guardian may request the student's Student Achievement
516 Backpack from the LEA or the school in which the student is enrolled.

517 (6) No later than June 30, 2014, an authorized LEA user shall be able to access student
518 data in a Student Achievement Backpack, which shall include the following data, or request the
519 data be transferred from one LEA to another:

520 (a) student demographics;

521 (b) course grades;

522 (c) course history; and

523 (d) results for an assessment administered under U-PASS.

524 (7) No later than June 30, 2015, an authorized LEA user shall be able to access student
 525 data in a Student Achievement Backpack, which shall include the data listed in Subsections
 526 (6)(a) through (d) and the following data, or request the data be transferred from one LEA to
 527 another:

- 528 (a) section attendance;
- 529 (b) the name of a student's teacher for classes or courses the student takes;
- 530 (c) teacher qualifications for a student's teacher, including years of experience, degree,
 531 license, and endorsement;
- 532 (d) results of formative, interim, and summative computer adaptive assessments
 533 administered pursuant to Section 53A-1-603;
- 534 (e) detailed data demonstrating a student's mastery of the core standards for Utah
 535 public schools and objectives as measured by computer adaptive assessments administered
 536 pursuant to Section 53A-1-603;
- 537 (f) a student's writing sample written for an online writing assessment administered
 538 pursuant to Section 53A-1-603;
- 539 (g) student growth scores for U-PASS tests;
- 540 (h) a school's grade assigned pursuant to Part 11, School Grading Act;
- 541 (i) results of benchmark assessments of reading administered pursuant to Section
 542 53A-1-606.6; and
- 543 (j) a student's reading level at the end of grade 3.

544 (8) No later than June 30, 2017, the State Board of Education shall ensure that data
 545 collected in the Utah Student Record Store for a Student Achievement Backpack shall be
 546 integrated into each LEA's student information system and shall be made available to a
 547 student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

548 Section 10. Section 53A-1-602 is amended to read:

549 **53A-1-602. Definitions.**

550 As used in this part:

551 (1) "Basic skills course" means a subject which requires mastery of specific functions,
 552 as defined under rules made by the State Board of Education, to include reading, language arts,
 553 mathematics, science in grades 4 through 12, and effectiveness of written expression.

554 ~~(2) "IEP" means a written statement for a student with a disability that is developed,~~

555 reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20
556 U.S.C. Sec. 1400 et seq.]

557 [~~(3) "Utah's common core"~~]

558 (2) "Core standards for Utah public schools" means the core set of English language
559 arts and mathematics standards developed and adopted by the State Board of Education
560 [~~which~~] that define the knowledge and skills students should have in kindergarten through
561 grade 12 to enable [~~them~~] students to be prepared for college or workforce training.

562 (3) "IEP" means a written statement for a student with a disability that is developed,
563 reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20
564 U.S.C. Sec. 1400 et seq.

565 (4) "Utah Performance Assessment System for Students" or "U-PASS" means:

566 (a) as determined by the State Board of Education, criterion-referenced achievement
567 testing or online computer adaptive testing of students in grades 3 through 12 in basic skills
568 courses;

569 (b) an online writing assessment in grades 5 and 8;

570 (c) college readiness assessments as detailed in Section [53A-1-611](#);

571 (d) the use of student behavior indicators in assessing student performance; and

572 (e) testing of students in grade 3 to measure reading grade level.

573 Section 11. Section **53A-1-603** is amended to read:

574 **53A-1-603. Duties of State Board of Education.**

575 (1) The State Board of Education shall:

576 (a) require each school district and charter school to implement the Utah Performance
577 Assessment System for Students, hereafter referred to as U-PASS;

578 (b) require the state superintendent of public instruction to submit and recommend
579 criterion-referenced achievement tests or online computer adaptive tests, college readiness
580 assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3
581 to measure reading grade level to the board for approval and adoption and distribution to each
582 school district and charter school by the state superintendent;

583 (c) develop an assessment method to uniformly measure statewide performance, school
584 district performance, and school performance of students in grades 3 through 12 in mastering
585 basic skills courses; and

586 (d) provide for the state to participate in the National Assessment of Educational
587 Progress state-by-state comparison testing program.

588 (2) Except as provided in Subsection (3) and Subsection 53A-1-611(3), under
589 U-PASS, the State Board of Education shall annually require each school district and charter
590 school, as applicable, to administer:

591 (a) as determined by the State Board of Education, statewide criterion-referenced tests
592 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the
593 core ~~curriculum~~ standards for Utah public schools;

594 (b) an online writing assessment to all students in grades 5 and 8;

595 (c) college readiness assessments as detailed in Section 53A-1-611; and

596 (d) a test to all students in grade 3 to measure reading grade level.

597 (3) Beginning with the 2014-15 school year, the State Board of Education shall
598 annually require each school district and charter school, as applicable, to administer a computer
599 adaptive assessment system that is:

600 (a) adopted by the State Board of Education; and

601 (b) aligned to ~~[Utah's common core]~~ the core standards for Utah public schools.

602 (4) The board shall adopt rules for the conduct and administration of U-PASS to
603 include the following:

604 (a) the computation of student performance based on information that is disaggregated
605 with respect to race, ethnicity, gender, limited English proficiency, and those students who
606 qualify for free or reduced price school lunch;

607 (b) security features to maintain the integrity of the system, which could include
608 statewide uniform testing dates, multiple test forms, and test administration protocols;

609 (c) the exemption of student test scores, by exemption category, such as limited
610 English proficiency, mobility, and students with disabilities, with the percent or number of
611 student test scores exempted being publically reported at a district level;

612 (d) compiling of criterion-referenced, online computer adaptive, and online writing test
613 scores and test score averages at the classroom level to allow for:

614 (i) an annual review of those scores by parents of students and professional and other
615 appropriate staff at the classroom level at the earliest point in time;

616 (ii) the assessment of year-to-year student progress in specific classes, courses, and

617 subjects;

618 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
619 the previous school year of students who have been assigned to the teacher's class for the new
620 school year;

621 (e) allowing a school district or charter school to have its tests administered and scored
622 electronically to accelerate the review of test scores and their usefulness to parents and
623 educators under Subsection (4)(d), without violating the integrity of U-PASS; and

624 (f) providing that scores on the tests and assessments required under Subsection (2)(a)
625 and Subsection (3) shall be considered in determining a student's academic grade for the
626 appropriate course and whether a student shall advance to the next grade level.

627 (5) (a) A school district or charter school, as applicable, is encouraged to administer an
628 online writing assessment to students in grade 11.

629 (b) The State Board of Education may award a grant to a school district or charter
630 school to pay for an online writing assessment and instruction program that may be used to
631 assess the writing of students in grade 11.

632 (6) The State Board of Education shall make rules:

633 (a) establishing procedures for applying for and awarding money for computer adaptive
634 tests;

635 (b) specifying how money for computer adaptive tests shall be allocated among school
636 districts and charter schools that qualify to receive the money; and

637 (c) requiring reporting of the expenditure of money awarded for computer adaptive
638 testing and evidence that the money was used to implement computer adaptive testing.

639 (7) The State Board of Education shall assure that computer adaptive tests are
640 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family
641 Educational Rights and Privacy Act.

642 (8) (a) The State Board of Education shall establish a committee consisting of 15
643 parents of Utah public education students to review all computer adaptive test questions.

644 (b) The committee established in Subsection (8)(a) shall include the following parent
645 members:

646 (i) five members appointed by the chair of the State Board of Education;

647 (ii) five members appointed by the speaker of the House of Representatives; and

648 (iii) five members appointed by the president of the Senate.
649 (c) The State Board of Education shall provide staff support to the parent committee.
650 (d) The term of office of each member appointed in Subsection (8)(b) is four years.
651 (e) The chair of the State Board of Education, the speaker of the House of
652 Representatives, and the president of the Senate shall adjust the length of terms to stagger the
653 terms of committee members so that approximately 1/2 of the committee members are
654 appointed every two years.

655 (f) No member may receive compensation or benefits for the member's service on the
656 committee.

657 (9) (a) School districts and charter schools shall require each licensed employee to
658 complete two hours of professional development on youth suicide prevention within their
659 license cycle in accordance with Section 53A-6-104.

660 (b) The State Board of Education shall develop or adopt sample materials to be used by
661 a school district or charter school for professional development training on youth suicide
662 prevention.

663 (c) The training required by this Subsection (9) shall be incorporated into professional
664 development training required by rule in accordance with Section 53A-6-104.

665 Section 12. Section 53A-1-606.7 is amended to read:

666 **53A-1-606.7. State Board of Education required to contract for a diagnostic**
667 **assessment system for reading.**

668 (1) The State Board of Education shall contract with an educational technology
669 provider, selected through a request for proposals process, for a diagnostic assessment system
670 for reading for students in kindergarten through grade three that meets the requirements of this
671 section.

672 (2) The diagnostic assessment system for reading shall be made available to school
673 districts and charter schools that apply to use the diagnostic assessment for reading beginning
674 in the 2011-12 school year.

675 (3) The diagnostic assessment system for reading for students in kindergarten through
676 grade three shall:

677 (a) include benchmark assessments of reading proficiency to be administered at the
678 beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;

679 (b) include formative assessments to be administered every two to four weeks for
680 students who are at high risk of not attaining proficiency in reading;

681 (c) align with the language arts core [~~curriculum~~] standards for Utah public schools
682 adopted by the State Board of Education; and

683 (d) include a data analysis component hosted by the contractor that:

684 (i) has the capacity to generate electronic information immediately and produce
685 individualized student progress reports, class summaries, and class groupings for instruction;

686 (ii) has the capability of identifying lesson plans that may be used to develop reading
687 skills;

688 (iii) enables teachers, administrators, and designated supervisors to access reports
689 through a secured password system;

690 (iv) produces electronic printable reports for parents and administrators; and

691 (v) has the capability for principals to monitor usage by teachers.

692 (4) (a) The benchmark and formative assessments specified in Subsections (3)(a) and
693 (b) shall be available to be downloaded to a portable technology device so that a teacher may
694 be able to sit beside a student as the student is being assessed at any location in the classroom
695 or throughout the school.

696 (b) After an assessment is downloaded to a portable technology device, the device shall
697 have the capability to operate in stand-alone mode if the Internet connection is lost.

698 (c) After an assessment is completed and uploaded to the data analysis component, the
699 data analysis component shall be capable of allowing data and reports to be viewed and printed
700 immediately.

701 (5) The State Board of Education shall:

702 (a) evaluate the effects of the diagnostic assessment system for reading by comparing
703 the learning gains of students in school districts and charter schools that use the diagnostic
704 assessment system for reading with the learning gains of students in school districts and charter
705 schools that do not use the diagnostic assessment system for reading; and

706 (b) submit a report on the evaluation to the Public Education Appropriations
707 Subcommittee by November 2013.

708 Section 13. Section **53A-1-708** is amended to read:

709 **53A-1-708. Grants for online delivery of U-PASS tests.**

710 (1) As used in this section:

711 (a) "Adaptive tests" means tests administered during the school year using an online
712 adaptive test system.

713 (b) "Core standards for Utah public schools" means the core set of English language
714 arts and mathematics standards developed and adopted by the State Board of Education that
715 define the knowledge and skills students should have in kindergarten through grade 12 to
716 enable students to be prepared for college or workforce training.

717 ~~[(b)]~~ (c) "Summative tests" means tests administered near the end of a course to assess
718 overall achievement of course goals.

719 ~~[(c)]~~ (d) "Uniform online summative test system" means a single system for the online
720 delivery of summative tests required under U-PASS that:

721 (i) is coordinated by the Utah State Office of Education;

722 (ii) ensures the reliability and security of U-PASS tests; and

723 (iii) is selected through collaboration between Utah State Office of Education and
724 school district representatives with expertise in technology, assessment, and administration.

725 ~~[(d)]~~ (e) "U-PASS" means the Utah Performance Assessment System for Students.

726 ~~[(e) "Utah's common core" means the core set of English language arts and~~
727 ~~mathematics standards developed and adopted by the State Board of Education that define the~~
728 ~~knowledge and skills students should have in kindergarten through grade 12 to enable them to~~
729 ~~be prepared for college or workforce training.]~~

730 (2) The State Board of Education may award grants to school districts and charter
731 schools to implement one or both of the following:

732 (a) a uniform online summative test system to enable parents of students and school
733 staff to review U-PASS test scores by the end of the school year; or

734 (b) an online adaptive test system to enable parents of students and school staff to
735 measure and monitor a student's academic progress during a school year.

736 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
737 related to implementing a uniform online summative test system, an online adaptive test
738 system, or both:

739 (i) computer equipment and peripherals, including electronic data capture devices
740 designed for electronic test administration and scoring;

- 741 (ii) software;
- 742 (iii) networking equipment;
- 743 (iv) upgrades of existing equipment or software;
- 744 (v) upgrades of existing physical plant facilities;
- 745 (vi) personnel to provide technical support or coordination and management; and
- 746 (vii) teacher professional development.
- 747 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the
- 748 online delivery of summative tests or adaptive tests required under U-PASS may be used for
- 749 other purposes.
- 750 (4) The State Board of Education shall make rules:
- 751 (a) establishing procedures for applying for and awarding grants;
- 752 (b) specifying how grant money shall be allocated among school districts and charter
- 753 schools;
- 754 (c) requiring reporting of grant money expenditures and evidence showing that the
- 755 grant money has been used to implement a uniform online summative test system, an online
- 756 adaptive test system, or both;
- 757 (d) establishing technology standards for an online adaptive testing system;
- 758 (e) requiring a school district or charter school that receives a grant under this section
- 759 to implement, in compliance with Chapter 13, Part 3, Utah Family Educational Rights and
- 760 Privacy Act, an online adaptive test system by the 2014-15 school year that:
- 761 (i) meets the technology standards established under Subsection (4)(d); and
- 762 (ii) is aligned with [~~Utah's common core~~] the core standards for Utah public schools;
- 763 (f) requiring a school district or charter school to provide matching funds to implement
- 764 a uniform online summative test system, an online adaptive test system, or both in an amount
- 765 that is greater than or equal to the amount of a grant received under this section; and
- 766 (g) assuring that student identifiable data is not released to any person, except as
- 767 provided by Section [53A-13-301](#) and rules of the State Board of Education adopted under that
- 768 section.
- 769 (5) If a school district or charter school uses grant money for purposes other than those
- 770 stated in Subsection (3), the school district or charter school is liable for reimbursing the State
- 771 Board of Education in the amount of the grant money improperly used.

772 (6) A school district or charter school may not use federal funds to provide the
773 matching funds required to receive a grant under this section.

774 (7) A school district may not impose a tax rate above the certified tax rate for the
775 purpose of generating revenue to provide matching funds for a grant under this section.

776 Section 14. Section **53A-1-709** is amended to read:

777 **53A-1-709. Smart School Technology Program.**

778 (1) As used in this section, "program" means the Smart School Technology Program.

779 (2) The Smart School Technology Program is created to encourage the deployment of
780 whole-school one-to-one mobile device technology in public schools.

781 (3) The Board of Business and Economic Development with input from an
782 independent evaluating committee, shall issue a request for proposals for the development and
783 implementation of a whole-school one-to-one mobile device technology deployment plan for
784 schools.

785 (4) From recommendations submitted by an independent evaluating committee, the
786 Board of Business and Economic Development shall select a single education technology
787 provider with integrated whole-school technology deployment experience through the request
788 for proposals process.

789 (5) (a) An independent evaluating committee shall be established to:

790 (i) advise the Board of Business and Economic Development in issuing a request for
791 proposals under Subsection (3);

792 (ii) evaluate proposals submitted through a request for proposals issued under
793 Subsection (3); and

794 (iii) advise the State Board of Education on selecting schools to participate in the
795 program.

796 (b) The membership of the independent evaluating committee shall include:

797 (i) three members of the State Board of Education appointed by the chair of the State
798 Board of Education;

799 (ii) the state chief information officer;

800 (iii) two members appointed by the executive director of the Governor's Office of
801 Economic Development; and

802 (iv) the governor's education director.

- 803 (c) The independent evaluating committee shall evaluate a proposal on:
- 804 (i) a provider's experience with integrated whole-school technology deployment; and
- 805 (ii) the components of a whole-school technology deployment plan.
- 806 (6) An educational technology provider selected under Subsection (4) shall develop a
- 807 customized whole-school one-to-one mobile device technology deployment plan for each
- 808 school participating in the program.
- 809 (7) The whole-school technology deployment plan shall be based on submitted
- 810 proposals to the committee and may include the following components:
- 811 (a) a personal mobile learning device for each student;
- 812 (b) desktop or laptop computers for each classroom;
- 813 (c) peripherals and networking equipment, including a wireless network that is not
- 814 self-interfering;
- 815 (d) wireless audio equipment in each classroom;
- 816 (e) digital projectors or televisions with wireless device mirroring technology;
- 817 (f) on and off campus Internet filtering;
- 818 (g) operating software for the technology system, including software that connects
- 819 personal mobile learning devices among students and a teacher to facilitate classroom
- 820 interaction;
- 821 (h) curriculum and instructional software purchase credits per device to be used toward
- 822 improving student outcomes with respect to the core [curriculum] standards for Utah public
- 823 schools and skill building on the use of technology;
- 824 (i) device repair and replacement criteria;
- 825 (j) professional development for educators and technology specialists on:
- 826 (i) the operation and use of the technology equipment; and
- 827 (ii) accessing and using online content; and
- 828 (k) ongoing technical support.
- 829 (8) (a) A school within a school district, with the approval of the local school board, or
- 830 a charter school, may submit an application to the State Board of Education to participate in the
- 831 program.
- 832 (b) With input from the independent evaluating committee established under
- 833 Subsection (5), the State Board of Education shall select schools to participate in the program.

834 (c) In selecting schools, the State Board of Education shall seek to include in the
835 program schools:

- 836 (i) from different regions of the state;
- 837 (ii) from urban and rural areas;
- 838 (iii) with a variety of economic and demographic characteristics; and
- 839 (iv) with documented technology implementation plans, including a plan for the use of:
840 (A) instructional software that improves student outcomes with respect to the core
841 [curriculum] standards for Utah public schools; and

842 (B) software that provides students with skill building on the use of technology.

843 (d) The State Board of Education shall make rules:

- 844 (i) specifying procedures and criteria to be used for selecting schools that may
845 participate in the program; and
- 846 (ii) requiring selected schools to provide matching funds to participate in the program.

847 (9) (a) The State Board of Education, in collaboration with the education technology
848 provider and the schools participating in the program, shall evaluate the program and submit a
849 report on the evaluation to the Governor's Office of Economic Development and the Education
850 Interim Committee by the committee's October meetings in 2013 and 2014.

851 (b) The State Board of Education may contract with an independent evaluator to
852 conduct the evaluation required in Subsection (9)(a).

853 (c) The evaluation shall be based on the following criteria:

- 854 (i) technology system functionality;
- 855 (ii) school level outcomes;
- 856 (iii) teacher instruction and outcomes; and
- 857 (iv) student engagement and outcomes.

858 Section 15. Section **53A-1-901** is amended to read:

859 **Part 9. Implementing Federal or National Education Programs Act**

860 **53A-1-901. Title.**

861 This part is known as the "Implementing Federal or National Education Programs Act."

862 Section 16. Section **53A-1-902** is amended to read:

863 **53A-1-902. Definitions.**

864 As used in this part:

865 (1) (a) "Cost" means an estimation of state and local money required to implement a
866 federal education agreement or national program.

867 (b) "Cost" does not include capital costs associated with implementing a federal
868 education agreement or national program.

869 (2) "Education entities" means the entities that may bear the state and local costs of
870 implementing a federal program or national program, including:

871 (a) the State Board of Education;

872 (b) the state superintendent [~~and the State Office of Education~~];

873 (c) a local school board;

874 (d) a school district and its schools;

875 (e) a charter school governing board; and

876 (f) a charter school.

877 (3) "Federal education agreement" means a legally binding document or representation
878 that requires a school official to implement a federal program or set of requirements that
879 originates from the U.S. Department of Education and that has, as a primary focus, an impact
880 on the educational services at a district or charter school.

881 (4) "Federal programs" include:

882 (a) the No Child Left Behind Act;

883 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
884 105-17, and subsequent amendments; and

885 (c) other federal educational programs.

886 (5) "National program" means a national or multi-state education program, agreement,
887 or standards that:

888 (a) originated from, or were received directly or indirectly from, a national or
889 multi-state organization, coalition, or compact;

890 (b) have, as a primary focus, an impact on the educational services at a public school;
891 and

892 (c) are adopted by an education entity with the intent to require a local school official
893 to implement the national or multi-state education program, agreement, or standards.

894 [~~5~~] (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20
895 U.S.C. Sec. 6301 et seq.

896 [~~6~~] (7) "School official" includes:

897 (a) the State Board of Education;

898 (b) the state superintendent;

899 (c) employees of the State Board of Education and the state superintendent;

900 (d) local school boards;

901 (e) school district superintendents and employees; and

902 (f) charter school board members, administrators, and employees.

903 Section 17. Section **53A-1-905** is amended to read:

904 **53A-1-905. Notice of voidableness of federal education agreements or national**
905 **programs.**

906 A federal education agreement or national program that may cost education entities
907 more than \$500,000 annually from state and local money to implement, that is executed by a
908 school official in violation of this part, is voidable by the governor or the Legislature as
909 provided in this part.

910 Section 18. Section **53A-1-906** is amended to read:

911 **53A-1-906. Governor to approve federal education agreements or national**
912 **programs.**

913 (1) Before legally binding the state by executing a federal education agreement or
914 national program that may cost education entities more than \$500,000 annually from state and
915 local money to implement, a school official shall submit the proposed federal education
916 agreement or national program to the governor for the governor's approval or rejection.

917 (2) The governor shall approve or reject each federal education agreement or national
918 program.

919 (3) (a) If the governor approves the federal education agreement or national program,
920 the school official may execute the agreement.

921 (b) If the governor rejects the federal education agreement or national program, the
922 school official may not execute the agreement.

923 (4) If a school official executes a federal education agreement or national program
924 without obtaining the governor's approval under this section, the governor may issue an
925 executive order declaring the federal education agreement or national program void.

926 Section 19. Section **53A-1-907** is amended to read:

927 **53A-1-907. Legislative review and approval of federal education agreements or**
928 **national programs.**

929 (1) (a) Before legally binding the state by executing a federal education agreement or
930 national program that may cost education entities more than \$1,000,000 annually from state
931 and local money to implement, the school official shall:

932 (i) submit the proposed federal education agreement or national program to the
933 governor for the governor's approval or rejection as required by Section 53A-1-906; and

934 (ii) if the governor approves the federal education agreement or national program,
935 submit the federal education agreement to the Executive Appropriations Committee of the
936 Legislature for its review and recommendations.

937 (b) The Executive Appropriations Committee shall review the federal education
938 agreement or national program and may:

939 (i) recommend that the school official execute the federal education agreement or
940 national program;

941 (ii) recommend that the school official reject the federal education agreement or
942 national program; or

943 (iii) recommend to the governor that the governor call a special session of the
944 Legislature to review and approve or reject the federal education agreement or national
945 program.

946 (2) (a) Before legally binding the state by executing a federal education agreement or
947 national program that may cost education entities more than \$5,000,000 annually to implement,
948 a school official shall:

949 (i) submit the proposed federal education agreement or national program to the
950 governor for the governor's approval or rejection as required by Section 53A-1-906; and

951 (ii) if the governor approves the federal education agreement or national program,
952 submit the federal education agreement or national program to the Legislature for its approval
953 in an annual general session or a special session.

954 (b) (i) If the Legislature approves the federal education agreement or national program,
955 the school official may execute the agreement.

956 (ii) If the Legislature rejects the federal education agreement or national program, the
957 school official may not execute the agreement.

958 (c) If a school official executes a federal education agreement or national program
959 without obtaining the Legislature's approval under this Subsection (2):

960 (i) the governor may issue an executive order declaring the federal education
961 agreement or national program void; or

962 (ii) the Legislature may pass a joint resolution declaring the federal education
963 agreement or national program void.

964 Section 20. Section **53A-1-908** is amended to read:

965 **53A-1-908. Cost evaluation of federal education agreements or national**
966 **programs.**

967 (1) Before legally binding the state to a federal education agreement or national
968 program that may cost the state a total of \$500,000 or more to implement, a school official
969 shall estimate the state and local cost of implementing the federal education agreement or
970 national program and submit that cost estimate to the governor and the Executive
971 Appropriations Committee of the Legislature.

972 (2) The Executive Appropriations Committee may:

973 (a) direct its staff to make an independent cost estimate of the cost of implementing the
974 federal education agreement or national program; and

975 (b) affirmatively adopt a cost estimate as the benchmark for determining which
976 authorizations established by this part are necessary.

977 Section 21. Section **53A-1-1103** is amended to read:

978 **53A-1-1103. State Board of Education to establish school grading system --**
979 **Report to Education Interim Committee.**

980 (1) (a) The State Board of Education shall establish a school grading system in
981 accordance with this part in which a school annually is designated a grade of A, B, C, D, or F
982 based on the performance of the school's students on statewide assessments, and for a high
983 school, the graduation rate and, except for the 2012-13 school year, student performance on a
984 college admissions test administered pursuant to Section [53A-1-611](#).

985 (b) The school grading system established in this part shall be known and referred to as
986 "school grading."

987 (2) The State Board of Education shall:

988 (a) model the school grading system described in this part using school performance

989 data for the 2010-11 school year;

990 (b) study modifications to the school grading system; and

991 (c) make recommendations for proposed legislation to the Education Interim

992 Committee on modifications to the school grading system by the committee's September 2012

993 meeting.

994 (3) The school grading system shall take effect for the 2012-13 school year and shall
995 replace the U-PASS accountability system developed and implemented by the State Board of
996 Education.

997 (4) For the purposes of school grading, the State Board of Education shall create an
998 alignment mapping of scale scores when transitioning to a new assessment system to reflect the
999 [~~standards of academic achievement~~] core standards for Utah public schools set by the State
1000 Board of Education.

1001 Section 22. Section **53A-1a-103** is amended to read:

1002 **53A-1a-103. Public education's vision and mission.**

1003 (1) The Legislature envisions an educated citizenry that encompasses the following
1004 foundational principles:

1005 (a) citizen participation in civic and political affairs;

1006 (b) economic prosperity for the state by graduating students who are college and career
1007 ready;

1008 (c) strong moral and social values; and

1009 (d) loyalty and commitment to constitutional government.

1010 (2) The Legislature recognizes that public education's mission is to assure Utah the best
1011 educated citizenry in the world and each individual the training to succeed in a global society
1012 by providing students with:

1013 (a) learning and occupational skills;

1014 (b) character development;

1015 (c) literacy and numeracy;

1016 (d) high quality instruction;

1017 (e) curriculum [~~with~~] based on high standards and relevance; and

1018 (f) effective assessment to inform high quality instruction and accountability.

1019 (3) The Legislature:

1020 (a) recognizes that parents or guardians are a child's first teachers and are responsible
1021 for the education of their children;

1022 (b) encourages family engagement and adequate preparation so that students enter the
1023 public education system ready to learn; and

1024 (c) intends that the mission detailed in Subsection (2) be carried out through a
1025 responsive educational system that guarantees local school communities autonomy, flexibility,
1026 and client choice, while holding them accountable for results.

1027 (4) This section will be applied consistent with Section 53A-13-109.

1028 Section 23. Section 53A-1a-104 is amended to read:

1029 **53A-1a-104. Characteristics of public education system.**

1030 The Legislature shall assist in maintaining a public education system that has the
1031 following characteristics:

1032 (1) assumes that all students have the ability to learn and that each student departing
1033 the system will be prepared to achieve success in productive employment, further education, or
1034 both;

1035 (2) provides a personalized education plan or personalized education occupation plan
1036 for each student, which involves the student, the student's parent or guardian, and school
1037 personnel in establishing the plan;

1038 (3) provides students with the knowledge and skills to take responsibility for their
1039 decisions and to make appropriate choices;

1040 (4) provides opportunities for students to exhibit the capacity to learn, think, reason,
1041 and work effectively, individually and in groups;

1042 (5) offers [~~a world-class core curriculum that enables~~] world-class core standards that
1043 enable students to successfully compete in a global society, and to succeed as citizens of a
1044 constitutional republic;

1045 (6) incorporates an information retrieval system that provides students, parents, and
1046 educators with reliable, useful, and timely data on the progress of each student;

1047 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in
1048 large part through collaborative efforts among the State Board of Education, the State Board of
1049 Regents, and school districts, provides effective ongoing professional development
1050 opportunities for teachers to improve their teaching skills, and provides recognition, rewards,

1051 and compensation for their excellence;

1052 (8) empowers each school district and public school to create its own vision and plan
1053 to achieve results consistent with the objectives outlined in this chapter;

1054 (9) uses technology to improve teaching and learning processes and for the delivery of
1055 educational services;

1056 (10) promotes ongoing research and development projects at the district and the school
1057 level that are directed at improving or enhancing public education;

1058 (11) offers a public school choice program, which gives students and their parents
1059 options to best meet the student's personalized education needs;

1060 (12) emphasizes the involvement of educators, parents, business partnerships, and the
1061 community at large in the educational process by allowing them to be involved in establishing
1062 and implementing educational goals and participating in decision-making at the school site;
1063 and

1064 (13) emphasizes competency-based standards and progress-based assessments,
1065 including tracking and measurement systems.

1066 Section 24. Section **53A-1a-107** is amended to read:

1067 **53A-1a-107. State Board of Education assistance to districts and schools.**

1068 In order to assist school districts and individual schools in acquiring and maintaining
1069 the characteristics set forth in Section [53A-1a-104](#), the State Board of Education shall:

1070 (1) provide the framework for an education system, including core [~~competencies~~]
1071 competency standards and their assessment, in which school districts and public schools permit
1072 students to advance by demonstrating competency in subject matter and mastery of skills;

1073 (2) develop and disseminate a state model curriculum, structured to incorporate the
1074 concepts of quality versus quantity, depth versus breadth, subject integration and application,
1075 applied thinking skills, character development, and a global prospective, which districts and
1076 schools may use to assist teachers in helping students acquire the competencies and skills
1077 required to advance through the public education system, and periodically review and, if
1078 appropriate, revise the model curriculum;

1079 (3) conduct a statewide public awareness program on competency-based educational
1080 systems;

1081 (4) compile and publish, for the state as a whole, a set of educational performance

- 1082 indicators describing trends in student performance;
- 1083 (5) promote a public education climate of high expectations and academic excellence;
- 1084 (6) disseminate successful site-based decision-making models to districts and schools
- 1085 and provide teacher professional development opportunities and evaluation programs for
- 1086 site-based plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);
- 1087 (7) provide a mechanism for widespread dissemination of information about strategic
- 1088 planning for public education, including involvement of business and industry in the education
- 1089 process, in order to ensure the understanding and support of all the individuals and groups
- 1090 concerned with the mission of public education as outlined in Section 53A-1a-103;
- 1091 (8) provide for a research and development clearing house at the state level to receive
- 1092 and share with school districts and public schools information on effective and innovative
- 1093 practices and programs in education;
- 1094 (9) help school districts develop and implement guidelines, strategies, and professional
- 1095 development programs for administrators and teachers consistent with Subsections
- 1096 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and
- 1097 promoting greater parental involvement in the public schools; and
- 1098 (10) in concert with the State Board of Regents and the state's colleges of education
- 1099 review and revise teacher licensing requirements to be consistent with teacher preparation for
- 1100 participation in personalized education programs within the public schools.

1101 Section 25. Section 53A-3-402 is amended to read:

1102 **53A-3-402. Powers and duties generally.**

1103 (1) Each local school board shall:

1104 (a) implement the core ~~[curriculum]~~ standards for Utah public schools utilizing

1105 instructional materials that best correlate to the core ~~[curriculum]~~ standards for Utah public

1106 schools and graduation requirements;

1107 (b) administer tests, required by the State Board of Education, which measure the

1108 progress of each student, and coordinate with the state superintendent and State Board of

1109 Education to assess results and create plans to improve the student's progress which shall be

1110 submitted to the State Office of Education for approval;

1111 (c) use progress-based assessments as part of a plan to identify schools, teachers, and

1112 students that need remediation and determine the type and amount of federal, state, and local

1113 resources to implement remediation;

1114 (d) develop early warning systems for students or classes failing to make progress;

1115 (e) work with the State Office of Education to establish a library of documented best
1116 practices, consistent with state and federal regulations, for use by the local districts; and

1117 (f) implement training programs for school administrators, including basic
1118 management training, best practices in instructional methods, budget training, staff
1119 management, managing for learning results and continuous improvement, and how to help
1120 every child achieve optimal learning in [~~core academics~~] basic academic subjects.

1121 (2) Local school boards shall spend minimum school program funds for programs and
1122 activities for which the State Board of Education has established minimum standards or rules
1123 under Section [53A-1-402](#).

1124 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
1125 and equipment and construct, erect, and furnish school buildings.

1126 (b) School sites or buildings may only be conveyed or sold on board resolution
1127 affirmed by at least two-thirds of the members.

1128 (4) (a) A board may participate in the joint construction or operation of a school
1129 attended by children residing within the district and children residing in other districts either
1130 within or outside the state.

1131 (b) Any agreement for the joint operation or construction of a school shall:

1132 (i) be signed by the president of the board of each participating district;

1133 (ii) include a mutually agreed upon pro rata cost; and

1134 (iii) be filed with the State Board of Education.

1135 (5) A board may establish, locate, and maintain elementary, secondary, and applied
1136 technology schools.

1137 (6) Except as provided in Section [53A-1-1001](#), a board may enroll children in school
1138 who are at least five years of age before September 2 of the year in which admission is sought.

1139 (7) A board may establish and support school libraries.

1140 (8) A board may collect damages for the loss, injury, or destruction of school property.

1141 (9) A board may authorize guidance and counseling services for children and their
1142 parents or guardians prior to, during, or following enrollment of the children in schools.

1143 (10) (a) A board shall administer and implement federal educational programs in

1144 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

1145 (b) Federal funds are not considered funds within the school district budget under Title
1146 53A, Chapter 19, School District Budgets.

1147 (11) (a) A board may organize school safety patrols and adopt rules under which the
1148 patrols promote student safety.

1149 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
1150 parental consent for the appointment.

1151 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
1152 of a highway intended for vehicular traffic use.

1153 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
1154 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
1155 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

1156 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
1157 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
1158 devises, or bequests that are made for educational purposes.

1159 (b) These contributions are not subject to appropriation by the Legislature.

1160 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
1161 citations for violations of Subsection 76-10-105(2).

1162 (b) A person may not be appointed to serve as a compliance officer without the
1163 person's consent.

1164 (c) A teacher or student may not be appointed as a compliance officer.

1165 (14) A board shall adopt bylaws and rules for its own procedures.

1166 (15) (a) A board shall make and enforce rules necessary for the control and
1167 management of the district schools.

1168 (b) All board rules and policies shall be in writing, filed, and referenced for public
1169 access.

1170 (16) A board may hold school on legal holidays other than Sundays.

1171 (17) (a) Each board shall establish for each school year a school traffic safety
1172 committee to implement this Subsection (17).

1173 (b) The committee shall be composed of one representative of:

1174 (i) the schools within the district;

- 1175 (ii) the Parent Teachers' Association of the schools within the district;
1176 (iii) the municipality or county;
1177 (iv) state or local law enforcement; and
1178 (v) state or local traffic safety engineering.
- 1179 (c) The committee shall:
- 1180 (i) receive suggestions from school community councils, parents, teachers, and others
1181 and recommend school traffic safety improvements, boundary changes to enhance safety, and
1182 school traffic safety program measures;
- 1183 (ii) review and submit annually to the Department of Transportation and affected
1184 municipalities and counties a child access routing plan for each elementary, middle, and junior
1185 high school within the district;
- 1186 (iii) consult the Utah Safety Council and the Division of Family Health Services and
1187 provide training to all school children in kindergarten through grade six, within the district, on
1188 school crossing safety and use; and
- 1189 (iv) help ensure the district's compliance with rules made by the Department of
1190 Transportation under Section [41-6a-303](#).
- 1191 (d) The committee may establish subcommittees as needed to assist in accomplishing
1192 its duties under Subsection (17)(c).
- 1193 (18) (a) Each school board shall adopt and implement a comprehensive emergency
1194 response plan to prevent and combat violence in its public schools, on school grounds, on its
1195 school vehicles, and in connection with school-related activities or events.
- 1196 (b) The board shall implement its plan by July 1, 2000.
- 1197 (c) The plan shall:
- 1198 (i) include prevention, intervention, and response components;
- 1199 (ii) be consistent with the student conduct and discipline policies required for school
1200 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 1201 (iii) require inservice training for all district and school building staff on what their
1202 roles are in the emergency response plan;
- 1203 (iv) provide for coordination with local law enforcement and other public safety
1204 representatives in preventing, intervening, and responding to violence in the areas and activities
1205 referred to in Subsection (18)(a); and

1206 (v) include procedures to notify a student, to the extent practicable, who is off campus
1207 at the time of a school violence emergency because the student is:

1208 (A) participating in a school-related activity; or

1209 (B) excused from school for a period of time during the regular school day to
1210 participate in religious instruction at the request of the student's parent or guardian.

1211 (d) The State Board of Education, through the state superintendent of public
1212 instruction, shall develop comprehensive emergency response plan models that local school
1213 boards may use, where appropriate, to comply with Subsection (18)(a).

1214 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
1215 Education that its plan has been practiced at the school level and presented to and reviewed by
1216 its teachers, administrators, students, and their parents and local law enforcement and public
1217 safety representatives.

1218 (19) (a) Each local school board may adopt an emergency response plan for the
1219 treatment of sports-related injuries that occur during school sports practices and events.

1220 (b) The plan may be implemented by each secondary school in the district that has a
1221 sports program for students.

1222 (c) The plan may:

1223 (i) include emergency personnel, emergency communication, and emergency
1224 equipment components;

1225 (ii) require inservice training on the emergency response plan for school personnel who
1226 are involved in sports programs in the district's secondary schools; and

1227 (iii) provide for coordination with individuals and agency representatives who:

1228 (A) are not employees of the school district; and

1229 (B) would be involved in providing emergency services to students injured while
1230 participating in sports events.

1231 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
1232 review the plan each year and make revisions when required to improve or enhance the plan.

1233 (e) The State Board of Education, through the state superintendent of public
1234 instruction, shall provide local school boards with an emergency plan response model that local
1235 boards may use to comply with the requirements of this Subsection (19).

1236 (20) A board shall do all other things necessary for the maintenance, prosperity, and

1237 success of the schools and the promotion of education.

1238 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

1239 (i) hold a public hearing, as defined in Section 10-9a-103; and

1240 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

1241 (b) The notice of a public hearing required under Subsection (21)(a) shall:

1242 (i) indicate the:

1243 (A) school or schools under consideration for closure or boundary change; and

1244 (B) date, time, and location of the public hearing; and

1245 (ii) at least 10 days prior to the public hearing, be:

1246 (A) published:

1247 (I) in a newspaper of general circulation in the area; and

1248 (II) on the Utah Public Notice Website created in Section 63F-1-701; and

1249 (B) posted in at least three public locations within the municipality or on the district's
1250 official website.

1251 (22) A board may implement a facility energy efficiency program established under
1252 Title 11, Chapter 44, Facility Energy Efficiency Act.

1253 Section 26. Section 53A-3-602.5 is amended to read:

1254 **53A-3-602.5. School performance report -- Components -- Annual filing.**

1255 (1) For a school year beginning with or after the 2010-11 school year, the State Board
1256 of Education in collaboration with the state's school districts and charter schools shall develop
1257 a school performance report to inform the state's residents of the quality of schools and the
1258 educational achievement of students in the state's public education system.

1259 (2) The report described in Subsection (1) shall be written and include the following
1260 statistical data for each school in a school district and each charter school, as applicable, except
1261 as provided by Subsection (2)(g), and shall also aggregate the data at the school district and
1262 state level:

1263 (a) test scores over the previous year on:

1264 (i) criterion-referenced or online computer adaptive tests to include the scores
1265 aggregated for all students:

1266 (A) by grade level or course for the previous two years and an indication of whether
1267 there was a sufficient magnitude of gain in the scores between the two years; and

- 1268 (B) by class;
- 1269 (ii) online writing assessments required under Section 53A-1-603; and
- 1270 (iii) college readiness assessments required under Section 53A-1-603;
- 1271 (b) college entrance examinations data, including the number and percentage of each
- 1272 graduating class taking the examinations for the previous four years;
- 1273 (c) advanced placement and concurrent enrollment data, including:
- 1274 (i) the number of students taking advanced placement and concurrent enrollment
- 1275 courses;
- 1276 (ii) the number and percent of students taking a specific advanced placement course
- 1277 who take advanced placement tests to receive college credit for the course;
- 1278 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
- 1279 percent who pass the test; and
- 1280 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 1281 those who receive college credit for the course;
- 1282 (d) the number and percent of students in grade 3 reading at or above grade level;
- 1283 (e) the number and percent of students who were absent from school 10 days or more
- 1284 during the school year;
- 1285 (f) achievement gaps that reflect the differences in achievement of various student
- 1286 groups as defined by State Board of Education rule;
- 1287 (g) the number and percent of "student dropouts" within the school district as defined
- 1288 by State Board of Education rule;
- 1289 (h) course-taking patterns and trends in secondary schools;
- 1290 (i) student mobility;
- 1291 (j) staff qualifications, to include years of professional service and the number and
- 1292 percent of staff who have a degree or endorsement in their assigned teaching area and the
- 1293 number and percent of staff who have a graduate degree;
- 1294 (k) the number and percent of parents who participate in SEP, SEOP, and
- 1295 parent-teacher conferences;
- 1296 (l) average class size calculated in accordance with State Board of Education rule
- 1297 adopted under Subsection (4);
- 1298 (m) average daily attendance as defined by State Board of Education rule, including

1299 every period in secondary schools; and

1300 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
1301 English proficiency, and those students who qualify for free or reduced price school lunch.

1302 (3) For a school year beginning with or after the 2010-11 school year, the State Board
1303 of Education, in collaboration with the state's school districts and charter schools, shall provide
1304 for the collection and electronic reporting of the following data for a school in each school
1305 district and each charter school:

1306 (a) test scores and trends over the previous four years on the tests referred to in
1307 Subsection (2)(a);

1308 (b) the average grade given in each math, science, and English course in grades 9
1309 through 12 for which criterion-referenced or online computer adaptive tests are required under
1310 Section 53A-1-603;

1311 (c) incidents of student discipline as defined by State Board of Education rule,
1312 including suspensions, expulsions, and court referrals; and

1313 (d) the number and percent of students receiving fee waivers and the total dollar
1314 amount of fees waived.

1315 (4) (a) The State Board of Education shall adopt common definitions and data
1316 collection procedures for local school boards and charter schools to use in collecting and
1317 forwarding the data required under Subsections (2) and (3) to the state superintendent of public
1318 instruction.

1319 (b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of
1320 Education shall adopt rules specifying how average class size shall be calculated.

1321 (ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for
1322 nontraditional classes identified by rule, average class size at the elementary school level shall:

1323 (I) be calculated by grade level; and

1324 (II) indicate the average number of students who are assigned to a teacher for
1325 instruction together during a designated time period.

1326 (B) If students at the elementary school level receive instruction in ~~core~~ basic
1327 academic classes from different teachers, average class size may be calculated as provided by
1328 Subsection (4)(b)(iii) for secondary school students.

1329 (C) An elementary school class that includes students from multiple grade levels shall

1330 be counted as a single class.

1331 (D) An extended day class in which a portion of the class arrives early and the other
1332 portion stays late shall be counted as a single class.

1333 (iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes
1334 identified by rule, average class size at the secondary school level shall:

1335 (I) be calculated for core language arts, mathematics, and science courses; and

1336 (II) indicate the average number of students who are assigned to a teacher for
1337 instruction together during a designated time period.

1338 (B) A secondary school class in which a teacher provides instruction in multiple
1339 courses shall be counted as a single class.

1340 (iv) Special education classes and online classes shall be excluded when determining
1341 average class size by grade at the elementary school level or the average class size of core
1342 language arts, mathematics, and science courses at the secondary level.

1343 (c) The State Board of Education, through the state superintendent of public
1344 instruction, shall adopt standard reporting forms and provide a common template for collecting
1345 and reporting the data, which shall be used by all school districts and charter schools.

1346 (d) The state superintendent shall use the automated decision support system referred
1347 to in Section [53A-1-301](#) to collect and report the data required under Subsections (2) and (3).

1348 (5) (a) For a school year beginning with or after the 2010-11 school year, the State
1349 Board of Education, through the state superintendent of public instruction, shall issue its report
1350 annually by October 1 to include the required data from the previous school year or years as
1351 indicated in Subsections (2) and (3).

1352 (b) The State Board of Education shall publish on the State Board of Education's
1353 website U-PASS school reports for the 2009-10 school year that indicate the academic
1354 proficiency and progress of a school's students and whether the school meets state standards of
1355 performance.

1356 (6) (a) Each local school board and each charter school shall receive a written or an
1357 electronic copy of the report from the state superintendent of public instruction containing the
1358 data for that school district or charter school in a clear summary format and have it distributed,
1359 on a one per household basis, to the residence of students enrolled in the school district or
1360 charter school before November 30th of each year.

1361 (b) Each local school board, each charter school, and the State Board of Education
1362 shall have a complete report of the statewide data available for copying or in an electronic
1363 format at their respective offices.

1364 Section 27. Section **53A-3-701** is amended to read:

1365 **53A-3-701. Professional learning standards.**

1366 (1) As used in this section, "professional learning" means a comprehensive, sustained,
1367 and evidence-based approach to improving teachers' and principals' effectiveness in raising
1368 student achievement.

1369 (2) A school district or charter school shall implement high quality professional
1370 learning that meets the following standards:

1371 (a) professional learning occurs within learning communities committed to continuous
1372 improvement, individual and collective responsibility, and goal alignment;

1373 (b) professional learning requires skillful leaders who develop capacity, advocate, and
1374 create support systems, for professional learning;

1375 (c) professional learning requires prioritizing, monitoring, and coordinating resources
1376 for educator learning;

1377 (d) professional learning uses a variety of sources and types of student, educator, and
1378 system data to plan, assess, and evaluate professional learning;

1379 (e) professional learning integrates theories, research, and models of human learning to
1380 achieve its intended outcomes;

1381 (f) professional learning applies research on change and sustains support for
1382 implementation of professional learning for long-term change;

1383 (g) professional learning aligns its outcomes with:

1384 (i) performance standards for teachers and school administrators as described in rules
1385 of the State Board of Education; and

1386 (ii) performance standards for students as described in the core [~~curriculum standards~~]
1387 standards for Utah public schools adopted by the State Board of Education pursuant to Section
1388 [53A-1-402.6](#); and

1389 (h) professional learning:

1390 (i) incorporates the use of technology in the design, implementation, and evaluation of
1391 high quality professional learning practices; and

1392 (ii) includes targeted professional learning on the use of technology devices to enhance
1393 the teaching and learning environment and the integration of technology in content delivery.

1394 (3) School districts and charter schools shall use money appropriated by the Legislature
1395 for professional learning or federal grant money awarded for professional learning to
1396 implement professional learning that meets the standards specified in Subsection (2).

1397 (4) (a) In the fall of 2014, the State Board of Education, through the state
1398 superintendent of public instruction, and in collaboration with an independent consultant
1399 acquired through a competitive bid process, shall conduct a statewide survey of school districts
1400 and charter schools to:

1401 (i) determine the current state of professional learning for educators as aligned with the
1402 standards specified in Subsection (2);

1403 (ii) determine the effectiveness of current professional learning practices; and

1404 (iii) identify resources to implement professional learning as described in Subsection
1405 (2).

1406 (b) The State Board of Education shall select a consultant from bidders who have
1407 demonstrated successful experience in conducting a statewide analysis of professional learning.

1408 (c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of
1409 Education, through the state superintendent of public instruction, in conjunction with school
1410 districts and charter schools, shall gather and use data to determine the impact of professional
1411 learning efforts and resources.

1412 (ii) Data used to determine the impact of professional learning efforts and resources
1413 under Subsection (4)(c)(i) shall include:

1414 (A) student achievement data;

1415 (B) educator evaluation data; and

1416 (C) survey data.

1417 Section 28. Section **53A-13-108** is amended to read:

1418 **53A-13-108. Standards and graduation requirements.**

1419 (1) The State Board of Education shall establish rigorous [~~curriculum~~] core standards
1420 for Utah public schools and graduation requirements under Section 53A-1-402 for grades 9
1421 through 12 that:

1422 (a) are consistent with state law and federal regulations; and

1423 (b) beginning no later than with the graduating class of 2008:
1424 (i) use competency-based standards and assessments;
1425 (ii) include instruction that stresses general financial literacy from basic budgeting to
1426 financial investments, including bankruptcy education and a general financial literacy test-out
1427 option; and
1428 (iii) increase graduation requirements in language arts, mathematics, and science to
1429 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
1430 and 2.0 units in science.

1431 (2) The State Board of Education shall also establish competency-based standards and
1432 assessments for elective courses.

1433 (3) On or before July 1, 2014, the State Board of Education shall adopt revised course
1434 standards and objectives for the course of instruction in general financial literacy described in
1435 Subsection (1)(b) that address:

1436 (a) the costs of going to college, student loans, scholarships, and the Free Application
1437 for Federal Student Aid (FAFSA); and

1438 (b) technology that relates to banking, savings, and financial products.

1439 (4) The State Board of Education shall administer the course of instruction in general
1440 financial literacy described in Subsection (1)(b) in the same manner as other core [curriculum]
1441 standards for Utah public schools courses for grades 9 through 12 are administered.

1442 Section 29. Section **53A-13-108.5** is amended to read:

1443 **53A-13-108.5. Acceptance of credits and grades awarded by accredited schools.**

1444 (1) (a) A public school shall accept credits and grades awarded to a student by a school
1445 accredited or approved by the State Board of Education or accredited or recognized by the
1446 Northwest Association of Accredited Schools as issued by the school, without alterations.

1447 (b) Credits awarded for a core [curriculum] standards for Utah public schools course
1448 shall be applied to fulfilling core [curriculum] standards for Utah public schools requirements.

1449 (2) Subsection (1) applies to credits awarded to a student who:

1450 (a) transfers to a public school; or

1451 (b) while enrolled in the public school, takes courses offered by another public or
1452 private school.

1453 (3) Subsection (1) applies to:

1454 (a) traditional classes in which an instructor is present in the classroom and the student
1455 is required to attend the class for a particular length of time;

1456 (b) open entry/open exit classes in which the student has the flexibility to begin or end
1457 study at any time, progress through course material at his own pace, and demonstrate
1458 competency when knowledge and skills have been mastered;

1459 (c) courses offered over the Internet; or

1460 (d) distance learning courses.

1461 Section 30. Section **53A-13-110** is amended to read:

1462 **53A-13-110. Financial and economic literacy education.**

1463 (1) As used in this section:

1464 (a) "Financial and economic activities" include activities related to the topics listed in
1465 Subsection (1)(b).

1466 (b) "Financial and economic literacy concepts" include concepts related to the
1467 following topics:

1468 (i) basic budgeting;

1469 (ii) saving and financial investments;

1470 (iii) banking and financial services, including balancing a checkbook or a bank account
1471 and online banking services;

1472 (iv) career management, including earning an income;

1473 (v) rights and responsibilities of renting or buying a home;

1474 (vi) retirement planning;

1475 (vii) loans and borrowing money, including interest, credit card debt, predatory
1476 lending, and payday loans;

1477 (viii) insurance;

1478 (ix) federal, state, and local taxes;

1479 (x) charitable giving;

1480 (xi) online commerce;

1481 (xii) identity fraud and theft;

1482 (xiii) negative financial consequences of gambling;

1483 (xiv) bankruptcy;

1484 (xv) free markets and prices;

- 1485 (xvi) supply and demand;
1486 (xvii) monetary and fiscal policy;
1487 (xviii) effective business plan creation, including using economic analysis in creating a
1488 plan;
1489 (xix) scarcity and choices;
1490 (xx) opportunity cost and tradeoffs;
1491 (xxi) productivity;
1492 (xxii) entrepreneurship; and
1493 (xxiii) economic reasoning.
- 1494 (c) "Financial and economic literacy passport" means a document that tracks mastery
1495 of financial and economic literacy concepts and completion of financial and economic
1496 activities in kindergarten through grade 12.
- 1497 (d) "General financial literacy course" means the course of instruction described in
1498 Section [53A-13-108](#).
- 1499 (2) The State Board of Education shall:
- 1500 (a) in cooperation with interested private and nonprofit entities:
- 1501 (i) develop a financial and economic literacy passport that students may elect to
1502 complete;
- 1503 (ii) develop methods of encouraging parent and educator involvement in completion of
1504 the financial and economic literacy passport; and
- 1505 (iii) develop and implement appropriate recognition and incentives for students who
1506 complete the financial and economic literacy passport, including:
- 1507 (A) a financial and economic literacy endorsement on the student's diploma of
1508 graduation;
- 1509 (B) a specific designation on the student's official transcript; and
- 1510 (C) any incentives offered by community partners;
- 1511 (b) more fully integrate existing and new financial and economic literacy education
1512 into instruction in kindergarten through grade 12 by:
- 1513 (i) coordinating financial and economic literacy instruction with existing instruction in
1514 other ~~[core curriculum areas]~~ areas of the core standards for Utah public schools, such as
1515 mathematics and social studies;

- 1516 (ii) using curriculum mapping;
- 1517 (iii) creating training materials and staff development programs that:
- 1518 (A) highlight areas of potential coordination between financial and economic literacy
- 1519 education and other core [curriculum] standards for Utah public schools concepts; and
- 1520 (B) demonstrate specific examples of financial and economic literacy concepts as a
- 1521 way of teaching other core [curriculum] standards for Utah public schools concepts; and
- 1522 (iv) using appropriate financial and economic literacy assessments to improve financial
- 1523 and economic literacy education and, if necessary, developing assessments;
- 1524 (c) work with interested public, private, and nonprofit entities to:
- 1525 (i) identify, and make available to teachers, online resources for financial and
- 1526 economic literacy education, including modules with interactive activities and turnkey
- 1527 instructor resources;
- 1528 (ii) coordinate school use of existing financial and economic literacy education
- 1529 resources;
- 1530 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
- 1531 financial literacy resources;
- 1532 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial
- 1533 education providers in implementing methods of appropriately communicating to teachers,
- 1534 students, and parents key financial and economic literacy messages; and
- 1535 (v) encourage parents and students to establish higher education savings, including a
- 1536 Utah Educational Savings Plan account;
- 1537 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1538 make rules to develop guidelines and methods for school districts and charter schools to more
- 1539 fully integrate financial and economic literacy education into other core [curriculum] standards
- 1540 for Utah public schools courses;
- 1541 (e) (i) contract with a provider, through a request for proposals process, to develop an
- 1542 online, end-of-course assessment for the general financial literacy course;
- 1543 (ii) require a school district or charter school to administer an online, end-of-course
- 1544 assessment to a student who takes the general financial literacy course; and
- 1545 (iii) develop a plan, through the state superintendent of public instruction, to analyze
- 1546 the results of an online, end-of-course assessment in general financial literacy that includes:

- 1547 (A) an analysis of assessment results by standard; and
1548 (B) average scores statewide and by school district and school;
1549 (f) in cooperation with school districts, charter schools, and interested private and
1550 nonprofit entities, provide opportunities for professional development in financial and
1551 economic literacy to teachers, including:
1552 (i) a statewide learning community for financial and economic literacy;
1553 (ii) summer workshops; and
1554 (iii) online videos of experts in the field of financial and economic literacy education;
1555 and
1556 (g) implement a teacher endorsement in general financial literacy that includes course
1557 work in financial planning, credit and investing, consumer economics, personal budgeting, and
1558 family economics.
- 1559 (3) A public school shall provide the following to the parents or guardian of a
1560 kindergarten student during kindergarten enrollment:
1561 (a) a financial and economic literacy passport; and
1562 (b) information about higher education savings options, including information about
1563 opening a Utah Educational Savings Plan account.
- 1564 (4) (a) The State Board of Education shall establish a task force to study and make
1565 recommendations to the board on how to improve financial and economic literacy education in
1566 the public school system.
1567 (b) The task force membership shall include representatives of:
1568 (i) the State Board of Education;
1569 (ii) school districts and charter schools; and
1570 (iii) private or public entities that teach financial education and share a commitment to
1571 empower individuals and families to achieve economic stability, opportunity, and upward
1572 mobility.
1573 (c) In 2013, the task force shall:
1574 (i) review and recommend modifications to the course standards and objectives of the
1575 general financial literacy course described in Section [53A-13-108](#) to ensure the course
1576 standards and objectives reflect current and relevant content consistent with the financial and
1577 economic literacy concepts listed in Subsection (1)(b);

1578 (ii) study the development of an online assessment of students' competency in financial
1579 and economic literacy that may be used to:

1580 (A) measure student learning growth and proficiency in financial and economic
1581 literacy; and

1582 (B) assess the effectiveness of instruction in financial and economic literacy;

1583 (iii) consider the development of a rigorous, online only, course to fulfill the general
1584 financial literacy curriculum and graduation requirements specified in Section [53A-13-108](#);

1585 (iv) identify opportunities for teaching financial and economic literacy through an
1586 integrated school curriculum and in the regular course of school work;

1587 (v) study and make recommendations for educator license endorsements for teachers of
1588 financial and economic literacy;

1589 (vi) identify efficient and cost-effective methods of delivering professional
1590 development in financial and economic literacy content and instructional methods; and

1591 (vii) study how financial and economic literacy education may be enhanced through
1592 community partnerships.

1593 (d) The task force shall reconvene every three years to review and recommend
1594 adjustments to the [~~course~~] standards and objectives of the general financial literacy course.

1595 (e) The State Board of Education shall make a report to the Education Interim
1596 Committee no later than the committee's November 2013 meeting summarizing the findings
1597 and recommendations of the task force and actions taken by the board in response to the task
1598 force's findings and recommendations.

1599 Section 31. Section **53A-13-111** is amended to read:

1600 **53A-13-111. Educational program on the use of information technology.**

1601 (1) The State Board of Education shall provide for an educational program on the use
1602 of information technology, which shall be offered by high schools.

1603 (2) An educational program on the use of information technology shall:

1604 (a) provide instruction on skills and competencies essential for the workplace and
1605 requested by employers;

1606 (b) include the following components:

1607 (i) a curriculum;

1608 (ii) online access to the curriculum;

- 1609 (iii) instructional software for classroom and student use;
- 1610 (iv) certification of skills and competencies most frequently requested by employers;
- 1611 (v) professional development for teachers; and
- 1612 (vi) deployment and program support, including integration with existing [~~curriculum~~
- 1613 ~~standards~~] core standards for Utah public schools; and
- 1614 (c) be made available to high school students, faculty, and staff.

1615 Section 32. Section **53A-14-102** is amended to read:

1616 **53A-14-102. Commission's evaluation of instructional materials --**

1617 **Recommendation by the state board.**

1618 (1) Semi-annually after reviewing the evaluations of the commission, the board shall

1619 recommend instructional materials for use in the public schools.

1620 (2) The standard period of time instructional materials shall remain on the list of

1621 recommended instructional materials shall be five years.

1622 (3) Unsatisfactory instructional materials may be removed from the list of

1623 recommended instructional materials at any time within the period applicable to the

1624 instructional materials.

1625 (4) Except as provided in Section **53A-13-101**, each school shall have discretion to

1626 select instructional materials for use by the school. A school may select:

- 1627 (a) instructional materials recommended by the board as provided in this section; or
- 1628 (b) other instructional materials [~~it~~] the school considers appropriate to teach the core
- 1629 [~~curriculum~~] standards for Utah public schools.

1630 Section 33. Section **53A-14-107** is amended to read:

1631 **53A-14-107. Instructional materials alignment with core standards for Utah**

1632 **public schools.**

1633 (1) For a school year beginning with or after the 2012-13 school year, a school district

1634 may not purchase primary instructional materials unless the primary instructional materials

1635 provider:

1636 (a) contracts with an independent party to evaluate and map the alignment of the

1637 primary instructional materials with the core [~~curriculum~~] standards for Utah public schools

1638 adopted under Section **53A-1-402**;

1639 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public

1640 website at no charge, for use by teachers and the general public; and

1641 (c) pays the costs related to the requirements of this Subsection (1).

1642 (2) The requirements under Subsection (1) may not be performed by:

1643 (a) the State Board of Education;

1644 (b) the superintendent of public instruction or the State Office of Education;

1645 (c) the State Instructional Materials Commission appointed pursuant to Section

1646 [53A-14-101](#);

1647 (d) a local school board or a school district; or

1648 (e) the instructional materials creator or publisher.

1649 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1650 State Board of Education shall make rules that establish:

1651 (a) the qualifications of the independent parties who may evaluate and map the

1652 alignment of the primary instructional materials in accordance with the provisions of

1653 Subsection (1)(a); and

1654 (b) requirements for the detailed summary of the evaluation and its placement on a

1655 public website in accordance with the provisions of Subsection (1)(b).

1656 Section 34. Section **53A-15-1002.5** is amended to read:

1657 **53A-15-1002.5. Electronic High School created -- Purpose.**

1658 The Electronic High School is created:

1659 (1) to provide an opportunity for a student who has failed a course to retake the course

1660 and earn course credit;

1661 (2) to allow a student to complete high school graduation requirements and exit high

1662 school early;

1663 (3) to allow a student to take a course online so that the student has greater flexibility

1664 in scheduling courses during the regular school day; and

1665 (4) to allow a home-schooled or private school student in Utah to take a course

1666 [~~within~~] that meets the Utah high school core [~~curriculum~~] standards for Utah public schools.

1667 Section 35. Section **53A-15-1003** is amended to read:

1668 **53A-15-1003. Courses and credit.**

1669 (1) The Electronic High School may only offer courses required for high school

1670 graduation or that fulfill [~~core curriculum~~] course requirements established by the State Board

1671 of Education.

1672 (2) The Electronic High School shall:

1673 (a) offer courses in an open-entry, open-exit format; and

1674 (b) offer [~~core curriculum~~] courses that are in conformance with [~~course standards and~~

1675 ~~objectives~~] the core standards for Utah public schools established by the board.

1676 (3) Public schools shall:

1677 (a) accept all credits awarded to students by the Electronic High School; and

1678 (b) apply credits awarded for a [~~core curriculum~~] course described in Subsection (2)(b)

1679 toward the fulfillment of [~~core curriculum~~] course requirements.

1680 Section 36. Section **53A-15-1206** is amended to read:

1681 **53A-15-1206. Payment for an online course.**

1682 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1

1683 credit online course is:

1684 (a) \$200 for the following [~~core curriculum~~] courses, except a concurrent enrollment

1685 course:

1686 (i) financial literacy;

1687 (ii) health;

1688 (iii) fitness for life; and

1689 (iv) computer literacy;

1690 (b) \$200 for driver education;

1691 (c) \$250 for a course that meets core [~~curriculum requirements~~] standards for Utah

1692 public schools in fine arts or career and technical education, except a concurrent enrollment

1693 course;

1694 (d) \$300 for the following courses:

1695 (i) a course that meets core [~~curriculum~~] standards for Utah public schools

1696 requirements in social studies, except a concurrent enrollment course; and

1697 (ii) a world language course, except a concurrent enrollment course;

1698 (e) \$350 for the following courses:

1699 (i) a course that meets core [~~curriculum~~] standards for Utah public schools

1700 requirements for language arts, mathematics, or science; and

1701 (ii) a concurrent enrollment course; and

- 1702 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 1703 (2) If a course meets the requirements of more than one course fee category described
1704 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 1705 (3) Beginning with the 2013-14 school year, the online course fees described in
1706 Subsection (1) shall be adjusted each school year in accordance with the percentage change in
1707 value of the weighted pupil unit from the previous school year.
- 1708 (4) An online learning provider shall receive payment for an online course as follows:
- 1709 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal
1710 period described in Section [53A-15-1206.5](#);
- 1711 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal
1712 period described in Section [53A-15-1206.5](#) and 25% of the online course fee upon the
1713 beginning of the second .5 credit of the online course; and
- 1714 (c) if a student completes a 1 credit online course within 12 months or a .5 credit
1715 course within nine weeks following the end of a traditional semester, 50% of the online course
1716 fee.
- 1717 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
1718 course within nine weeks following the end of a traditional semester, the student may continue
1719 to be enrolled in the course until the student graduates from high school.
- 1720 (b) To encourage an online course provider to provide remediation to a student who
1721 remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit
1722 recovery, an online course provider shall receive a payment equal to 30% of the online course
1723 fee if the student completes the online course before the student graduates from high school.
- 1724 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
1725 school district or charter school may:
- 1726 (a) negotiate a fee with an online course provider for an amount up to the amount
1727 prescribed in Subsections (1) through (3); and
- 1728 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- 1729 (7) An online course provider who contracts with a vendor for the acquisition of online
1730 course content or online course instruction may negotiate the payment for the vendor's service
1731 independent of the fees specified in Subsections (1) through (3).

Legislative Review Note
as of 2-19-15 7:45 AM

Office of Legislative Research and General Counsel